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05 JUN 10 11:52 AM
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 Attorneys for Plaintiff Equal Employment Opportunity Commission

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 EQUAL EMPLOYMENT OPPORTUNITY)
15 COMMISSION,)

16 Plaintiff,)

17 v.)

18 WESTERN SHOWER DOOR, INC.,)

19 Defendants.)

Civil Action No.

05 00138

COMPLAINT

Civil Rights - Employment Discrimination

DEMAND FOR JURY TRIAL

20 NATURE OF THE ACTION

21 This action is brought pursuant to Title VII or the Civil Rights Act of 1964 and Title I of
22 the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to
23 provide appropriate relief to Charging Party Miracle Ayon who was adversely affected by such
24 practices. Defendant Western Shower Door, Inc. subjected the above Charging Party to unlawful
25 harassment based on her sex, which resulted in, *inter alia*, her resignation from employment .

26 JURISDICTION AND VENUE

27 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
28 1343 and 1345. This action is authorized and instituted pursuant to §706(f)(1) and (3) of Title
VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) ("Title VII")
and §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The unlawful employment practices alleged herein were committed in the State of

1 California, thus venue is proper “in any judicial district in the State in which the unlawful
2 employment practice is alleged to have been committed.” (§706(f)(3) of Title VII, 42 U.S.C.
3 §2000e-5(f)(3)). Defendant’s corporate headquarters and principal place of business is located in
4 Fremont, California. Venue is therefore proper in the United States District Court for the
5 Northern District of California.

6 **INTRADISTRICT ASSIGNMENT**

7 3. This action is appropriate for assignment to San Francisco/Oakland as
8 Defendant’s corporate headquarters and principal place of business is in Fremont, California
9 (Alameda County), and the administrative charge underlying this case was investigated in the
10 San Francisco District Office of Plaintiff Equal Employment Opportunity Commission, the
11 records related to that investigation are in San Francisco.

12 **PARTIES**

13 4. Plaintiff, the Equal Employment Opportunity Commission (“Commission”) is the
14 agency of the United States of America charged with the administration, interpretation and
15 enforcement of Title VII, and is expressly authorized to bring this action by §706(f)(1) and (3) of
16 Title VII, §2000-e(f)(1) and (3).

17 5. Defendant Western Shower Door, Inc. (“Defendant”) is a California corporation,
18 doing business in the State of California, and has continuously had at least 15 employees.

19 6. At all relevant times, Defendant Western Shower Door, Inc. has continuously
20 been employers engaged in an industry affecting commerce, within the meaning of Section
21 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000-e(b), (g) and (h).

22 **STATEMENT OF CLAIM**

23 **Violation of Title VII of Civil Rights Act : Sex Discrimination,
24 Harassment Based on Sex**

25 7. More than thirty days prior to the institution of this lawsuit, Charging Party
26 Miracle Ayon (“Charging Party”) filed a charge with Plaintiff Commission alleging violations of
27 Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been
28 fulfilled.

1 Defendant's unlawful conduct, in amounts to be determined at trial.

2 E. Order Defendant to make whole Charging Party by providing compensation for
3 past and future nonpecuniary losses resulting from the unlawful practices complained of above
4 including, but not limited to emotional pain and suffering, inconvenience, loss of enjoyment of
5 life and humiliation, in amounts to be determined at trial.

6 F. Order Defendant to pay Charging Party by providing punitive damages for the
7 malicious and reckless conduct described above, in amounts to be determined at trial.

8 G. Grant such further relief as the Court may deem just and proper in the public
9 interest.

10 H. Award the Commission its costs of this action.

11 **DEMAND FOR JURY TRIAL**

12 Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff hereby
13 demands a jury trial.

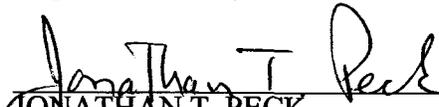
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18 **Equal Employment Opportunity Commission**
1801 L Street, N.W.
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20 Date: January 7, 2005

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22 WILLIAM R. TAMAYO
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23 Date: January 7, 2005

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26 Date: January 7, 2005

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