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UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT)	CIVIL NO.
OPPORTUNITY COMMISSION,)	
Plaintiff,)	COMPLAINT
v.)	
)	<u>JURY TRIAL DEMAND</u>
HARBOR FREIGHT TOOLS USA,)	
INC., d/b/a HARBOR FREIGHT)	
TOOLS)	
)	
Defendant.)	
)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Sandy Bernhardt and a group of similarly situated female employees ("the class") who were adversely affected by such practices. The Equal Employment Opportunity Commission alleges that Defendant Harbor Freight Tools USA, Inc., d/b/a Harbor Freight Tools ("Defendant") subjected Ms. Bernhardt and the class to a sexually hostile work environment. The EEOC further alleges Defendant discharged Ms. Bernhardt based on her sex. Plaintiff seeks injunctive and monetary relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of Ms. Bernhardt and the class.

JURISDICTION AND VENUE

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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 and are committed within the
7 jurisdiction of the United States District Court for the Western District of Washington.

PARTIES

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9 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is
10 the 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 Sections 706(f)(1) and
12 (3) of Title VII, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

13 4. At all relevant times, Defendant has continuously been a corporation doing business
14 in the State of Washington and has continuously had at least 15 employees.

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

18 6. Prior to institution of this lawsuit, the Commission's representatives
19 attempted to eliminate the unlawful employment practices alleged below and to effect voluntary
20 compliance with Title VII through informal methods of conciliation, conference and persuasion
21 within the meaning of Section 706(b) of Title VII, 42 U.S.C. § 2000e-5(b).

STATEMENT OF CLAIMS

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23 7. More than thirty days prior to the institution of this lawsuit, Sandy Bernhardt filed
24 a charge of discrimination with the Commission alleging violations of Title VII by Defendant. All
25 conditions precedent to the institution of this lawsuit have been fulfilled.

1 D. Order Defendant to make whole Ms. Bernhardt and all other class members by
2 providing compensation for past and future pecuniary losses resulting from the unlawful employment
3 practices described in paragraphs 8-10 above, including without limitation past and future out-of-
4 pocket expenses, in amounts to be determined at trial.

5 E. Order Defendant to make whole Ms. Bernhardt and all other class members by
6 providing compensation for past and future non-pecuniary losses resulting from the unlawful
7 practices complained of in paragraphs 8-10 above, including without limitation emotional pain,
8 suffering, loss of enjoyment of life and humiliation in amounts to determined at trial.

9 F. Order Defendant to pay Ms. Bernhardt and all other class members punitive damages
10 for its malicious and/or reckless conduct described in paragraphs 8-10 above in an amount to be
11 determined at trial.

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

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

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JURY TRIAL DEMAND

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

DATED this 29th day of June, 2004.

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