

The Honorable John C. Coughenor

UNITED STATES DISCTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ISMAHAN BIHI, FADUMO OMAR, FADUMA
JAMA, MARYAN SHIEKHOMAR, SAHRA
DAHIR, KORESHO MOHAMMAD

Plaintiffs,

v.

OBERTO SAUSAGE COMPANY, a Washington
Corporation; and RON HACKER, in his individual
capacity,

Defendants.

NO. CV05-0025 JLR

**PLAINTIFFS' COMPLAINT
FOR DAMAGES FOR
VIOLATION OF TITLE VII
AND THE WASHINGTON LAW
AGAINST DISCRIMINATION;
DISCRIMINATION PURSUANT
TO WASHINGTON'S
INDUSTRIAL INSURANCE
ACT, and NEGLIGENT
INFLECTION OF EMOTIONAL
DISTRESS**

NOW COME Plaintiffs, by and through their attorneys Gwynne Skinner and the Public
Interest Law Group PLLC, and with this Complaint, allege as follows:

I. PARTIES

1.1 Plaintiff Ismahan Bihi (hereinafter "Plaintiff Bihi") was at all relevant times an employee
of Oberto Sausage Company until she was terminated in November of 2003. She resides
in King County, Washington, within the Western District of Washington.

1.2 Plaintiff Fadumo Omar (hereinafter "Plaintiff Omar") was at all relevant times an employee of Oberto Sausage Company until she was terminated in November of 2003. She resides in King County, Washington, within the Western District of Washington.

1.3 Plaintiff Faduma Jama (hereinafter "Plaintiff Jama") was at all relevant times an employee of Oberto Sausage Company until she was terminated in November of 2003. She resides in King County, Washington, within the Western District of Washington.

1.4 Plaintiff Maryan Sheikhomar (hereinafter "Plaintiff Sheikhomar") was at all relevant times an employee of Oberto Sausage Company until she was terminated in November of 2003. She resides in King County, Washington, within the Western District of Washington.

1.5 Plaintiff Sahra Dahir (hereinafter "Plaintiff Dahir") was at all relevant times an employee of Oberto Sausage Company until she was terminated in November of 2003. She resides in King County, Washington, within the Western District of Washington.

1.6 Plaintiff Koreshe Mohammad (hereinafter "Plaintiff Mohammad") was at all relevant times an employee of Oberto Sausage Company until she was terminated in November of 2003. She resides in King County, Washington, within the Western District of Washington.

1.7 Defendant Oberto Sausage Company (hereinafter "Defendant Oberto") is a Washington Corporation which is located and conducts business in King County, Washington, within the Western District of Washington. It is an employer, as defined by Title VII (42 U.S.C. §4000e, *et seq.*) and by the Washington Law Against Discrimination, RCW 49.60, *et seq.*

1.8 Defendant Ron Hacker (hereinafter "Defendant Hacker") is and was at all relevant times the Packaging Manager for Defendant Oberto's factory located in Kent, Washington. He was a manager for Defendant Oberto, and had supervisory powers over each of the plaintiffs. He is an employer, as defined by the Washington Law Against Discrimination,

1 and thus is individually liable for acts of employment discrimination he commits in his
2 capacity as an employer. In addition, at all relevant times, he was acting as an agent for
3 Defendant Oberto.

4 II. JURISDICTION AND VENUE

5 2.1 This Court has jurisdiction over Plaintiffs' claim pursuant to 28 U.S.C. § 1331 and 1337.
6 This Court has supplemental jurisdiction over Plaintiffs' state law claims, pursuant to 28
7 U.S.C. §1367, as they form part of the same case or controversy as the subject of
8 Plaintiffs' federal law claims.

9 2.2 The Western District of Washington at Seattle is the proper venue for this claim pursuant
10 to 28 U.S.C. § 1391, as all defendants reside in the state of Washington and at least one
11 defendant resides in the Western District, and/or as a substantial part of the events or
12 omissions giving rise to the Plaintiffs' claims occurred in the Western District.

13 2.3 The Seattle Division of the Western District of Washington is the appropriate division in
14 which to file this case, pursuant to local CR 5(e), as the claims arose in King County.

15 III. ADMINISTRATIVE PROCEDURE

16 3.1 All conditions precedent to this lawsuit have been fulfilled by Plaintiffs. On April 27,
17 2004, they timely filed their complaints with the EEOC, alleging religious discrimination
18 for failure to accommodate, and the EEOC issued Cause Determinations for each of the
19 plaintiffs on August 23, 2004.

20 3.2 After finding there had been a conciliation failure, the EEOC filed a lawsuit against
21 Defendant Oberto on January 5, 2005, for the discriminatory acts against the Plaintiffs.

22 IV. EVENTS

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- 2 4.1 At all times, Defendant Ron Hacker, Supervisor Glen Cole, and all other supervisors and
- 3 machine operators mentioned herein were acting as agents on behalf of Defendant Oberto
- 4 4.2 Each Plaintiff began working for Defendant Oberto in the spring or summer of 2002.
- 5 Each began working for Defendant Oberto at its plant located in the Rainier Valley
- 6 (Rainier Plant). At some point prior to August of 2003, each was transferred to the plant
- 7 located in Kent, Washington. Each plaintiff was working as a packager in the Packaging
- 8 Department at the time of her termination. Each plaintiff, except Plaintiff Jama, worked
- 9 the day shift. Until November of 2003, workers on the day shift worked an eight hour
- 10 shift, five days a week, from 7 a.m. until 3:30 p.m. Plaintiff Jama worked the swing shift.
- 11 4.3 Plaintiffs Omar, Sheikomar, Jama, and Bihi were terminated on November 10, 2003;
- 12 Plaintiffs Dahir and Mohamad were terminated on November 21, 2003.
- 13 4.4 All of the Plaintiffs are Muslim, and they engage in practices they sincerely believe are
- 14 required by their religion. These practices include taking short prayer breaks several
- 15 times spaced throughout the day, the precise times of which vary depending on the
- 16 location of the sun, and thus the season.
- 17 4.5 Under the Muslim religion, Ramadan is a period of fasting, reflection, devotion,
- 18 generosity and sacrifice during which specific practices are required of Muslims.
- 19 Ramadan is observed during the ninth lunar month of the Islamic calendar. In 2003,
- 20 Ramadan took place from October 26 to November 24.
- 21 4.6 During the holy month of Ramadan, Plaintiffs, like other Muslims, are required by their
- 22 religion to fast from sunrise to sunset. They break the fast at sunset, at which time they
- 23 also say a prayer. During the holy month of Ramadan in 2003, sunset typically occurred
- 24 at around 5 p.m.

25 **FACTS RELATED TO THE CLAIM OF FAILURE TO ACCOMMODATE**

26 **RELIGION**

1 4.7 Until November of 2003, Plaintiffs' supervisors at the Rainier and Kent plants always
2 accommodated their religious needs by letting them take prayer breaks throughout the
3 year, including during the holy month of Ramadan.

4 4.8 In the fall of 2003, Defendant Oberto gave employees, including Plaintiffs, notice that
5 beginning in November, it would be changing its shift requirements, such that employees
6 would be required to work 12 hour days, three days a week. Defendant Oberto also asked
7 employees to vote on whether they preferred the day shift to run from 5 a.m. to 5 p.m., or
8 from 6 a.m. to 6 p.m. Because of their prayer schedule, each of the Plaintiffs who
9 responded stated she desired a 5 a.m. to 5 p.m. shift.

10 4.9 Sometime in October, 2003, Defendant Oberto gave notice to the employees that
11 beginning November 3, 2003, the day shift in the packaging department would be
12 changed to a 6 a.m. to 6 p.m. shift.

13 4.10 When Plaintiffs received notice of this change, sometime in mid to late October 2003,
14 they and others initiated a meeting with officials from Oberto to discuss their concerns
15 regarding how the new shift would impact their religious observance of Ramadan and
16 their need for prayer breaks.

17 4.11 Up until this time, Plaintiffs' work for Defendant Oberto had presented no significant
18 obstacles to their observance of the requirements of their faith, as their supervisors had
19 allowed them small breaks to pray when needed, and the Plaintiffs were usually done
20 working by the time of their need to break the fast and/or pray around the time of sunset.

21 4.12 Because the new shift would go until 6 p.m., Plaintiffs wanted to ensure that they would
22 be able to take a short break at around 5 p.m. so that they could break their fast by
23 drinking water and engage in a short prayer. Not being allowed to take such a break
24 would interfere with their ability to practice their religion during Ramadan.

25 4.13 In the packaging department at the Kent factory, there are several production lines. At
26 some of the lines, on occasion, breaks are taken by all the employees at the same time.

1 However, at most of the lines, breaks are taken by one employee at a time to ensure that
 2 the lines can continue to operate during employee breaks. When an employee needs to
 3 take a break at either of these lines, either during break time or for another purpose, such
 4 as using the restroom, either another employee or a supervisor takes her place on the line,
 5 if that is needed.

6 4.14 The first meeting that took place occurred on October 31, 2003. Defendant Hacker and a
 7 Human Resources representative, Marilyn Harlan, were present for this meeting. Also
 8 present were each of the Plaintiffs except for Plaintiff Jama (who had given the other
 9 Plaintiffs permission to speak on her behalf). At this meeting, Defendants indicated to
 10 the Plaintiffs and other employees that they would not be able to take a break at or around
 11 5 p.m. to break their fast and pray.

12 4.15 At Plaintiffs' request, a second meeting was held on November 1, 2003, which Plaintiffs,
 13 except for Plaintiff Jama, and Defendant Hacker attended. Also in attendance at
 14 Plaintiffs' request was an individual from the Somali Community Center -- Mr.
 15 Mohamad. At this meeting, the Plaintiffs and Mr. Mohamad indicated to Defendants that
 16 the Plaintiffs wished to keep their jobs, but that due to their religion, it would be
 17 necessary for them to break at approximately 5 p.m. for a drink of water and prayer. The
 18 Plaintiffs indicated they would be willing to take only 3 -5 minute breaks for this
 19 purpose, that they could take such breaks one at a time if more than two were on the same
 20 line, and that they could fill in for each other during such breaks so that the lines could
 21 continue to operate causing no disruption to the Company. The Defendants denied the
 22 request. Plaintiffs also offered to take a shorter break during their regular break earlier in
 23 the afternoon and take the remainder of their break at around 5 p.m. Defendants denied
 24 this request as well. During this meeting, the Plaintiffs pointed out that many employees
 25 took breaks to use the restroom during times when there were not official breaks.

26 Defendant Hacker responded that those situations were different -- that in those situations

1 employees "had" to take a break, but that Plaintiffs did not have to take break, that it was
2 not compulsory. This offended Plaintiffs, who, due to their religion, are required to break
3 their fast and pray at around sundown, and feel this practice is compulsory. Defendant
4 Hacker also stated something to the effect that he himself had fasted before for personal
5 reasons, did not like it, and that as he stopped this practice, they could as well. He also
6 said something to the effect that if they wanted their jobs, they could stop fasting too.
7 These comments greatly offended Plaintiffs. Moreover, Defendant Hacker stated it was
8 not in his Company's interest to accommodate the Plaintiffs.

9 4.16 Beginning on November 3, 2003, pursuant to the requirements of their religion, each of
10 the Plaintiffs took a break of approximately 5 minutes in length at around 5 p.m. during
11 their shift to get a drink of water and pray. Prior to taking these breaks, Plaintiffs gave
12 notice to the machine operators on their line or a supervisor that they intended to take
13 such breaks and ensured that someone else could step into their spots during the breaks, if
14 that was needed. Each Plaintiff received a written warning on at least two occasions prior
15 to their termination.

16 4.17 On each occasion they left their line, Defendant Oberto did not experience undue
17 hardship.

18 4.18 Defendants allowed non-Muslim employees to temporarily leave the line for other
19 reasons throughout the day, such as to use the restroom. In fact, Plaintiffs were allowed
20 to leave the line on occasion to use the restroom, but were not allowed to leave the line to
21 pray. During this time period, there were occasions when Plaintiffs Dahir and
22 Mohammad, and possibly others, were followed into the restroom by supervisors during
23 the day to ensure they were in fact using the restroom and not praying. This had never
24 happened before.

4.19 Defendant Oberto, and Defendant Hacker in particular, had instructed Glen Cole and other supervisors not to allow Plaintiffs to leave their line at 5 p.m. for any reason, and that if they did, they were to be given warnings, and then terminated.

4.20 On or about November 10, 2003, four of the Plaintiffs, Plaintiffs Bihi, Omar, Shiekomar and Jama were terminated by their supervisor, Glen Cole, after they indicated they did in fact plan to leave their lines again at 5 p.m.

4.21 On or about November 21, 2003, Plaintiffs Dahir and Mohamad were terminated by Defendant Hacker for having left their line around 5 p.m. for a prayer break. In Plaintiff Dahir's case, she had been given permission by her machine operator to leave her line at 5 p.m. for a short break, but was terminated for doing so anyway.

4.22 The requested accommodation – to take a short break at around 5 p.m. – was necessitated by the employees' sincerely held religious beliefs. Their requested accommodation would not have, and in fact did not, cause any undue hardship to their employer.

4.23 The failure by Defendants to provide the necessary religious accommodation was done with malice and/or with reckless indifference to Plaintiffs' federally-protected rights to be free from discrimination.

FACTS RELATED TO CLAIMS OF DISCRIMINATION AND HARASSMENT

4.24 During the time of their employment, Plaintiffs, and each of them, were subjected to discrimination and harassment by co-workers about which supervisors and managers were aware or should have been aware, and by supervisors. This harassment and discrimination was due to their religion, race, and/or national origin.

4.25 For example, while at the Kent Plant, co-workers would assault Plaintiffs by physically pushing them while they were kneeling and praying. Also, on one occasion when all the Plaintiffs were still working at the Rainier Plant, someone posted a sign on the wall in front of where Plaintiffs prayed that was derogatory and referred to the "crazy people looking for your Gods." This was brought to the attention of Defendant Oberto,

specifically through a complaint to Glen Cole. Although Defendant Oberto, through Glen Cole, took down the sign and made a statement at its next employee break to the effect that everyone should respect each other, upon information and belief, it made no efforts to determine who wrote the sign or who posted it.

4.26 On numerous other occasions, while at the Rainier Plant, the women found their prayer rugs, which they kept in their lockers, in the garbage can. These prayer rugs were small rugs the Plaintiffs used to kneel upon during their required prayers. Although Plaintiffs informed Defendant Oberto who they believed was responsible for this repeated harassment, the Company – which was also the custodian of property placed by Plaintiffs in their workplace lockers -- did not investigate the incidents or take any action against either the individual believed to be responsible or anyone else.

4.27 Additionally, some Plaintiffs were harassed because they needed to use water to wash themselves when they went to the restroom. For physical and religious reasons, Plaintiffs are required to take a container of water into the restroom with them to wash themselves after they urinate. On one occasion, while one woman was filling a container of water to use for this purpose, a co-worker went to a supervisor and told him that the women were using water to go to the toilet. The supervisor, a male, rushed into the women's restroom while it was occupied by the women, grabbed the container from the woman who was holding it and dumped it out. The supervisor also yelled something to the effect of "the toilet is not a shower and you should use it without water," and that they should either use the toilet without water or "go." Some of the Plaintiffs were present during this incident, and all Plaintiffs heard about the incident. The use of the water in the toilet did not create any undue problems or hardship for Defendant Oberto.

4.28 On numerous other occasions, Plaintiffs were harassed due to their religion, race, and/or national origin by supervisors, machine operators, and other co-workers, about which Defendant Oberto was aware or should have been aware. This harassment consisted of,

among other things, comments, snickers, physical pushing, hitting with pieces of equipment, “shooing” away with a hand, and intimidating looks.

4.29 The harassment described above was unwelcome and offensive, was based on employees’ religion, race, and or national origin, and was sufficiently pervasive as to alter the conditions of Plaintiffs’ employment.

4.30 Plaintiffs were also discriminated against in the terms and conditions of employment in that when there was a slow down of work, their supervisors and/or machine operators would send home employees who were Muslim and black (including Plaintiffs), while keeping other non-black, non-Muslim employees at work, including temporary employees who should have been sent home first. This affected Plaintiffs’ pay adversely. In addition, Plaintiffs and other black and Muslim employees were not given the same opportunities for overtime as other non-Muslim, non-black employees. Plaintiffs complained about this to Oberto, but Oberto took no action to end the discrimination.

4.31 In addition, Defendant Oberto, through its supervisors and machine operators, all of whom were acting as agents for Defendant Oberto, treated Plaintiffs differently than similarly-situated non-Muslim, non-black employees by 1) requiring Plaintiffs to perform the more difficult and undesirable jobs at the plant, even to the extent of on more than one occasion asking a non-Somali, non-Muslim, and non-black employee to stop and then directing one of the plaintiffs (Plaintiff Omar) to do the job instead; 2) preventing Plaintiffs on certain occasions from rotating among jobs that required different levels of physical effort as it allowed other employees to do; and 3) requiring Plaintiffs to perform certain tasks by themselves that they allowed other women employees to do in pairs. Plaintiffs complained about this conduct to Defendant Oberto, specifically Glen Cole, but neither he nor the Company took any action to end the discrimination.

4.32 There were also incidents where Defendant Oberto did not provide Plaintiffs with forks to move meat, even though other employees were provided with this equipment, which

made the task of moving meat easier. Plaintiffs complained about this to their team leader, but the Company did nothing to address this discrimination.

4.33 The Company also discriminated against Plaintiffs in the terms and conditions of employment by not attending to the safety needs of Plaintiffs in the same manner as it attended to the safety of non-black, non-Muslim employees. In addition, when Plaintiff Sheikomar had cut her finger at work, and when Plaintiff Omar had injured her shoulder while at work, both injuries of which caused Plaintiffs Sheikomar and Omar to ask for assistance and/or indicate they would have difficulty doing task requested of them, their respective leads/machine operators made comments to the effect, "You look like a person who does not want to work," and "If you can't do the job, leave now," respectively.

FACTS RELATED TO THE INDUSTRIAL INSURANCE DISCRIMINATION CLAIM

4.34 On one occasion, Faduma Jama fell on her back while carrying a load of heavy meat. While she waited for someone to help her, co-workers and machine leads said something to the effect of, "She's faking it; she just wants money."

4.35 On or about December 15, 2002, while at work for Defendant Oberto on the production line, a load of meat fell on top of a Plaintiff Jama's leg and foot, injuring her knee and foot. The line manager was present. One of her co-workers brought her to the hospital, where she indicated it was a work-related injury.

4.36 When she returned to work a couple of days later, she took the emergency room report to her manager, Bob. He said the accident had been her fault and that the Company should not have to pay, and he made comments and engaged in action that was meant to intimidate her in retaliation for having reported the work place injury. Because of his actions and his attitude toward her, she felt her job was at risk.

4.37 In January of 2003, Plaintiff Jama fell on a wet floor while at work and caught herself with her hands, injuring her right hand and both of her wrists. When she went to the

1 hospital, she told them she had injured herself at home. She told the hospital this because
 2 she felt she would be fired if she indicated she was injured at work due to the way Bob
 3 had treated her after she reported the first work injury. Plaintiff Jama subsequently did
 4 not file a claim for workers' compensation based on this injury within the required time
 5 period after the injury because of Defendant Oberto's threats and intimidation.

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 7 V. FIRST CAUSE OF ACTION: DISCRIMINATION BASED ON RELIGION FOR
 8 FAILURE TO ACCOMMODATE IN VIOLATION OF TITLE VII
 Against Defendant Oberto Sausage

9 5.1 Plaintiffs reallege paragraphs 1.1 through 4.37 as though fully set forth herein.

10 5.2 Plaintiffs, and each of them, had bona fide religious beliefs that required them to leave
 11 the line to take a break for a few minutes around sundown to engage in prayer, and to
 12 break the fast at that time during the holy month of Ramadan.

13 5.3 Plaintiffs, and each of them, informed Defendants of this belief. Defendants' stated
 14 requirements were that Plaintiffs could not leave the line for this purpose.

15 5.4 Plaintiffs, and each of them, were disciplined and then terminated for taking a break
 16 around 5 p.m. to break their fast and engage in prayer, or for indicating their intent to do
 17 so.

18 5.5 Defendants failed to take adequate steps to reasonably accommodate the Plaintiffs'
 19 religious beliefs. Defendants could have accommodated Plaintiffs' beliefs without undue
 20 hardship.

21 5.6 Defendants could have provided Plaintiffs' requested accommodation – that they leave
 22 the line for a few minutes in order to break their fast and pray – without undue hardship.

23 5.7 Moreover, Defendants failed to negotiate in good faith with the Plaintiffs in an effort to
 24 reasonably accommodate their religious beliefs.

25 5.8 Defendants' conduct and violation of the law have caused damages to Plaintiffs in an
 26 amount to be proven at trial.

5.9 In addition, each of the Plaintiffs was terminated due to her religion.

5.10 By virtue of conduct outlined in this Complaint, Defendants are in violation of the Civil Rights Act of 1964, "Title VII", 42 U.S.C. 2000e-2(a)(1).

5.11 Each Plaintiff suffered damages in an amount to be proven at trial.

VI. SECOND CAUSE OF ACTION: DISCRIMINATION BASED ON RELIGION FOR
FAILURE TO ACCOMMODATE IN VIOLATION OF WASHINGTON LAW AGAINST
DISCRIMINATION
Against Both Defendants

6.1 Plaintiffs reallege paragraphs 1.1 through 4.37 as though fully set forth herein.

6.2 Plaintiffs, and each of them, had bona fide religious beliefs that required them to leave the line to take a break from work for a few minutes around sundown to engage in prayer, and to break the fast at that time during the holy month of Ramadan.

6.3 Plaintiffs, and each of them, informed Defendants of this belief. Defendants' stated requirements were that Plaintiffs could not leave the line for this purpose.

6.4 Plaintiffs, and each of them, were disciplined and then terminated for taking a break around 5 p.m. to break their fast and engage in prayer, or for indicating their intent to do so. This conduct would not have caused, and did not cause, any undue hardship to Defendant Oberto.

6.5 Other employees were allowed to leave the line temporarily for other purposes.

6.6 By terminating Plaintiffs due to their need to leave the line temporarily for religious purposes, even though this did not cause and would not have caused undue hardship to their employer, Defendants discriminated against Plaintiffs in violation of the Washington Law Against Discrimination, RCW 49.60.030 and 49.60.180.

6.7 Each Plaintiff suffered damages in an amount to be proven at trial.

VII. THIRD CAUSE OF ACTION: DISCRIMINATION BASED ON HARASSMENT
IN VIOLATION OF WASHINGTON LAW AGAINST DISCRIMINATION
Against Defendant Oberto Sausage

7.1 Plaintiffs reallege paragraphs 1.1 through 4.37 as though fully set forth herein.

7.2 The harassment described above, which was unwelcome and offensive, was sufficiently pervasive as to alter the conditions of Plaintiffs' employment.

7.3 Supervisors and managers of Oberto were personally involved in some of the aforementioned conduct constituting harassment. On other occasions, such managers and supervisors knew of the harassment, but failed to take appropriate action to end such harassment.

7.4 By the aforementioned conduct that constituted harassment based on religion, race, and/or national origin, Defendant Oberto has discriminated against Plaintiffs in violation of the Washington Law Against Discrimination, 49.60.030 and 49.60.180

7.5 Each Plaintiff has suffered damages in an amount to be proven at trial.

VIII. FOURTH CAUSE OF ACTION: DISCRIMINATION BASED ON RELIGION,
RACE, AND NATIONAL ORIGIN IN VIOLATION OF WASHINGTON LAW
AGAINST DISCRIMINATION
Against Both Defendants

8.1 Plaintiffs reallege paragraphs 1.1 through 4.37 as though fully set forth herein.

8.2 Plaintiffs were members of protected classes based on religion, race, and national origin.

8.3 Plaintiffs were treated less favorably in the terms and conditions of employment than similarly-situated, non-protected employees doing substantially the same work.

8.4 There are no legitimate, non-discriminatory reasons for this disparate treatment.

8.5 By the aforementioned conduct that constituted discrimination based on religion, race, and/or national origin, Defendant Oberto has discriminated against Plaintiffs in violation of the Washington Law Against Discrimination, 49.60.030 and 49.60.180

8.6 Each Plaintiff has suffered damages in an amount to be proven at trial.

IX. FIFTH CAUSE OF ACTION: NEGLIGENT INFLICTION OF EMOTIONAL
DISTRESS
Against Both Defendants

9.1 Plaintiffs reallege paragraphs 1.1 through 4.37 as though fully set forth herein.

9.2 Defendants owed a duty to Plaintiffs to provide them with a safe and discriminatory-free workplace.

9.3 By engaging in discrimination and harassment, Defendants breached their duties to Plaintiffs.

9.4 As a result of this breach, Plaintiffs suffered emotional distress in an amount to be proven at trial.

9.5 Defendants' breach was the proximate cause of Plaintiffs' emotional distress.

X. SIXTH CAUSE OF ACTION: COMMON LAW TORT FOR RETALIATORY THREAT
FOR FILING A WORKERS COMPENSATION CLAIM.

Against Defendant Oberto Sausage

10.1 Plaintiffs reallege paragraphs 1.1 through 4.37 as though fully set forth herein.

10.2 Based on the aforementioned conduct, Defendant prevented Plaintiff Jama from filing a second workers' compensation claim through threats and intimidation.

10.3 Plaintiff Jama has suffered damages in an amount to be proven at trial.

XI. RELIEF REQUESTED

Plaintiffs pray for the following relief:

11.1 Judgment against Defendants for compensatory damages;

11.2 Judgment against Defendant Oberto Sausage for punitive damages;

11.3 Attorneys fees and costs pursuant to 42 U.S.C. §2000e-5(k) and RCW 49.60.030(2);

11.4 And other relief as this Court deems just and proper.

DATED this 18th day of February, 2005. PUBLIC INTEREST LAW GROUP PLLC

s/ Gwynne L. Skinner
Gwynne L. Skinner, WSBA # 23490
Daniel S. Gross, WSBA # 23992
Attorneys for Plaintiffs