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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 29 2003

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DEPUTY
SPOKANE, WASHINGTON

ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,

CIVIL ACTION NO.
COMPLAINT

CY-03-3132-FVS

Plaintiff,

JURY TRIAL DEMAND

v.

HIGHLAND FRUIT GROWERS, INC.,

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 and to provide appropriate relief to Maria R. Ramirez, Gabriela Uribe, Maria Cardenas, Maria Teresa Valle and class of similarly situated females who were adversely affected by such practices. The Equal Employment Opportunity Commission ("EEOC" or "the Commission") alleges that defendant sexually harassed Ms. Ramirez, Ms. Uribe, Ms. Cardenas, Ms. Valle and similarly situated individuals

1 because of their sex, female, creating a hostile work environment. Said
2 discriminatory practices resulted in the constructive discharge of Ms. Ramirez,
3 Ms. Valle and Ms. Ortiz. Finally, the EEOC contends that defendant terminated
4 Ms. Uribe and Ms. Cardenas in retaliation for engaging in statutorily protected
5 activity. Plaintiff seeks monetary and injunctive relief, including pecuniary and
6 nonpecuniary compensatory damages and punitive damages.

7 JURISDICTION AND VENUE

8 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451,
9 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to
10 Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as
11 amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the
12 Civil Rights Act of 1991, 42 U.S.C. §1981a.

13 2. The employment practices alleged to be unlawful were committed
14 within the jurisdiction of the United States District Court for the Eastern District
15 of Washington.

16 PARTIES

17 3. Plaintiff, the Equal Employment Opportunity Commission (the
18 "Commission"), is the agency of the United States of America charged with the
19 administration, interpretation and enforcement of Title VII, and is expressly
20 authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C.
21 §2000e-5(f)(1).

22 4. At all relevant times, defendant, Highland Fruit Growers, Inc.,
23 incorporated in the State of Washington, has continuously been a corporation
24 doing business in the State of Washington and has continuously had at least 15
25 employees.

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5. At all relevant times, defendant 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, Maria R. Ramirez, Gabriela Uribe, Maria Cardenas, and Maria Teresa Valle filed charges, initially with the Equal Employment Opportunity Commission, alleging violations of Title VII by defendant, Highland Fruit Growers, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least March 1, 2002, defendant engaged in unlawful employment practices at its Yakima, Washington facility in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a). Defendant affected the terms and conditions of employment of Ms. Ramirez, Ms. Uribe, Ms. Cardenas, Ms. Valle and similarly situated individuals by subjecting them to a sexually hostile work environment because of their sex, female, resulting in the constructive discharge of Ms. Ramirez, Ms. Valle and Ms. Ortiz. Finally, defendant retaliated against Ms. Uribe and Ms. Cardenas by terminating them because they engaged in statutorily protected activity.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Ramirez, Ms. Uribe, Ms. Cardenas, Ms. Valle and a class of similarly situated females of equal employment opportunities and otherwise adversely affected their status as employees of Highland Fruit Growers because of their sex.

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 Maria R. Ramirez, Gabriela Uribe, Maria Cardenas, Maria Teresa Valle and a class of similarly situated females.

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 practice which discriminates on the bases of sex, or retaliation.

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

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

E. Order defendant to make whole charging parties by providing compensation for past and future nonpecuniary losses resulting from the unlawful

practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to determined at trial.

F. Order defendant to pay charging parties punitive damages for its malicious and reckless conduct described in paragraph 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.

JURY TRIAL DEMAND

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

DATED this 29th day of September, 2003.

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