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AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

ORIGINAL



03-CV-02768-CMP

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

ELDORADO STONE, LLC

Defendant.

CV03 2768 p

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 Maria C. Chavez, Eva Cortez, Andrea Weber, Greg Johnson, Brady Prouty and Karen Hunt ("charging parties"). The Equal Employment Opportunity Commission alleges that defendant sexually harassed Ms. Chavez and Ms. Hunt and, retaliated against Ms. Cortez, Ms. Weber, Mr. Johnson and Mr. Prouty when they opposed discrimination against Ms. Chavez and Ms. Hunt. Defendant also failed to take prompt corrective action to remedy the harassment, thus forcing Ms. Hunt to

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See warrant (U.S. govt)

1 constructively discharged from her job. Plaintiff seeks monetary relief including
2 pecuniary and nonpecuniary compensatory and punitive damages and injunctive relief
3 on behalf of these charging parties who are or were employed by defendant and who
4 experienced sexual harassment, retaliation and/or constructive discharge.

5 JURISDICTION AND VENUE

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
7 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections
8 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
9 2000e et seq. ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §
10 1981a.

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

14 PARTIES

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

19 4. At all relevant times, defendant, Eldorado Stone LLP has continuously
20 been a corporation doing business in the State of Washington and has continuously
21 had at least 15 employees.

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

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Chavez, Ms. Cortez, Ms. Weber, Ms. Hunt, Mr. Johnson and Mr. Prouty each filed a charge of discrimination with the Equal Employment Opportunity Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 14, 2002, defendant engaged in unlawful employment practices at its Carnation, Washington facility in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 3(a). Defendant subjected Ms. Chavez and Ms. Hunt to sexual harassment; constructively discharged Ms. Hunt and subjected Ms. Weber, Ms. Cortez, Mr. Johnson and Mr. Prouty to retaliation for opposing Ms. Chavez's and Ms. Hunt's discrimination.

8. The effect of the unlawful employment practices complained of in paragraph 7 above has been to deprive Ms. Chavez, Ms. Cortez, Ms. Weber, Ms. Hunt, Mr. Johnson and Mr. Prouty of equal employment opportunities and otherwise adversely affect their status as employees, and adversely affect their terms and conditions of employment.

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

10. The unlawful employment practices complained of in paragraph 7 above, were done with malice or with reckless indifference to the federally protected rights of Ms. Chavez, Ms. Cortez, Ms. Weber, Ms. Hunt, Mr. Johnson and Mr. Prouty.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant and its officers, agents,

1 successors, assigns, and all persons in active concert or participation with them, from
2 engaging in sex discrimination and retaliation against employees who oppose
3 discrimination.

4 B. Order defendant to institute and carry out policies, practices, and
5 programs which prevent its employees from being subjected to sexual harassment and
6 retaliation for opposing practices that they believe are unlawful under federal anti-
7 discrimination laws and which eradicate the effects of its past and present unlawful
8 employment practices.

9 C. Order defendant to make whole charging parties by providing appropriate
10 back pay with prejudgment interest, and front pay in amounts to be determined at trial,
11 and other affirmative relief necessary to eradicate the effects of its unlawful
12 employment practices described above, including but not limited to, reinstatement.

13 D. Order defendant to make whole charging parties by providing
14 compensation for past and future pecuniary losses resulting from the unlawful
15 employment practices described in paragraph 7 above, including without limitation
16 medical expenses, job search expenses and other past and future out-of-pocket
17 expenses, in amounts to be determined at trial.

18 E. Order defendant to make whole charging parties by providing
19 compensation for past and future nonpecuniary losses resulting from the unlawful
20 practices complained of in paragraph 7 above, including without limitation emotional
21 pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

22 F. Order defendant to pay charging parties punitive damages for its
23 malicious and reckless conduct described in paragraph 7 above, in amounts to be
24 determined at trial.

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

1 public interest.

2 H. Award the Commission its costs of this action.

3 JURY TRIAL DEMAND

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

6 DATED this 5th day of September, 2003.

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