

Bruce A. Spanner  
Miller, Mertens & Spanner, P.L.L.C.  
1319 Lee Blvd.  
Richland, WA 99352  
(509) 943-8331

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAR 24 1999

JAMES H. LARSEN, CLERK  
DEPUTY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )

NO. CT-98-5037-FVS

Plaintiff, )

VS. )

LORNE BANGERT FORD, INC, )

Defendant. )

COMPLAINT IN  
INTERVENTION

MARCUS CHALMERS, )

Plaintiff, )

VS. )

LORNE BANGERT FORD, INC., )

Defendant. )

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Marcus Chalmers, who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that the defendant, Lorne Bangert Ford, Inc., violated Title VII by publicly subjecting Mr. Chalmers to a

COMPLAINT IN INTERVENTION

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ORIGINAL

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UNITED STATES DISTRICT COURT  
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EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, ) NO. CT-98-5037-FVS  
Plaintiff, )

VS. )

LORNE BANGERT FORD, INC, )  
Defendant. )

CERTIFICATE OF SERVICE

MARCUS CHALMERS, )  
Plaintiff, )

VS. )

LORNE BANGERT FORD, INC., )  
Defendant. )

I hereby certify that the original **Complaint in Intervention and Certificate of Service** has been served upon the United States District Court – Eastern District of Washington, P.O. Box 1493, Spokane, WA 99210; and that a copy of the foregoing has been served upon the following:

1 William J. Connor, Attorney  
2 Liebler, Ivey, & Connor, P.S.  
3 1141 N. Edison Street, Suite C  
4 Kennewick, WA 99336

Lisa Morelli, Attorney  
U.S. EEOC – Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061

5  
6 by placing a copy thereof and having the same delivered by Legal Messenger  
7 to William Connor and placing a copy thereof in the United States Mail,  
8  
9 postage prepaid and properly addressed to Lisa Morelli before the hour of  
10 5:00 p.m. March 23, 1999.

11 Mariah Anderson  
12 Mariah Anderson  
13 Legal Secretary to Bruce A. Spanner

14 **SUBSCRIBED AND SWORN** to before me this 23 day of March,  
15 1999.



Jennifer E. Rodriguez  
NOTARY PUBLIC in and for the State  
of Washington, residing at  
10 N. 1st Ave.  
My Commission Expires: 12/31/99.

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1 racially-biased working environment and by terminating Mr. Chalmers based on his race,  
2 Black.

### 3 JURISDICTION AND VENUE

4  
5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,  
6 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections  
7 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.  
8 section 2000e et seq. ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42  
9 U.S.C. § 1981a.

10 2. The employment practices alleged to be unlawful were committed within  
11 the jurisdiction of the United States District Court for the Eastern District of Washington.

### 12 PARTIES

13  
14 3. Plaintiff, Marcus Chalmers, is a resident of the State of Washington and  
15 alleges that he was the subject of racially-motivated adverse employment action in  
16 violation of Title VII of the Civil Rights Act of 1964, as amended, and is expressly  
17 authorized to bring this action pursuant thereto.

18 4. At all relevant times, Defendant, Lorne Bangert Ford, Inc. (the  
19 "Employer"), has continuously been doing business in the State of Washington and has  
20 continuously had at least 15 employees.

21  
22 5. At all relevant times, Defendant Employer has continuously been an  
23 employer engaged in an industry affecting commerce within the meaning of Sections 701  
24 (b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).  
25  
26

1 **FEDERAL CAUSE OF ACTION**

2 6. More than thirty days prior to the institution of this lawsuit, Marcus  
3 Chalmers filed a charge of employment discrimination with the Commission alleging  
4 violations of Title VII by Defendant Employer. All conditions precedent to the institution  
5 of this lawsuit have been fulfilled.  
6

7 7. On or around September 2, 1997, Defendant Employer engaged in  
8 unlawful employment practices at its facility in Richland, Washington in violation of  
9 Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) when it publicly subjected Mr.  
10 Chalmers to a racially-biased working environment and when it terminated Marcus  
11 Chalmers based on his race, Black.  
12

13 8. The effect of the practices complained of in paragraph 7 above, has been to  
14 deprive Marcus Chalmers of equal employment opportunities and otherwise adversely  
15 affect his status as an employee because of his race.

16 9. The unlawful employment practices complained of in paragraph 7 above,  
17 were intentional.

18 10. The unlawful employment practices complained of in paragraph 7 above,  
19 were done with malice or with reckless indifference to the federally protected right of  
20 Marcus Chalmers.  
21

22 **STATE CAUSES OF ACTION**

23 11. Plaintiff hereby realleges the matters set forth in paragraphs 1 through 10,  
24 inclusive, and the same are hereby incorporated herein by referenced.

25 12. The unlawful and discriminatory employment practices of Defendant  
26 Employer alleged above constitutes violations of Washington Law Against Discrimination,

1 including RCW Chapter 49.60.

2 13. The aforementioned discriminatory conduct on the part of Lorne Bangert  
3 Ford, Inc. constitutes intentional infliction of emotional distress.

4 14. Defendant Employer's discriminatory conduct, described above, has  
5 caused Plaintiff to suffer damages by way of pain, suffering, emotional distress, lost  
6 wages, attorneys fees and costs, and other past and future special and general damages.

7 15. Plaintiff is entitled to an award of reasonable attorneys fees incurred in  
8 collection of unpaid wages, pursuant to RCW 49.48.030.  
9

10  
11 **PRAYER FOR RELIEF**

12 Wherefore, Marcus Chalmers respectfully requests that the Court:

13 A. Grant a permanent injunction enjoining Defendant Employer, its officers,  
14 successors, assigns, and all persons in active concert or participation with it, from  
15 engaging in any employment practice which discriminates on the basis of race.

16 B. Order Defendant Employer to institute and carry out policies, practices,  
17 and programs which provide equal employment opportunities for Black applicants and  
18 employees, and which eradicate the effects of its past and present unlawful employment  
19 practices.  
20

21 C. Order Defendant Employer to make whole Marcus Chalmers by providing  
22 appropriate back pay with prejudgment interest, in amounts to be determined at trial, and  
23 other affirmative relief necessary to eradicate the effects of its unlawful employment  
24 practices.  
25

26 D. Order Defendant Employer to make whole Marcus Chalmers by providing

1 compensation for past and future pecuniary losses resulting from the unlawful employment  
2 practices described in paragraph 7 above, including without limitation job search expenses  
3 and other past and future out-of-pocket expenses, in amounts to be determined at trial.

4 E. Order Defendant Employer to make whole Marcus Chalmers by providing  
5 compensation for past and future nonpecuniary losses resulting from the unlawful practices  
6 complained of in paragraph 7 above, including without limitation emotional pain,  
7 suffering, and loss of enjoyment of life, in amounts to be determined at trial.

8 F. Order Defendant Employer to pay Marcus Chalmers punitive damages in  
9 its malicious and reckless conduct described in paragraph 7 above, in amounts to be  
10 determined at trial.

11 G. Award Marcus Chalmers reasonable attorneys fees and costs pursuant to  
12 federal statute and RCW 49.48.030.

13 H. Grant such further relief as the Court deems necessary and proper in the  
14 public interest.

15 DATED this 22 day of March, 1999.

16 MILLER, MERTENS & SPANNER, P.L.L.C.

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BRUCE A. SPANNER, WSBA # 14681  
Attorneys for Marcus Chalmers