

s/c lssd, USA-note



03-CV-02618-CMP

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AUG 22 2003

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

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

K & C, INC. d.b.a. NEWPORT BAY
RESTAURANT.

Defendant.

C03-2618C

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 and to provide appropriate relief to Alissa Talton and similarly situated female employees who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that defendant, K & C, Inc. d.b.a. Newport Bay Restaurant, subjected Ms. Talton and similarly situated female employees to a sexually hostile work environment. The Commission seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of Ms. Talton and similarly situated female employees.

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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. §§ 2000e-5(f)(1) and (3) ("Title VII"), and
5 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 Western District of Washington.

PARTIES

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

13 4. At all relevant times, defendant K & C, Inc. d.b.a. Newport Bay Restaurant, has
14 continuously been a corporation doing business in the State of Washington and has continuously had
15 at least 15 employees.

16 5. At all relevant times, defendant K & C, Inc. d.b.a. Newport Bay Restaurant,
17 incorporated in Washington, has continuously been an employer engaged in an industry affecting
18 commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b),
19 (g) and (h).

STATEMENT OF CLAIMS

20
21 6. More than thirty days prior to the institution of this lawsuit, Ms. Talton filed a charge
22 of discrimination with the Equal Employment Opportunity Commission alleging violations of Title
23 VII by defendant, Newport Bay Restaurant. All conditions precedent to the institution of this lawsuit
24 have been fulfilled.

25 7. Beginning approximately August 2001, defendant engaged in unlawful employment
26 practices at its Kirkland, Washington restaurant, in violation of §§ 703(a) of Title VII, 42 U.S.C. §§
27 2000e-2(a). Defendant affected the terms and conditions of Alissa Talton's and similarly situated

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1 female employees' employment by subjecting them to ongoing sexual harassment including physical
2 sexual contact and sexual comments because of their sex.

3 8. The effect of the practices complained of in paragraph 7 above has been to deprive
4 Alissa Talton and similarly situated female employees of equal employment opportunities and
5 otherwise adversely affect their status as employees.

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 Alissa Talton and
10 similarly situated female employees.

11 PRAYER FOR RELIEF

12 Wherefore, the Commission respectfully requests that this Court:

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

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

19 C. Order defendant to make whole Alissa Talton and similarly situated female
20 employees by providing appropriate back pay with prejudgment interest, in amounts to be
21 determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful
22 employment practices.

23 D. Order defendant to make whole Alissa Talton and similarly situated female
24 employees by providing compensation for past and future pecuniary losses resulting from the
25 unlawful employment practices described in paragraph 7 above, including past and future out-of-
26 pocket expenses, in amounts to be determined at trial.

27 E. Order each defendant to make whole Alissa Talton and similarly situated female

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employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order each defendant to pay Alissa Talton and similarly situated female employees punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 20th day of August, 2003.

A. LUIS LUCERO, JR.
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BY: 
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