

CG TO JUDGE KN

HONORABLE MARSHA J. PECHMAN

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LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
JUL 02 2003 KN  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

JACK IN THE BOX, INC.

Defendant.

NO. C03-0814P

COMPLAINT BY PLAINTIFFS IN  
INTERVENTION

JURY TRIAL DEMANDED



03-CV-00814-CMP

AMBER GALLARDO, LINDA  
GALLARDO, MICHELLE GRANNIS,  
ROMITA PRASAD, ENA WILLIAMS,

Plaintiffs in Intervention.

COME NOW Plaintiffs in Intervention, Amber Gallardo, Linda Gallardo,  
Michelle Grannis, Romita Prasad and Ena Williams, and allege as follows:

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COMPLAINT BY PLAINTIFFS IN INTERVENTION - 1  
C03-0814P

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3 JURISDICTION AND VENUE

4 1. This Court has jurisdiction over the subject matter of this Complaint  
5 in Intervention pursuant to 28 U.S.C. Chapters 1331, 1337, 1343, 1345 and 1367.

6 2. Venue is proper before this court pursuant to 28 U.S.C. Chapter  
7 1391.

8 PARTIES

9 3. This matter was commenced by plaintiff, the Equal Employment  
10 Opportunity Commission ("EEOC").

11 4. Plaintiffs in Intervention, Amber Gallardo, Linda Gallardo, Michelle  
12 Grannis, Romita Prasad and Ena Williams are Washington State residents.

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

16 6. The EEOC has alleged that Jack in the Box subjected Amber  
17 Gallardo, Linda Gallardo, Michelle Grannis, Romita Prasad and Ena Williams to  
18 disparate and unlawful treatment on the basis of their sex, female. As the aggrieved  
19 persons in the unlawful practices alleged by the EEOC, Amber Gallardo, Linda  
20 Gallardo, Michelle Grannis, Romita Prasad and Ena Williams are entitled to intervene in  
21 this action under 42 U.S.C.

22 7. Paragraphs 1 through 10 of the Complaint filed by the EEOC are  
23 incorporated by reference as if fully set forth herein.

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JACK IN BOX'S WRONGFUL CONDUCT

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3 8. At all relevant times, Amber Gallardo, Linda Gallardo, Michelle  
4 Grannis, Romita Prasad and Ena Williams worked for Jack in the Box.

5 9. Tom Carpenter worked for Jack in the Box as a store manager, in  
6 Everett. Mr. Carpenter has a history of discriminating against female employees.

7 10. Jack in the Box, through the actions and omissions of Mr.  
8 Carpenter and otherwise, subjected Amber Gallardo, Linda Gallardo, Michelle Grannis,  
9 Romita Prasad and Ena Williams to disparate treatment with respect to the terms and  
10 conditions of their employment, on the basis of their sex, females.

11 11. Jack in the Box's discriminatory conduct was intentional and/or  
12 occurred with malice or with reckless indifference to Amber Gallardo, Linda Gallardo,  
13 Michelle Grannis, Romita Prasad and Ena Williams' rights.

14 12. As a result of Jack in the Box's conduct, Amber Gallardo, Linda  
15 Gallardo, Michelle Grannis, Romita Prasad and Ena Williams suffered damages,  
16 including emotional distress, in an amount to be proven at trial.

17 13. Jack in the Box knew, or in the exercise of ordinary care, should  
18 have known of Mr. Carpenter's unfitness for the store manager position. Jack in the  
19 Box's hiring and retention of Mr. Carpenter proximately caused injury to Amber  
20 Gallardo, Linda Gallardo, Michelle Grannis, Romita Prasad and Ena Williams.

21 14. Jack in the Box's conduct constitutes violations of Title VII, 42  
22 U.S.C. Chapter 2000 et seq. And the Washington State Law Against Discrimination,  
23 RCW Chapter 49.60. Jack in the Box's conduct also constitutes negligent infliction of  
24 emotional distress, and negligent hiring and retention.

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26 RELIEF REQUESTED

27 WHEREFORE, plaintiffs request the following relief:

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1. That plaintiffs be awarded judgment for all damages, including emotional distress damages, caused by Jack in Box's conduct in an amount to be determined at trial;

2. That plaintiffs be awarded punitive damages;

3. That plaintiffs be awarded their costs and attorneys' fees;

4. That plaintiffs be awarded prejudgment and post-judgment interest at the rate provided by law, and;

5. That plaintiffs be awarded such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiffs in intervention request a jury trial on all questions of fact raised by their Complaint.

DATED this 7 day of JULY, 2003.

LEVINSON FRIEDMAN, P.S.

By: Ted R. Willhite  
TED R. WILLHITE  
WSBA #2301

LAW OFFICES OF STEPHEN K. MONRO  
By: MONRO

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Attorneys for Plaintiffs