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

EQUAL EMPLOYMENT OPPORTUNITY)	CIVIL ACTION NO.
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	
CENTRAL PARK LODGES LONG TERM)	JURY TRIAL DEMAND
CARE, INC., d/b/a LINDEN GROVE HEALTH)	
CARE CENTER,)	
)	
Defendant.)	

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 based on race, and to provide appropriate relief to Lorraine Moore ("Ms. Moore"), Cathy Wise ("Ms. Wise"), Kesha Gantt ("Ms. Gantt") and a class of similarly situated individuals ("Class Members"). The Equal Employment Opportunity Commission ("EEOC") alleges that Central Park Lodges Long Term Care, Inc., d/b/a Linden Grove Health Care Center ("Defendant"), discriminated against Ms. Moore, Ms. Wise, Ms. Gantt and Class Members when it made race-based work assignments. The EEOC also alleges that Defendant discriminated against Ms. Wise based on her race when she was not promoted, and

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subjected Ms. Gantt to harassment based on her race. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary compensatory and punitive damages and injunctive relief, on behalf of Ms. Moore, Ms. Wise, Ms. Gantt and Class Members.

JURISDICTION AND VENUE

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

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

PARTIES

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

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

5. At all relevant times, Defendant Linden Grove has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) 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. Moore, Ms. Wise and Ms. Gantt filed individual charges with the EEOC alleging violations of Title VII by Defendant Linden Grove. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since December 24, 2003, Defendant Linden Grove engaged in unlawful employment practices at its Puyallup, WA facility in violation of § 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Defendant Linden Grove affected the terms and conditions of employment for Ms. Moore, Ms. Wise, Ms. Gantt and the Class Members by subjecting them to disparate treatment in the terms and

conditions of their employment because of their race, e.g., African American, Hispanic or Asian American. In addition, Defendant Linden Grove affected the terms and conditions of Ms. Wise's employment since May 1, 2003 by not promoting her to the Staffing Coordinator position based on her race, African American. Furthermore, Defendant Linden Grove affected the terms and conditions of Ms. Gantt's employment by subjecting her to harassment based on her race, African American.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Moore, Ms. Wise, Ms. Gantt and the Class Members of equal employment opportunities and otherwise adversely affect her status as an employee because of their race, e.g., African American, Hispanic or Asian American.

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. Moore, Ms. Wise, Ms. Gantt and the Class Members.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race.

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

C. Order Defendant to make whole Ms. Moore, Ms. Wise, Ms. Gantt and the Class Members by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices described in paragraphs 7 above.

D. Order Defendant to make whole Ms. Moore, Ms. Wise, Ms. Gantt and the Class Members by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Ms. Moore, Ms. Wise, Ms. Gantt and the Class Members by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in described in paragraphs 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order defendant to pay Ms. Moore, Ms. Wise, Ms. Gantt and the Class Members punitive damages for its malicious and reckless conduct described in paragraphs 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.

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JURY TRIAL DEMAND

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

DATED this 24th day of September, 2004.

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