A. LUIS LUCERO, JR., REGIONAL ATTORNEY 1 KATHRYN OLSON, SUPERVISORY TRIAL ATTORNEY TERI HEALY, SENIOR TRIAL ATTORNEY 2 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 909 FIRST AVENUE, SUITE 400 3 SEATTLE, WA 98104 4 TEL: (206) 220-6916 FAX: (206) 220-6911 5 Teri.Healy@eeoc.gov 6 ATTORNEYS FOR PLAINTIFF 7 8 9 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA 10 11 EQUAL EMPLOYMENT OPPORTUNITY 12 **COMMISSION** CIVIL ACTION NO. 13 Plaintiff, EEOC'S FIRST AMENDED COMPLAINT 14 V. JURY TRIAL DEMAND 15 16 LABOR READY, INC., 17 Defendant. 18 NATURE OF THE ACTION 19 20 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil 21 Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and retaliation, 22 and to provide appropriate relief to Janice Lowell ("Ms. Lowell") who was adversely affected by 23 such practices. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), 24 alleges that Labor Ready, Inc. and Labor Ready Northwest, Inc. (hereafter Labor Ready 25 **EEOC's First Amended COMPLAINT-** Page 1 of 5 EQUAL EMPLOYMENT OPPORTUNITYCOMMISSION

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**Northwest),** subjected Ms. Lowell to sexual harassment. Furthermore, the Commission alleges that Labor Ready, Inc. and Labor Ready Northwest retaliated against Ms. Lowell when she complained about the sexual harassment by discharging her, and then engaged in postemployment retaliation against her. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary compensatory and punitive damages and injunctive relief, on behalf of Ms. Lowell.

## JURISDICTION AND VENUE

- 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.
- The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Washington at Tacoma.

## **PARTIES**

- 3. Plaintiff Commission is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).
- 4. At all relevant times, Defendant Labor Ready, Inc. ("Labor Ready") and Labor Ready Northwest have has been a corporation continuously doing business in the State of Washington and has continuously had at least 15 employees. Defendant Labor Ready

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Northwest at all material times has been a wholly-owned subsidiary of Defendant Labor Ready.

5. At all relevant times, Defendant Labor Ready and **Defendant Labor Ready**Northwest have has continuously been an employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

## STATEMENT OF CLAIMS

- 6. More than thirty days prior to the institution of this lawsuit, Ms. Lowell filed a charge with the Commission alleging violations of Title VII by Defendant Labor Ready. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. From at least December 15, 2003, Defendant Labor Ready, and Labor Ready
  Northwest at its Longview, Washington facility and elsewhere engaged in unlawful employment practices in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a).

  Defendant by subjecting ed Ms. Lowell to sexual harassment. Furthermore, Labor Ready, Inc. and Labor Ready Northwest engaged in unlawful practices by: (1) retaliating against Ms.

  Lowell for her complaints about sexual harassment by terminating her in January 2003; and (2) retaliating against Ms. Lowell by interfering with her subsequent employment.
- 8. The effect of the practices complained of in paragraph 7 9 above has been to deprive Ms. Lowell of equal employment opportunities.
- 9. The unlawful employment practices complained of in paragraph 7 9 above were intentional.

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12. The unlawful employment practices complained of in paragraph 7 9 above were done with malice or with reckless indifference to Ms. Lowell's federally protected rights.

## PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendants, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate or retaliate.
- B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendants to make whole Ms. Lowell by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.
- D. Order Defendants to make whole Ms. Lowell by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.
- E. Order Defendants to make whole Ms. Lowell by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

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1	F. Order Defe	Order Defendants to pay Ms. Lowell punitive damages for its malicious and		
2	reckless conduct described in paragraph 7 above, in amounts to be determined at trial.			
3	G. Grant such	G. Grant such further relief as the Court deems necessary and proper in the public		
4	interest.			
5	H. Award the	H. Award the Commission its costs of this action.		
6	JURY TRIAL DEMAND			
7	The Commission requests a jury trial on all questions of fact raised by its complaint.			
9	DATED this23_ day ofMarch, 2006			
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