

HONORABLE THOMAS S. ZILLY

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

STARWOOD HOTELS & RESORTS
WORLDWIDE, INC., dba W SEATTLE
HOTEL,

Defendant.

BRANDI MCGUIRE, CLARE
MCFADDEN, RACHEL BEALS, KASIE
BARKER AND STEVEN SLOAN,

Plaintiffs,

vs.

STARWOOD HOTELS & RESORTS
WORLDWIDE, INC., dba W SEATTLE
HOTEL,

Defendant.

CASE NO. C01-703Z

COMPLAINT FOR SEXUAL
HARASSMENT AND RETALIATION;
FAILURE TO PROVIDE SAFE
ENVIRONMENT; NEGLIGENT
RETENTION AND SUPERVISION;
OUTRAGE; NEGLIGENT INFLECTION
OF EMOTIONAL DISTRESS;
VIOLATION OF WAGE AND HOUR
LAWS, BREACH OF CONTRACT AND
IMPLIED COVENANT OF GOOD
FAITH; AND CONSTRUCTIVE
DISCHARGE

JURY DEMAND

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

CV 01-00703 #00000019

COMPLAINT - 1

ORIGINAL

LAW OFFICES OF
MILLS MEYERS SWARTLING
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104-1064
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

1 Plaintiffs Brandi McGuire, Claire McFadden, Rachel Beals, Kasie Barker and
2 Steven Sloan (collectively "Plaintiffs") hereby allege as follows:

3 **INTRODUCTION**

4 1.1 This lawsuit arises out of defendant Starwood Hotels and Resorts
5 Worldwide, Inc.'s, dba W Seattle Hotel (hereinafter "Defendant"), flagrant disregard for
6 the laws protecting employees from sexual harassment and retaliation in violation of
7 Title VII of the Civil Rights Act of 1964, as amended, and the Washington Law against
8 Discrimination. From virtually the day the W Seattle Hotel opened, Defendant
9 maintained and encouraged an extremely offensive sexually charged work
10 environment, in which Plaintiffs, among others, were subjected to both mental and
11 physical abuse. When Plaintiffs complained about the horrific conditions, Defendant
12 failed to investigate and/or correct the hostile work environment, but, instead,
13 responded by retaliating against each of them.

14 1.2 Defendant also failed to provide Plaintiffs with an environment free from
15 workplace violence and, in fact, forced them to endure, among other things, physical
16 and sexual abuse by patrons of the W Seattle Hotel.

17 1.3 Defendant additionally refused to allow Plaintiffs and other employees to
18 take meal and rest periods which are mandated by federal and Washington state law.

19 **PARTIES**

20 2.1 Plaintiff Brandi McGuire (hereinafter "McGuire") is, and at all relevant
21 times mentioned herein was, a single person residing in King County, Washington.

22 2.2 Plaintiff Clare McFadden (hereinafter "McFadden") is, and at all relevant
23 times mentioned herein was, a single person residing in King County, Washington.

24 2.3 Plaintiff Rachel Beals (hereinafter "Beals") is, and at all relevant times
25 mentioned herein was, a single person residing in King County, Washington.

24 Plaintiff Kasie Barker (hereinafter "Barker") is, and at all relevant times mentioned herein was, a single person residing in King County, Washington.

2.5 Plaintiff Steven Sloan (hereinafter "Sloan") is, and at all relevant times mentioned herein was, a single person residing in King County, Washington. McGuire, McFadden, Beals, Barker and Sloan are sometimes referred to herein collectively as "Plaintiffs." Whenever in this complaint reference is made to "Plaintiffs," such allegation shall be deemed to mean the incidents which have occurred to Plaintiffs individually, jointly, and/or severally.

26 Plaintiffs are informed and believe, and based thereon allege, that, at all relevant times mentioned herein, Defendant is a Maryland corporation, which has continuously done business in the State of Washington.

2.7 At all relevant times, Defendant has continuously had at least 15 employees, has continuously been an employer engaged in an industry affecting commerce, and has continuously been an employer within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U S C §§ 2000e-(b), (g) and (h)

JURISDICTION AND VENUE

3.1 This Court has jurisdiction pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345 because the lawsuit arises under sections 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), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

32 This Court has supplemental jurisdiction over related state law claims under 28 U.S.C. § 1367.

3.3 Venue is proper in the United States District Court for the Western District of Washington under 28 U.S.C. § 1391(b) because Defendant does business in this district and the unlawful acts of Defendant described herein occurred in this district.

COMPLAINT - 3

**LAW OFFICES OF
MILLS MEYERS SWARTLING**
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104-1064
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

ADMINISTRATIVE PREREQUISITE

4.1 The allegations of paragraphs 1.1 through 3.3, above, are incorporated by reference as though fully set forth herein.

4.2 On or about October 11, 2000, McGuire filed a charge with the Equal Employment Opportunity Commission ("EEOC"), alleging, among other things, continuing violations of Title VII by Defendant. On or about April 4, 2001, McGuire filed an amended charge with the EEOC. Copies of the initial charge and amended charge are attached hereto and incorporated herein as Exhibit "A."

4.3 On or about November 14, 2000, McFadden filed a charge with EEOC, alleging, among other things, continuing violations of Title VII by Defendant. On or about March 30, 2001, McFadden filed an amended charge with the EEOC. Copies of the initial charge and amended charge are attached hereto and incorporated herein as Exhibit "B "

4.4 On or about October 18, 2000, Beals filed a charge with the EEOC, alleging, among other things, continuing violations of Title VII by Defendant. On or about April 1, 2001, Beals filed an amended charge with the EEOC. Copies of the initial charge and amended charge are attached hereto and incorporated herein as Exhibit "C."

4.5 On or about November 28, 2000, Barker filed a charge with the EEOC, alleging, among other things, continuing violations of Title VII by Defendant. On or about March 1, 2001, Barker filed an amended charge with the EEOC. Copies of the initial charge and amended charge are attached hereto and incorporated herein as Exhibit "D."

4.6 On or about October 18, 2000, Sloan filed a charge with the EEOC, alleging, among other things, continuing violations of Title VII by Defendant. On or about March 10, 2001, Sloan filed an amended charge with the EEOC. Copies of the

1 initial charge and amended charge are attached hereto and incorporated herein as
2 Exhibit "E."

3 4.7 Each of the charges filed by Plaintiffs, which were based on a series of
4 related discriminatory acts or "continuing violations," were timely filed within the
5 applicable statutory period

6 4.8 On or about April 10, 2001, the EEOC issued determinations on behalf of
7 each of the Plaintiffs, finding that "there is reason to believe that violations [of Title VII
8 of the Civil Rights Act of 1964 as amended] have occurred." Copies of those
9 determinations are attached hereto and incorporated herein as Exhibit "F "

10 4.9 On or about May 16, 2001, the EEOC filed this action against Defendant
11 under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991
12 based on Plaintiffs' charges against Defendant.

13 FACTUAL BACKGROUND

14 5.1 Plaintiffs reallege paragraphs 1.1 through 4.9, above, which are
15 incorporated by reference as though fully set forth herein.

16 5.2 Plaintiffs McGuire, Beals, Barker and Sloan were employed by Defendant
17 to work at the W Seattle Hotel in August, 1999. McFadden was employed by Defendant
18 to work at the W Seattle Hotel in November, 1999.

19 5.3 The W Seattle Hotel opened for business in or about September, 1999.
20 From virtually the day the W Seattle Hotel opened, its employees were subjected to an
21 extremely hostile work environment. Defendant and its management team at the W
22 Seattle Hotel cultivated an atmosphere that not only allowed but encouraged sexual
23 harassment of its employees, by management, co-workers and guests of the W Seattle
24 Hotel.

1 5.4 From and about the date they were hired through, and continuing
2 throughout their employment at the W Seattle Hotel, Plaintiffs were subjected to a
3 pervasive and extremely hostile work environment. A few examples of the physical,
4 visual and verbal harassment which Plaintiffs were subjected to by Defendant's
5 management include, but are by no means limited to, the following unwelcome
6 conduct:

- 7 (a) Manager Bill Erickson ("Erickson") constantly sexually harassed
8 numerous female employees, including Beals, McGuire, McFadden
9 and Barker, by grabbing, stroking, chasing, and forcibly hugging
10 them. Erickson regularly changed in the coat closet in the
11 restaurant and invited women to come and see his "legendary
12 member."
13 (b) Erickson also constantly made gross sexual comments, obscene
14 gestures, and used profanities and vulgarities in the presence of
15 Plaintiffs and other employees. For instance, Erickson told
16 McGuire that "I want to fuck your brains out," "why are you so
17 fucking hot," and "I bet you're a great fuck." Erickson even
18 bragged that he and another manager, Gregg Nelson, had
19 discussed bending McGuire over and "fucking her brains out."
20 Similarly, Erickson told McFadden that she's "hot," and asked her
21 "do you just want to fuck or what."
22 (c) Erickson openly viewed pornography (which he showed
23 employees while on shift.) For instance, Erickson showed a
24 pornographic picture to McGuire and another employee while she

1 was serving guests The picture was a close up shot of a woman's
2 vagina and a man's tongue.

3 (d) Manager Mitchell Howard (hereinafter "Howard") continually
4 harassed McFadden, McGuire, Beals and Barker, among others, by
5 repeatedly groping, fondling and grabbing them. In addition,
6 Howard pressed his genitals against McFadden, while whispering
7 gross suggestive comments in her ear.

8 (e) Howard further harassed Plaintiffs by constantly making obscene
9 gestures, propositioning them, speaking in a sexually explicit way,
10 asking for sexual details about their relationships, disparaging
11 hotel guests by making sexual and offensive comments about them,
12 calling Plaintiffs pet names, and making other gross sexual
13 comments

14 (f) General Manager Nick Cassis (hereinafter "Cassis") grabbed,
15 squeezed, and pinned women into small places in order to
16 intimidate and rub up against them. For instance, Cassis grabbed
17 Beals repeatedly while he was intoxicated Cassis grabbed another
18 female employee and shoved his tongue into her mouth. In
19 addition, Cassis propositioned female employees and made lewd
20 comments and gestures.

21 (g) Howard and Cassis told a female employee to take off her top and
22 show them "her titties."

23 (h) Marty Collins, who Plaintiffs are informed and believe and based
24 thereon allege was an investor in Defendant's San Diego W Hotel,
25 grabbed McGuire repeatedly, held her forcibly against him and
26

1 pressed his erect penis against her. At the time, McGuire was told
2 that Collins was an owner of the San Diego W Hotel.

3 (i) Defendant required certain of the Plaintiffs to wear uniforms that
4 were tight and very revealing. Manager Karl Bruno even told Beals
5 that she should make the slit in her skirt higher because "that's how
6 you make your money." Male bartenders and hotel guests threw
7 things down their bustiers and leered at them. Comments were
8 made about the size of their breasts and that the uniforms made
9 them look like "sluts," "hooches," and "whores."

10 (j) Defendant displayed and sold pornographic magazines in the area
11 in which Plaintiffs worked, further encouraging harassment by
12 managers, co-workers and guests. Managers, including Bruno and
13 Erickson, regularly read pornographic material while on the job.
14 Bruno would even take pornographic magazines from the hotel
15 newsstand in the bar area into the bathroom, where he would
16 remain for extended periods of time.

17 5.5 In addition to the sexual harassment by Defendant's management,
18 Defendant did nothing to prevent but instead encouraged inappropriate sexual
19 harassment by co-workers and patrons of the W Seattle Hotel. Throughout their
20 employment, Plaintiffs, among other employees, were constantly grabbed, chased,
21 leered at, teased, touched and propositioned by patrons of the W Seattle Hotel.
22 Plaintiffs were pinned against the wall, straddled, rubbed, fondled and sexually and
23 physically abused by hotel patrons. Despite numerous complaints made to
24 management by Plaintiffs and others, Defendant failed to take appropriate action and
25 the harassment continued.

1 5.6 Plaintiffs are informed and believe, and based thereon allege, that
2 Defendant routinely violated rules and safety regulations regarding the maximum
3 number of patrons allowed in the bar and restaurants areas. The overcrowding in these
4 areas further aggravated the harassment and violence that took place at the W Seattle
5 Hotel

6 5.7 In addition, despite company policy to the contrary, Defendant permitted
7 its managers to routinely abuse alcohol and use illegal drugs, such as cocaine, while on
8 the job. This further exacerbated the extremely hostile work environment created by
9 Defendant. Despite Plaintiffs' complaints to management, adequate steps were not
10 taken to change the situation.

11 5.8 Despite repeated complaints to management about harassment, violence
12 and overcrowding, Defendant failed to take reasonable steps to insure a safe workplace
13 As a result, Plaintiffs and other employees were fearful for their safety at the workplace.

14 5.9 Defendant also failed to provide Plaintiffs and other employees working
15 in the bar area the rest and meal periods required by federal and Washington state law.
16 Despite repeated complaints, plaintiffs were told that they must remain on the floor at
17 all times, and employees were reprimanded if they tried to squeeze in a break to eat
18 some food during their shift. For instance, Howard told McFadden that "bartenders
19 here don't take breaks, it's not the nature of the business," and McGuire and another
20 employee were reprimanded for taking a break during their shift.

21 5.10 Because of the intolerable working conditions, Plaintiffs complained to
22 management on numerous occasions concerning the sexual harassment and hostile
23 work environment in an effort to have Defendant remedy the situation. Despite its
24 knowledge of the harassment, Defendant failed to adequately investigate the allegations
25 and/or use reasonable care to prevent and promptly correct the harassment. For
26

1 instance, Defendant's Regional Director of Human Resources' response to Plaintiffs'
2 complaints was to say, in sum or substance, "when you get a job at a place like Hooters
3 or a strip club, you should expect certain things."

4 5.11 Instead of remedying the hostile work environment, Defendant responded
5 to Plaintiffs' complaints by retaliating against them and even instructed Plaintiffs not to
6 put any of their complaints in writing. Work schedules were unfairly changed and
7 Plaintiffs were unjustly written up. Management often would not provide Plaintiffs
8 with security radios, and, even told Plaintiffs that they could no longer call security,
9 even if they believed patrons of W Seattle Hotel were threats to the safety and well-
10 being of the employees. Several managers refused to speak to Plaintiffs, and became
11 cold, rude and intimidating. And so on. The more Plaintiffs complained, the worse the
retaliation.

12 5.12 Because Plaintiffs received no help from Defendant, they each filed
13 charges with the EEOC, which resulted in further retaliation by Defendant.

14 5.13 Defendant had actual and constructive knowledge of the acts alleged
15 herein. Defendant, through its officers, managing agents and supervisors, authorized,
16 condoned and/or ratified the unlawful conduct described herein.

17 5.14 Ultimately, the working conditions became so intolerable that McGuire,
18 Beals, Barker and McFadden were forced to resign. While Sloan is still employed at the
19 W Seattle Hotel, he too is suffering from extreme emotional distress and may soon be
20 unable to continue working at the W Seattle Hotel.

FIRST COUNT

(VIOLATION OF FEDERAL ANTI-DISCRIMINATION LAWS

-- HARASSMENT AND RETALIATION)

6 1 The allegations of paragraphs 1.1 through 5.14, above, are incorporated by
5 reference as though fully set forth herein

6 2 Defendant's conduct as described above constitutes violations of Title VII
7 of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et. seq., as amended. The conduct
8 alleged above was unwelcome, offensive and unsolicited. The conduct was severe and
9 pervasive. Such conduct altered the terms and conditions of Plaintiffs' employment by
10 subjecting them to an extremely hostile work environment and retaliation for their
11 complaints about such unlawful conditions.

11 3 The effect of the practices complained of herein has been to deprive
12 Plaintiffs of equal employment opportunities and otherwise adversely affect their status
13 as employees because of sex and retaliation.

14 4 As a direct and proximate result of Defendant's actions and omissions,
15 Plaintiffs have been damaged in amounts to be proven at trial, plus interest thereon at a
16 rate to be determined at the time of trial.

17 5 As a further direct and proximate result of Defendant's conduct, Plaintiffs
18 have suffered and continue to suffer humiliation, embarrassment, and severe mental
19 and emotional distress, and have been damaged in an amount to be determined at the
20 time of trial

21 6.6 By reason of the acts mentioned above, McGuire, McFadden, Beals and
22 Barker were constructively terminated and suffered additional lost earnings and
23 benefits, the exact sum of which is presently unknown.

1 6.7 Plaintiffs are informed and believe and thereon allege that Defendant
2 acted with conscious disregard of Plaintiffs' rights by, inter alia, intending to cause
3 injury to Plaintiffs, by despicable conduct carried on by Defendant with a willful and
4 conscious disregard of the rights of Plaintiffs, and by despicable conduct that has
5 subjected Plaintiffs to cruel and unjust hardship in conscious disregard of Plaintiffs'
6 rights, entitling Plaintiffs to an award of punitive or exemplary damages in an amount
7 to be determined at the time of trial.

8 **SECOND COUNT**

9 **(VIOLATION OF STATE ANTI-DISCRIMINATION LAWS**

10 **-- HARASSMENT AND RETALIATION)**

11 7.1 The allegations of paragraphs 1.1 through 6.7 above, are incorporated by
12 reference as though fully set forth herein.

13 7.2 Defendant's conduct as described above constitutes violations of the
14 Washington Law Against Discrimination, RCW 49.60 et. seq.

15 7.3 As a direct and proximate result of Defendant's actions and omissions,
16 Plaintiffs have been damaged in amounts to be proven at trial, plus interest thereon at a
17 rate to be determined at the time of trial.

18 7.4 As a further direct and proximate result of Defendant's conduct, Plaintiffs
19 have suffered and continue to suffer humiliation, embarrassment, and severe mental
20 and emotional distress, and have been damaged in an amount to be determined at the
21 time of trial.

22 **THIRD COUNT**

23 **(FAILURE TO PROVIDE A SAFE WORKPLACE)**

24 8.1 The allegations of paragraphs 1.1 through 7.4, above, are incorporated by
25 reference as though fully set forth herein.

1 8.2 Defendant has an affirmative and continuing duty to provide all
2 employees with a reasonably safe place to work. Defendant breached this duty by
3 failing to take the precautions of an ordinarily prudent person in keeping the workplace
4 reasonably safe. Such breach is a violation of Washington Industrial Safety and Health
5 Act of 1973, RCW 49 17.060.

6 8.3 As a direct result of Defendant's actions and omissions, Plaintiffs have
7 suffered damages in an amount to be proven at trial.

8 **FOURTH COUNT**

9 **(NEGLIGENT RETENTION AND SUPERVISION)**

10 9.1 The allegations of paragraphs 1.1 through 8.3, above, are incorporated by
11 reference as though fully set forth herein.

12 9.2 Plaintiffs are informed and believe, and based thereon allege, that
13 Defendant knew or, in the exercise of ordinary care, should have known that its
14 managers, Bill Erickson, Mitchell Howard and/or Nick Cassis, among others, were
15 unfit and posed a risk of danger to Plaintiffs and other employees.

16 9.3 As a direct result of Defendant's actions and omissions, Plaintiffs have
17 suffered damages in an amount to be proven at trial.

18 **FIFTH COUNT**

19 **(OUTRAGE)**

20 10.1 The allegations of paragraphs 1.1 through 9.3, above, are incorporated by
21 reference as though fully set forth herein.

22 10.2 Defendant's conduct as described above constitutes extreme and
23 outrageous conduct through which Defendant intentionally or recklessly inflicted
24 severe emotional distress on Plaintiffs, thereby causing Plaintiffs to suffer severe
25 emotional distress

1 10.3 As a direct and proximate result of Defendant's conduct, Plaintiffs have
2 suffered damages in an amount to be proven at trial.

3 **SIXTH COUNT**

4 **(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)**

5 11.1 The allegations of paragraphs 1.1 through 10.3, above, are incorporated by
6 reference as though fully set forth herein.

7 11.2 Defendant owed a duty of care to Plaintiffs as employees. Defendant
8 breached this duty by failing to exercise the standard of care required by a reasonable
9 employer, thereby causing Plaintiffs to suffer emotional distress.

10 11.3 As a direct and proximate result, Plaintiffs have suffered damages in an
11 amount to be proven at trial.

12 **SEVENTH COUNT**

13 **(NON-PAYMENT OF WAGES AND RETALIATION**

14 **IN VIOLATION OF STATE LAW)**

15 12.1 The allegations of paragraphs 1.1 through 11.3, above, are incorporated by
16 reference as though fully set forth herein.

17 12.2 Defendant is required by the Washington Administrative Code to provide
18 its employees with meal and rest periods. Throughout their employment, Plaintiffs and
19 other similarly situated employees were not given the meal and rest periods required
20 by Washington state law. In addition, Plaintiffs and other employees were retaliated
21 against for complaining about Defendant's failure to provide such breaks.

22 12.3 As a direct and proximate cause of Defendant's conduct, Plaintiffs have
23 been damaged in an amount to be proven at trial.

EIGHTH COUNT

**(BREACH OF CONTRACT AND THE IMPLIED COVENANT
OF GOOD FAITH AND FAIR DEALING)**

13.1 The allegations of paragraphs 11 through 12.3, above, are incorporated by reference as though fully set forth herein.

13.2 Plaintiffs were employed under a contract that was partly written, partly oral and partly implied. The terms of the contract relied on by Plaintiffs included but were not limited to being treated fairly and in accordance with the federal law and the laws of the State of Washington. In addition, as a result of the employment relationship that existed between Plaintiffs and Defendant, and the expressed and implied promises made in connection with that relationship, Defendant promised to act in good faith toward and deal fairly with Plaintiffs. This required, among other things, that Defendant act in good faith toward Plaintiffs concerning all matters relating to their employment, and that Defendant would comply with its own representations, rules, policies and procedures in dealing with Plaintiffs.

13.2 Defendant breached its contract with Plaintiffs by engaging in the acts and conduct that created and or allowed the extremely hostile work environment. Defendant further breached its contract with Plaintiffs by engaging in acts and conduct that constituted retaliation against Plaintiffs for reporting and complaining of the conduct alleged in this Complaint.

13.3 Defendant further breached the contract and implied covenant of good faith and fair dealing contained therein by failing to permit Plaintiffs to take the meal and rest periods mandated by federal law.

13.4 Defendant further breached the contract and implied covenant of good faith and fair dealing contained therein by failing to provide a safe workplace.

1 13 5 Plaintiffs performed all conditions of employment, except as such
2 conditions have been excused, waived or prevented by Defendant or by reason of law.

3 13.6 As a direct and proximate result of Defendant's actions and omissions,
4 Plaintiffs have suffered damages in an amount to be proven at trial.

5 **NINTH COUNT**

6 **(CONSTRUCTIVE DISCHARGE)**

7 14 1 The allegations of paragraphs 1.1 through 13.7 above, are incorporated by
8 reference as though fully set forth herein.

9 14.2 By engaging in the conduct described herein, Defendant deliberately
10 made McGuire's, McFadden's, Beal's and Barker's working conditions so intolerable
11 that they were unable to return to Defendant's place of employment

12 14.3 As a result, McGuire, McFadden, Beal and Barker have suffered damages
13 in an amount to be proven at trial

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs ask the Court to enter judgment against Defendant as
16 follows:

- 17 (a) For all compensatory damages proximately caused by Defendant's
18 conduct Such damages include, but are not limited to, general and
19 specific damages for past and future pecuniary loss, emotional pain,
20 suffering, inconvenience, mental anguish, loss of enjoyment of life, and
21 other non-pecuniary losses resulting from Defendant's conduct;
- 22 (b) For double damages and any other applicable damages and penalties
23 permitted under Washington state law;

- 1 (c) For further damages as allowed by law, including but not limited to
2 prejudgment interest, enhanced damages, and any and all punitive
3 and/or exemplary damages permitted under federal and/or state law;
4 (d) For attorneys' fees and costs of suit incurred by Plaintiffs; and
5 (e) For such other and further relief as the court deems proper.

6 Dated this 31st day of October, 2001.

7 Attorneys for Plaintiffs McGuire, McFadden,
8 Beals, Barker, and Sloan

9 MILLS MEYERS SWARTLING

10
11 By: Gretchen G. Salazar
12 Gretchen Graham Salazar
WSBA No. 26186

13 *Admitted Pro Hac Vice:*
14 SAUER & WAGNER LLP
15 Eve H. Wagner
CSBA No. 126471
16 Gerald L. Sauer
17 CSBA No. 113564

JURY TRIAL DEMAND

Plaintiffs hereby request a jury trial on all questions of fact and damages raised by its complaint.

Dated this 31st day of October, 2001.

Attorneys for Plaintiffs McGuire, McFadden,
Beals, Barker, and Sloan

MILLS MEYERS SWARTLING

By: Gretchen G. Salazar
Gretchen Graham Salazar
WSBA No. 26186

Admitted Pro Hac Vice:
SAUER & WAGNER LLP
Eve H. Wagner
CSBA No 126471
Gerald L. Sauer
CSBA No. 113564

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form

☐ FEPA
☒ EEOC

380A10048

Washington State Human Rights Comm
State or local Agency, if any

and EEOC

NAME (Indicate Mr, Ms, Mrs.)

Ms. Brandi L. McGuire

HOME TELEPHONE (Include Area Code)

(206) 368-2640

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

2348 N.148th St, Shoreline, WA 98133

03/25/1970

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE,
STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

W Seattle Hotel

Cat B (101-200)

(206) 264-6000

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1112 Fourth Avenue, Seattle, WA 98101

033

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

09/01/1999 09/01/1999

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

I have been employed be Respondent since August 9, 1999, as a Cocktail Server. Since the the hotel opened on September 1, 1999, and continuing, I and other female employees have been sexually harassed and subjected to gross sexual comments and unwanted touching. We are also touched in a sexual manner when the bar is over-crowded and the pathway needs to be kept clear for us. This causes us to be grabbed all over our bodies. I have complained to the Head of Human Resources, Karen Devany, and other management employees on many occasions, but they have failed to take any action. Security and Ms. Devany have instructed me and the other female employees not to document any incidents, that all complaints are to be done verbally. On Aug. 18, 2000, Marty Collins, part owner, garbbed me from behind and pressed his body against me, to let me know that he had an erection. I reported this incident, but nothing happened.

I believe Respondent has discriminated against me and other female employees, in that it has failed to stop the sexual harassment, a violation of Title VII of the Civil Rights Act of 1964, as amended.

EXHIBIT A

☐ I want this charge filed with both the EEOC and the State or local Agency, if any I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Brandi L McGuire
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

Oct. 11, 2000

Mark Ramsey

RESPONDENT'S COPY

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY CHARGE NUMBER
☐ FEPA
☒ EEOC
 AMENDED
 380A10048

Seattle Office for Civil Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) HOME TELEPHONE (Include Area Code)
Ms. Brandi L. McGuire (206) 368-2640

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH
2348 N. 148th St. Shoreline, WA 98133 03/25/1970

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)
Starwood Hotels & Resorts, Inc. Cat B (101-200) (206) 264-6000
Dbu W Seattle Hotel

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
1112 Fourth Avenue, Seattle, WA 98101 033

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE
☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)
 EARLIEST LATEST
 09/01/1999 03/19/2001
☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I have been employed by Respondent since August 10, 1999. Since the hotel opened on September 1, 1999, and continuing, I and other female employees have been sexually harassed and subjected to gross sexual comments and unwanted touching. We are also touched in a sexual manner when the bar is over-crowded and the pathway needs to be kept clear for us. This causes us to be grabbed all over our bodies. I have complained to the Head of Human Resources, Karen Devany, and other management employees on many occasions, but they have failed to take any action. Security and Ms. Devany have instructed me and the other female employees not to document any incidents, that all complaints are to be done verbally. On August 18, 2000, Marty Collins, part owner, grabbed me from behind and pressed his body against me, to let me know that he had an erection. I reported this incident, but nothing happened. After I complained to management about the harassment. I was retaliated against and constructively discharged.

I believe Respondent has discriminated against me and other female employees, in that it has failed to stop the sexual harassment, retaliated against us for complaining about the harassment, and constructively discharged us, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Month, day and year)

4/4/01
 Date Charging Party (Signature)

This form is affected by the Privacy Act of 1974, See Privacy Act Statement on back of form completing this form

AGENCY	CHARGE NUMBER
<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	380A10178

Washington State Human Rights Comm and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)		HOME TELEPHONE (Include Area Code)	
Ms. Clare E. McFadden		(206) 985-8731	
STREET ADDRESS		CITY, STATE AND ZIP CODE	DATE OF BIRTH
6418 -1st Ave N.E., Seattle, WA 98115			02/02/1978
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)			
NAME		NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (Include Area Code)
W Seattle Hotel		Cat D (501 +)	(206) 264-6000
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
1112 Fourth Avenue, Seattle, WA 98101			033
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY



CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		EARLIEST 11/17/1999 LATEST 10/10/2000 <input checked="" type="checkbox"/> CONTINUING ACTION	

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

I have been employed by Respondent since November 17, 1999, as a bartender. Since the first day that I was hired and continuing, I and other female employees have been sexually harassed and subjected to gross sexual comments and unwanted touching. We are also touched in a sexual manner when the bar is over-crowded and the pathway needs to be clear for us. This causes us to be grabbed all over our bodies. I have complained to the Head of Human Resources, Karen Devany and other management employees on many occasions, but they have failed to take any action. The first time I complained to Ms. Devany was in December 1999. Shortly thereafter, I was retaliated against by having my work hours changed, which caused a reduction in my earnings.

I believe Respondent has discriminated against me and other female employees, in that it has failed to stop the sexual harassment, a violation of Title VII of the Civil Rights Act of 1964, as amended.

EXHIBIT B

<input type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date 11-14-00		SIGNATURE OF COMPLAINANT 	
Charging Party (Signature) 		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year) Nov 14, 2000	

CHARGE OF DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER AMENDED 380A10178
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
Washington State Human Rights Comm State or local Agency, if any		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) Ms. Clare E. McPadden		HOME TELEPHONE (Include Area Code) (206) 985-8731	
STREET ADDRESS 6418 -1st Ave. N.E., Seattle, WA 98115		CITY, STATE AND ZIP CODE DATE OF BIRTH 02/02/1978	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Starwood Hotels & Resorts, Inc. Ode W Seattle Hotel		NUMBER OF EMPLOYEES, MEMBERS Cat D (501 +)	TELEPHONE (Include Area Code) (206) 264-6000
STREET ADDRESS 1112 Fourth Avenue, Seattle, WA 98101		CITY, STATE AND ZIP CODE	COUNTY 033
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 11/17/1999 12/09/2000 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)). I have been employed by Respondent since November 17, 1999, as a bartender. Since the first day that I was hired and continuing, I and other female employees have been sexually harassed and subjected to gross sexual comments and unwanted touching. We are also touched in a sexual manner when the bar is over-crowded and the pathway needs to be clear for us. This causes us to be grabbed all over our bodies. I have complained to the Head of Human Resources, Karen Devany and other management employees on many occasions, but they have failed to take any action. The first time I complained to Ms. Devany was in December 1999. After I complained to management about the harassment, I was retaliated against and constructively discharged on December 9, 2000. I believe Respondent has discriminated against me and other female employees, in that it has failed to stop the sexual harassment, has retaliated against us after we complained of the harassment, and constructively discharged us in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.		NOTARY - (When necessary for State and Local requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
3-30-01 Charging Party (Signature)		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year) 3-30-01	

EEOC FORM 6 (Rev. 9/79)

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CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974, See Privacy Act Statement before completing this form		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	380A10074
Washington State Human Rights Comm State or local Agency, if any		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) Ms. Rachel Beals		HOME TELEPHONE (Include Area Code) (206) 239-0562	
STREET ADDRESS 2205 2nd Ave. Apt. 211, Seattle, WA 98121		CITY, STATE AND ZIP CODE DATE OF BIRTH 07/22/1977	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME W Hotel & Bar		NUMBER OF EMPLOYEES, MEMBERS Cat C (201-500)	TELEPHONE (Include Area Code) (206) 264-6000
STREET ADDRESS 1112 4th Ave., Seattle, WA 98121		CITY, STATE AND ZIP CODE	COUNTY 033
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST	
<input type="checkbox"/> RACE <input type="checkbox"/> RETALIATION <input type="checkbox"/> COLOR <input type="checkbox"/> AGE <input checked="" type="checkbox"/> SEX <input type="checkbox"/> DISABILITY <input type="checkbox"/> RELIGION <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> NATIONAL ORIGIN		10/18/2000 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))			
<p>On an ongoing basis since approximately May 30, 2000 I have been subjected to sexual harassment by a manager and by customers. I am required to wear a uniform that I feel is revealing and makes me uncomfortable. I believe that the uniform encourages customers to sexually harass me.</p> <p>I have made numerous complaints to managers and to security about the sexual harassment, and I am always told that it is being taken care of, however, they have failed to stop it. Management, security and human resources have made me feel that my complaints are unnecessary and insignificant. In May, 2000 I filed a report over an incident in which I was sexually harassed by an off-duty manager who was intoxicated. That manager left, but I am still subjected to sexual harassment by customers on every shift I work. The food and beverage director told me that I needed to make the slit in my skirt higher because "That's how you make your money".</p> <p>I believe that I have been sexually harassed in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <p>I further believe that a class of females have been subjected to similar sexual harassment while working for this employer.</p>			
EXHIBIT C			
<input type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date 10/13/00 Charging Party (Signature) [Signature]		SIGNATURE OF COMPLAINANT [Signature] SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day and year) [Signature]	

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER AMENDED 380A10074
---	---------------------------------------

Seattle Office for Civil Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) Ms. Rachel Beals	HOME TELEPHONE (Include Area Code) (206) 239-0562
STREET ADDRESS 2205 2nd Ave. Apt. 211, Seattle, WA 98121	CITY, STATE AND ZIP CODE Seattle, WA 98121
DATE OF BIRTH 07/22/1977	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one line below.)	

NAME Dbw W Seattle Hotel	NUMBER OF EMPLOYEES, MEMBERS Cat C (201-500)	TELEPHONE (Include Area Code) (206) 264-6000
STREET ADDRESS 1112 4th Ave., Seattle, WA 98121	CITY, STATE AND ZIP CODE Seattle, WA 98121	COUNTY 033

NAME	TELEPHONE NUMBER (Include Area Code)
STREET ADDRESS	CITY, STATE AND ZIP CODE
COUNTY	

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))	DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)	08/10/1999 12/15/2000 <input checked="" type="checkbox"/> CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):
 On an ongoing basis since approximately August 10, 2000 I have been subjected to a hostile work environment. I am required to wear a uniform that I feel is revealing and makes me uncomfortable. I believe that the uniform encourages customers to sexually harass me.

I have made numerous complaints to managers and to security about the sexual harassment, and I am always told that it is being taken care of, however, they have failed to stop it. Management, security and human resources have made me feel that my complaints are unnecessary and insignificant. For example, in May, 2000 I filed a report over an incident in which I was sexually harassed by an off-duty manager who was intoxicated. That manager left, but I am still subjected to sexual harassment by W personnel and customers. For example, the food and beverage director told me that I needed to make the slit in my skirt higher because "That's how you make your money". After I complained to management of the harassment I was retaliated against. I was forced to constructively discharge on December 15, 2000.

I believe that I have been sexually harassed and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

I further believe that a class of females have been subjected to similar sexual harassment, retaliation and constructive discharge.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the foregoing is true and correct. 4/1/01 <i>J Rachel Beals</i> Date Charging Party (Signature)	SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

This form is affected by the Privacy Act of 1974, See Privacy Act Statement before completing this form

☐ FEPA
☒ EEOC

300A/CZZT

Seattle Office for Civil Rights

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Ms. Kasie A. Barker

HOME TELEPHONE (Include Area Code)

(206) 527-2763

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

8620 23rd Ave. N E - Apt B 101, Seattle, WA 98115

12/28/1977

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

W Hotel

Cat B (101-200)

(206) 264-6000

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1112 Fourth Ave., Seattle, WA 98104

033

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

11/15/1999 11/28/2000

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

I have been employed as a beverage server at this hotel since August of 1999. Throughout most of the time I have been employed I have been working in what seems to be a sexually hostile environment. The staff in the hotel's bar have frequently complained about unwanted sexual comments or contact from customers, but very little has been done to make our workplace safer and more manageable. The requirement that the female beverage servers wear provocative uniforms has added to the frequency with which customers speak or act toward us in a sexual manner. I was frequently called "Barbie" by my former manager, and was repeatedly approached by him for a "hug", even though this contact was unwanted. When I complained of unwanted contact by customers the manager made no effort to change the behavior or the general conditions of work.

I believe that the employer's failure to provide a workplace free of harassment is a violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED IN

NOV 28 2000

EEOC SEATTLE

EXHIBIT D

☐ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

11/28/00



KASIE A. BARKER

Date

Charging Party (Signature)

11/28/2000

Schiffman

CHARGE OF DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER AMENDED 380A10227
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
<u>Seattle Office for Civil Rights</u> <i>State or local Agency, if any</i>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) Ms. Kasia A. Barker		HOME TELEPHONE (Include Area Code) (206) 527-2763	
STREET ADDRESS 8620 23rd Ave. N E - Apt B 101. Seattle. WA 98115		CITY, STATE AND ZIP CODE 12/28/1977	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Starwood Hotels & Resorts, Inc.		TELEPHONE (Include Area Code) (206) 264-6000	
Dbas Seattle Hotel		Cat B (101-200)	
STREET ADDRESS 1112 Fourth Ave.. Seattle. WA 98104		CITY, STATE AND ZIP CODE 033	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		09/01/1999 12/23/2000 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheets(s)): I have been employed as a beverage server at this hotel since August of 1999. Throughout most of the time I have been employed I have been subjected to a hostile work environment. The staff in the hotel's bar have frequently complained about unwanted sexual comments or contact from customers and managers, but very little has been done to make our workplace safer and more manageable. The requirement that the female beverage servers wear provocative uniforms has added to the frequency with which customers speak or act toward us in a sexual manner. I was frequently called "Barbie" by my former manager, and was repeatedly approached by him for a "hug", even though this contact was unwanted. When I complained of unwanted contact by customers and harassment by management, I was retaliated against and constructively discharged on December 23, 2000. I believe that the employer's failure to provide a workplace free of harassment and retaliation is a violation of Title VII of the Civil Rights Act of 1964, as amended. I further believe that a class of females has been subjected to similar sexual harassment, retaliation, and constructive discharge.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I declare under penalty of perjury that the foregoing is true and correct. <div style="text-align: center;">  Kasia A. Barker </div>		SIGNATURE OF COMPLAINANT <div style="text-align: center;">  Kasia A. Barker </div>	
Date 3/1/01 Charging Party (Signature)		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year) 3/1/01	

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CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See Privacy Act Statement before completing this form

☐ FEPA
☒ EEOC

380A10091

Washington State Human Rights Comm and EEOC
State or local Agency, if any

NAME (Indicate Mr, Ms, Mrs)		HOME TELEPHONE (Include Area Code)	
Mr. Steven P. Sloan		(206) 368-2640	
STREET ADDRESS		CITY, STATE AND ZIP CODE	DATE OF BIRTH
2348 N 148th Street, Seattle, WA 98133			10/01/1968
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (Include Area Code)	
W Hotel	Cat D (501 +)	(206) 264-6000	
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
1112 Fourth Ave., Seattle, WA 98104		033	
NAME	TELEPHONE NUMBER (Include Area Code)		
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		EARLIEST LATEST 12/01/1999 10/17/2000	
		<input checked="" type="checkbox"/> CONTINUING ACTION	

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

I was hired on August 9, 1999 as a cocktail server. During my employment I have seen Respondent allow customers to grope employees and allowed offensive pornographic materials to be displayed. Respondent also allowed managers to grope female employees and did not take effective action to prevent and correct these offensive behaviors. Therefore, the Respondent allowed a hostile work environment to flourish.


I believe that I have been subjected to a sexually hostile work environment, in violation of Title VII of the Civil Rights Act of 1964 as amended.

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OCT 18 2000

EEOC SEATTLE

EXHIBIT E

<input type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.	NOTARY - (When necessary for State and Local Requirements)
	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief
Date <u>10-18-00</u>  Charging Party (Signature)	SIGNATURE OF COMPLAINANT
	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)

This form is affected by the Privacy Act of 1974, See Privacy Act Statement completing this form.

AGENCY
☐ FEPA
☒ EEOC

CHARGE NUMBER
 AMENDED
 380A10091

Washington State Human Rights Comm
 State or Local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Mr. Steven P. Sloan

(206) 368-2640

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

2348 N 148th Street, Seattle, WA 98133

10/01/1968

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME Starwood Hotels and Resorts, Inc.
 dba W Seattle

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Cat D (501 +)

(206) 264-6000

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1112 Fourth Ave., Seattle, WA 98104

033

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE

☐ COLOR

☒ SEX

☐ RELIGION

☐ NATIONAL ORIGIN

☒ RETALIATION

☐ AGE

☐ DISABILITY

☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
 EARLIEST LATEST

12/01/1999

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)).

Since I have been employed by Respondent I have been subjected to a hostile work environment. I was hired on August 9, 1999 as a cocktail server. During my employment I have seen Respondent allow customers to grope employees and allowed offensive pornographic materials to be displayed. Respondent also allowed managers to grope female employees and did not take effective action to prevent and correct these offensive behaviors. Therefore, the Respondent allowed a hostile work environment to flourish in which my co-workers and I were verbally and physically harassed.

I believe that I have been subjected to a sexually hostile work environment, in violation of Title VII of the Civil Rights Act of 1964 as amended.

Amendment: At present I am being retaliated against in that management refuses to talk to me and gives me the "cold shoulder." I believe this is in retaliation for my opposition to the hostile work environment that my co-workers and I have been subjected to.

I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Month, day and year)

3-10-01

Date

Charging Party (Signature)

3-10-01

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APR 13 2001



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office

APR 10 2001

Federal Office Building
909 First Ave., Suite 400
Seattle, WA 98104-1061
PH: (206) 220-6883
TDD: (206) 220-6882
FAX: (206) 220-6911

Charge No. 380A10048 Amended

Brandi L. McGuire
2348 N. 148th Street
Shoreline, WA 98133

Charging Party

Starwood Hotels & Resorts, Inc. dba W Seattle Hotel
1112 Fourth Avenue
Seattle, WA 98101

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended.

All requirements for coverage have been met. Charging Party alleged that she was discriminated against because of her sex, in violation of Title VII. She alleges that she was sexually harassed and that she complained to management about the harassment, that the harassment was not corrected, and that she was forced to resign. She also alleged that after she complained, she suffered retaliation from the Respondent. Further, she alleges that a class of females have been subjected to similar sexual harassment, retaliation and forced resignation.

During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that there is a violation of Title VII with regard to Charging Party's allegations.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution.

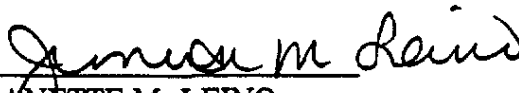
EXHIBIT F

of this matter. The Commission will also consider compensatory and punitive damages available under the law for the Charging Party and all similarly situated aggrieved parties.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

APR 10 2001


JEANETTE M. LEINO
District Director

cc: Eve Wagner, Attorney for Charging Party
Elizabeth K. Reeve, Attorney for Respondent

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APR 13 2001



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office**

APR 10 2001

SAUER & WAGNER LLC
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PH. (206) 220-6883
TDD (206) 220-6882
FAX: (206) 220-6911

Charge No. 380A10178 Amended

**Clare E. McFadden
6418 First Ave. N.E.
Seattle, WA 98115**

Charging Party

**Starwood Hotels & Resorts, Inc. dba W Seattle Hotel
1112 Fourth Avenue
Seattle, WA 98101**

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended

All requirements for coverage have been met. Charging Party alleged that she was discriminated against because of her sex, in violation of Title VII. She alleges that she was sexually harassed and that she complained to management about the harassment, that the harassment was not corrected, and that she was forced to resign. She also alleged that after she complained, she suffered retaliation from the Respondent. Further, she alleges that a class of females have been subjected to similar sexual harassment, retaliation and forced resignation.

During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that there is a violation of Title VII with regard to Charging Party's allegations

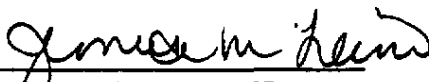
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If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

APR 10 2001


JEANNETTE M. LEINO
District Director

cc: Eve Wagner, Attorney for Charging Party
Elizabeth K. Reeve, Attorney for Respondent



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Charge No. 380A10074 Amended

Rachel Beals
700 East Denny Way #502
Seattle, WA 98122

Charging Party

Starwood Hotels & Resorts, Inc. dba W Seattle Hotel
1112 Fourth Avenue
Seattle, WA 98101

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended.

All requirements for coverage have been met. Charging Party alleged that she was discriminated against because of her sex, in violation of Title VII. She alleges that she was sexually harassed and that she complained to management about the harassment, that the harassment was not corrected, and that she was forced to resign. She also alleged that after she complained, she suffered retaliation from the Respondent. Further, she alleges that a class of females have been subjected to similar sexual harassment, retaliation and forced resignation.

During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that there is a violation of Title VII with regard to Charging Party's allegations.

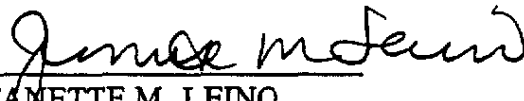
Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution

of this matter. The Commission will also consider compensatory and punitive damages available under the law for the Charging Party and all similarly situated aggrieved parties.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

APR 10 2001


JEANETTE M. LEINO
District Director

cc: Eve Wagner, Attorney for Charging Party
Elizabeth K. Reeve, Attorney for Respondent

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Charge No. 380A10227 Amended

Kasie A. Barker
8620 - 23rd Ave. N.E. Apt. B-101
Seattle, WA 98115

Charging Party

Starwood Hotels & Resorts, Inc. dba W Seattle Hotel
1112 Fourth Avenue
Seattle, WA 98101

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended

All requirements for coverage have been met. Charging Party alleged that she was discriminated against because of her sex, in violation of Title VII. She alleges that she was sexually harassed and that she complained to management about the harassment, that the harassment was not corrected, and that she was forced to resign. She also alleged that after she complained, she suffered retaliation from the Respondent. Further, she alleges that a class of females have been subjected to similar sexual harassment, retaliation and forced resignation.

During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that there is a violation of Title VII with regard to Charging Party's allegations.


Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution

of this matter. The Commission will also consider compensatory and punitive damages available under the law for the Charging Party and all similarly situated aggrieved parties

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

APR 10 2001


JEANETTE M. LEINO
District Director

cc: Eve Wagner, Attorney for Charging Party
Elizabeth K. Reeve, Attorney for Respondent



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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APR 10 2001

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Charge No. 380A10091 Amended

Steven P. Sloan
2348 N. 148th Street
Seattle, WA 98133

Charging Party

Starwood Hotels & Resorts, Inc. dba W Seattle Hotel
1112 Fourth Avenue
Seattle, WA 98101

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended.

All requirements for coverage have been met. Charging Party alleged that Respondent discriminated against him in that he was subjected to a sexually hostile work environment, in violation of Title VII, and that he suffered retaliation from the Respondent for his opposition to the hostile work environment in which he and his female co-workers were required to work.

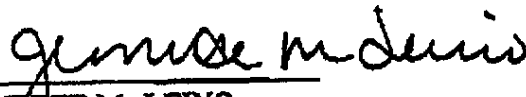
During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that there is a violation of Title VII with regard to Charging Party's allegations.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The Commission will also consider compensatory and punitive damages available under the law for the Charging Party and all similarly situated aggrieved parties.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

APR 10 2001



JEANETTE M. LEINO
District Director

cc: Elizabeth K. Reeve, Attorney for Respondent