

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v

JACK IN THE BOX, INC ,

Defendant

CV03 0814P

CIVIL ACTION NO

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE 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 sex and retaliation and to provide appropriate relief to Ena Williams, Michelle Grannis, Romita Prasad, Linda Gallardo, and Amber Gallardo. The Equal Employment Opportunity Commission alleges that defendant subjected the class to hostile work environment sexual harassment. Defendant also subjected class members Ena Williams and Romita Prasad to retaliation after they complained of the harassment which ultimately led to Ena Williams constructive discharge. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of the class.



CV 03-0814 #1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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TDD (206) 220-6882

See withheld (US govt) S/ISS

JURISDICTION AND VENUE

1
2 1 Jurisdiction of this Court is invoked pursuant to 28 U S C §§451, 1331, 1337, 1343
3 and 1345 This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII
4 of the Civil Rights Act of 1964, as amended, 42 U S C sections 2000e-5(f)(1) and (3) ("Title VII"),
5 and Section 102 of the Civil Rights Act of 1991, 42 U S C §1981a

6 2 The employment practices alleged to be unlawful were committed within the
7 jurisdiction of the United States District Court for the District of Washington at Seattle

PARTIES

8
9 3 Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the
10 agency of the United States of America charged with the administration, interpretation and
11 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of
12 Title VII, 42 U S C §2000e-5(f)(1)

13 4 At all relevant times, defendant Jack in the Box, Inc ("Jack in the Box") has been a
14 corporation continuously doing business in the State of Washington and has continuously had at least
15 15 employees

16 5 At all relevant times, defendant Jack in the Box has continuously been an employer
17 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
18 Title VII, 42 U S C §§2000e-(b), (g) and (h)

STATEMENT OF CLAIMS

19
20 6 More than thirty days prior to the institution of this lawsuit, Ena Williams, Michelle
21 Grannis, Romita Prasad, Linda Gallardo, and Amber Gallardo filed charges with the Commission
22 alleging violations of Title VII by defendant Jack in the Box All conditions precedent to the
23 institution of this lawsuit have been fulfilled

24 7 Beginning on or before May 2001, defendant Jack in the Box engaged in unlawful
25 employment practices at its Everett, Washington, Everett Mall Way facility, in violation of §§
26 703(a) and 704(a) of Title VII, 42 U S C §§ 2000e-2(a) and -3(a) Defendant Jack in the Box
27 affected the terms and conditions of the class members' employment by subjecting them to ongoing

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1 harassment based on sex and subjected Ena Williams and Romita Prasad to retaliation for their
2 complaints of discrimination

3 8 The effect of the practices complained of in paragraph 7 above has been to deprive the
4 class of equal employment opportunities and otherwise adversely affect their status as employees
5 because of sex and retaliation

6 9 The unlawful employment practices complained of in paragraph 7 above were
7 intentional

8 10 The unlawful employment practices complained of in paragraph 7 above were done
9 with malice or with reckless indifference to the federally protected rights of the class members

10 PRAYER FOR RELIEF

11 Wherefore, the Commission respectfully requests that this Court

12 A Grant a permanent injunction enjoining defendant, its officers, successors, agents,
13 assigns, and all persons in active concert or participation with it, from engaging in any
14 employment practices which discriminate on the bases of sex and retaliation

15 B Order defendant to institute and carry out policies, practices, and programs which
16 provide equal employment opportunities for all employees, and which eradicate the effects of its past
17 and present unlawful employment practices

18 C Order defendant to make whole all class members by providing appropriate back pay
19 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary
20 to eradicate the effects of its unlawful employment practices

21 D Order defendant to make whole all class members by providing compensation for past
22 and future pecuniary losses resulting from the unlawful employment practices described in paragraph
23 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial

24 E Order defendant to make whole all class members by providing compensation for past
25 and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7
26 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in
27 amounts to be determined at trial

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1 F Order defendant to pay all class members 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 further relief as the Court deems necessary and proper in the public
4 interest

5 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

8
9 DATED this 8th day of April, 2003

10
11 A LUIS LUCERO, JR
Regional Attorney

GWENDOLYN YOUNG REAMS
Associate General Counsel

12 KATHRYN OLSON
13 Supervisory Trial Attorney

14 TERI HEALY
15 Trial Attorney

16 BY A. Luis Lucero Jr.

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Office of the General Counsel
1801 "L" Street, N.W
Washington, D C 20507

20 Attorneys for Plaintiff
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22
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26
27

CIVIL COVER SHEET 0814P
ORIGINAL

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Equal Employment Opportunity Commission
909 First Avenue, Suite 400
Seattle, WA 98104-1061

(b) County of Residence of First Listed Plaintiff King
(EXCEPT IN U S PLAINTIFF CASES)

DEFENDANTS

Jack In The Box Inc
c/o C T Corporation System (Registered Agent)
520 Pike Street
Seattle, WA 98101

County of Residence of First Listed Snohomish
(IN U S PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

A Luis Lucero, Jr, Regional Attorney
Kathryn Olson, Supervisory Trial Attorney
EEOC, 909 First Ave, Suite 400
Seattle, WA 98104 (206) 220-6895

Attorneys (If Known)

APR 8 2003 DJ

AT SEATTLE
CLERK U S DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

X 1 U S Government Plaintiff ☐ 3 Federal Question (U S Government Not a Party)

☐ 2 U S Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4 DEF

Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal of Business In Another State ☐ 5 ☐ 5 DEF

Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 88 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R R & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	<input type="checkbox"/> 800 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
			SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U S Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

X 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U S Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Action taken 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 sex and retaliation and to provide appropriate relief

VII. REQUESTED IN COMPLAINT.

☐ CHECK IF THIS IS A CLASS ACTION UNDER F R C P 23

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET
NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Apr 18, 2003
FOR OFFICE USE ONLY

John F. Stanley for K.O.