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9 ATTORNEYS FOR PLAINTIFF

10 UNITED STATES DISTRICT COURT
11 FOR THE WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 EQUAL EMPLOYMENT
14 OPPORTUNITY COMMISSION,

15 Plaintiff,

16 v.

17 OBERTO SAUSAGE COMPANY,

18 Defendant.

CIVIL ACTION NO.

COMPLAINT
JURY TRIAL DEMAND

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20 NATURE OF THE ACTION

21 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
22 Rights Act of 1991 to correct unlawful employment practices on the basis of religion and to
23 provide appropriate relief to Faduma Jama, Maryan Sheikhomar, Fadumo Omar, Sahra
24 Dahir, Ismahan Bihi, and Koreshe Mohammad. The Equal Employment Opportunity
25 Commission ("Commission") alleges that Defendant Oberto Sausage Company ("Oberto")
26 failed to accommodate Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir, Ms. Bihi, and
27 Ms. Mohammad's religious needs and discharged them on the basis of their religion

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(Muslim). Plaintiff seeks injunctive and monetary relief, including pecuniary and nonpecuniary compensatory and punitive damages, on behalf of Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir, Ms. Bihi, and Ms. Mohammad.

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 Western District of Washington at Seattle.

PARTIES

3. Plaintiff Equal Employment Opportunity Commission 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 Oberto 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 Oberto 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. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir, Ms. Bihi, and Ms. Mohammad filed charges with the Commission alleging violations of Title VII by Defendant Oberto. All conditions precedent

to the institution of this lawsuit have been fulfilled.

7. Since on or about November 3, 2003, Defendant Oberto engaged in unlawful employment practices at its Seattle, Washington facility in violation of Civil Rights Act of 1964, §§ 703(a)(1), 42 U.S.C., 2000e-2(a)(1). Defendant Oberto affected the terms and conditions of Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir, Ms. Bihi, and Ms. Mohammad's employment by failing to accommodate their religious needs and discharging them because of their religion.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir, Ms. Bihi, and Ms. Mohammad of equal employment opportunities and otherwise adversely affect their status as employees because of their religion.

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 Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir, Ms. Bihi, and Ms. Mohammad's federally protected rights.

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 religion.

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. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir, Ms. Bihi, and Ms. Mohammad 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.

2 D. Order Defendant to make whole Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms.
3 Dahir, Ms. Bihi, and Ms. Mohammad by providing compensation for past and future
4 pecuniary losses resulting from the unlawful employment practices described in paragraph
5 7 above, including past and future out-of-pocket expenses, in amounts to be determined at
6 trial.

7 E. Order Defendant to make whole Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms.
8 Dahir, Ms. Bihi, and Ms. Mohammad by providing compensation for past and future
9 nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7
10 above, including without limitation emotional pain, suffering, and loss of enjoyment of life,
11 in amounts to be determined at trial.

12 F. Order Defendant to pay Ms. Jama, Ms. Sheikhomar, Ms. Omar, Ms. Dahir,
13 Ms. Bihi, and Ms. Mohammad punitive damages for its malicious and reckless conduct
14 described in paragraph 7 above, in amounts to be determined at trial.

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

17 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 5th day of January, 2005.

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BY: /s/ A. Luis Lucero, Jr.

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