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

JUL 28 2004

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DEPUTY
SPOKANE, WASHINGTON

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14 Gabriela Uribe, and Maria Cardenas

16 UNITED STATES DISTRICT COURT

18 FOR THE EASTERN DISTRICT OF WASHINGTON

19 EQUAL EMPLOYMENT)
20 OPPORTUNITY COMMISSION,)

21)
22 Plaintiff,)

23 and)
24)

25 MARIA R. RAMIREZ,)
26 GABRIELA URIBE, and MARIA)
27 CARDENAS,)

28 Plaintiff Intervenors,)
29)

No. CY-03-3132-FVS

**COMPLAINT OF
PLAINTIFF INTERVENORS**

JURY TRIAL DEMANDED

1 vs.)
2)
3 HIGHLAND FRUIT GROWERS,)
4 INC.,)
5)
6 Defendant.)
7)

8 Plaintiff Intervenors Maria R. Ramirez, Gabriela Uribe, and Maria
9 Cardenas, by and through their counsel, Keller W. Allen of Allen &
10 McLane, P.C., and Mark D. Kamitomo of The Markam Group, Inc.,
11 P.S., assert the following claims for relief against Defendant Highland
12 Fruit Growers, Inc.

13
14 **NATURE OF THE ACTION**
15

16 This is an action under Title VII of the Civil Rights Act of 1964
17 and Title I of the Civil Rights Act of 1991 to correct unlawful
18 employment practices and to provide appropriate relief to Maria R.
19 Ramirez, Gabriela Uribe, and Maria Cardenas, who were adversely
20 affected by such practices. The Equal Employment Opportunity
21 Commission ("EEOC" or "the Commission") and Plaintiff Intervenors
22 allege that Defendant and certain of its employees and representatives
23 sexually harassed Ms. Ramirez, Ms. Uribe, and Ms. Cardenas
24 because of their gender, creating a hostile work environment. Said
25
26
27
28
29

1 discriminatory practices resulted in the constructive discharge of Ms.
2 Ramirez and termination of Ms. Uribe and Ms. Cardenas in retaliation
3 for engaging in statutorily protected activity. Plaintiff Intervenors seek
4 monetary and injunctive relief, including pecuniary and nonpecuniary
5 compensatory damages and punitive damages.
6
7

8 **JURISDICTION AND VENUE**
9

10 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C.
11 §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and
12 instituted pursuant to Sections 706(f)(l) and (3) of Title VII of the Civil
13 Rights Action of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and
14 (3) ("Title VII"), and Section 102 of the Civil Rights Action of 1991, 42
15 U.S.C §1981a.
16
17

18 2. The employment practices alleged to be unlawful were
19 committed within the jurisdiction of the United States District Court for
20 the Eastern District of Washington.
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1 **PARTIES**

2 3. Plaintiff, the Equal Employment Opportunity Commission
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4 (“EEOC”) filed a complaint in this action on September 29, 2003.
5
6 Plaintiff Intervenor’s expressly herein incorporate by reference each
7
8 and every factual and legal assertion by EEOC in its September 29,
9
10 2003 Complaint as if set forth fully herein.

11 4. At all relevant times, Defendant, Highland Fruit Growers,
12
13 Inc., incorporated in the State of Washington, has continuously been a
14
15 corporation doing business in the State of Washington and has
16
17 continuously had at least 15 employees.

18 5. At all relevant times, Defendant has continuously been an
19
20 employer engaged in an industry affecting commerce within the
21
22 meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C.
23
24 §§2000e-(b), (g) and (h).

25 **STATEMENT OF CLAIMS**

26 6. More than thirty (30) days prior to the institution of this
27
28 lawsuit, Maria R. Ramirez, Gabriela Uribe, and Maria Cardenas filed
29
30 charges, initially with the Equal Employment Opportunity Commission,
alleging violations of Title VII by Defendant, Highland Fruit Growers,

1 Inc. All conditions precedent to the institution of this lawsuit have been
2 fulfilled.

3
4 7. From at least March 1, 2002, Defendant engaged in
5 unlawful employment practices at its Yakima, Washington facility in
6 violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C §§ 2000e-2(a)
7 and 2000e-3(a). Defendant affected the terms and conditions of
8 employment of Ms. Ramirez, Ms. Uribe, and Ms. Cardenas, by
9
10 subjecting them to an unlawful and sexually hostile work environment
11
12 because of their gender, resulting in the constructive discharge of Ms.
13
14 Ramirez. Further, Defendant unlawfully retaliated against Ms. Uribe
15
16 and Ms. Cardenas by terminating them because they engaged in
17
18 statutorily protected activity.

19 8. The effect of the practices complained of in paragraph 7
20 above has been to deprive Ms. Ramirez, Ms. Uribe, and Ms. Cardenas
21
22 of equal employment opportunities, and otherwise adversely affected
23
24 their status as employees of Highland Fruit Growers because of their
25
26 sex.

27 9. The unlawful employment practices complained of above
28 were intentional and in deliberate disregard of the applicable federal
29

1 laws under which Plaintiff Intervenors and EEOC have alleged
2 violations.

3
4 10. The unlawful employment practices complained of in
5 paragraph 7 above were done with malice or with reckless indifference
6
7 to the federally protected rights of Maria R. Ramirez, Gabriela Uribe,
8 and Maria Cardenas.

9
10 **PRAYER FOR RELIEF**

11 **WHEREFORE**, Plaintiff Intervenors respectfully request that this
12
13 Court:

14 A. Grant a permanent injunction enjoining Defendant, its
15
16 officers, successors, agents, assigns, and all persons in active concert
17
18 or participation with it, from engaging in any employment practice
19
20 which discriminates on the bases of sex, or retaliation.

21 B. Order Defendant to institute and carry out policies,
22
23 practices, and programs which provide equal employment
24
25 opportunities for all employees and which eradicate the effects of its
26
27 past and present unlawful employment practices.

28 C. Order Defendant to make whole each Plaintiff Intervenor
29
30 by providing appropriate back pay with prejudgment interest, and front

1 pay in an amount to be determined at trial, and other affirmative relief
2 necessary to eradicate the effects of its unlawful employment practices
3 described above.
4

5 D. Order Defendant to make whole Plaintiff Intervenors by
6 providing compensation for past and future pecuniary losses resulting
7 from the unlawful employment practices described in paragraph 7
8 above, including without limitation medical expenses, job search
9 expenses and other past and future out-of-pocket expenses, in an
10 amount to be determined at trial.
11
12
13

14 E. Order Defendant to make whole Plaintiff Intervenors by
15 providing compensation for past and future nonpecuniary losses
16 resulting from the unlawful practices complained of in paragraph 7
17 above, including without limitation emotional pain, suffering, and loss
18 of enjoyment of life, in amounts to be determined at trial.
19
20
21

22 F. Order Defendant to pay Plaintiff Intervenors punitive
23 damages for its malicious and reckless conduct described in
24 paragraph 7 above, in amounts to be determined at trial.
25

26 G. Grant such further relief as the Court deems necessary
27 and proper.
28
29

1 H. For an award to each Plaintiff Intervenor for any adverse
2 tax consequences relating to any recovery in this action.


3
4 I. For an award of reasonable attorney fees and costs
5 incurred by counsel for Plaintiff Intervenors relating to this action.

6
7 **JURY TRIAL DEMAND**

8 Plaintiff Intervenors demand a jury trial on all questions of fact
9 raised by this Complaint.


10
11 DATED this 16 day of July, 2004.

12
13 ALLEN & McLANE, P.C.

14
15 
16 Keller W. Allen, WSBA No. 18794
17 Co-Counsel for Plaintiff Intervenors,
18 MARIA R. RAMIREZ, GABRIELA URIBE,
and MARIA CARDENAS

19 DATED this 16 day of July, 2004.

20
21 THE MARKAM GROUP, INC., P.S.

22
23 
24 Mark D. Kamitomo, WSBA No. 18803
25 Co-Counsel for Plaintiff Intervenors,
26 MARIA R. RAMIREZ, GABRIELA URIBE,
and MARIA CARDENAS

CERTIFICATE OF SERVICE

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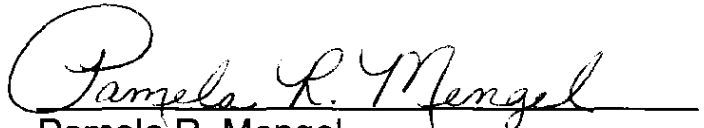
I HEREBY CERTIFY that on the 28 day of July, 2004 I caused to be served a true and correct copy of the foregoing on the following in the manner indicated:

A. Luis Lucero, Jr. X U.S. Mail
Kathryn Olson Overnight Mail
Carmen Flores Hand Delivery
EQUAL EMPLOYMENT OPPORTUNITY Facsimile
COMMISION
909 First Avenue, Suite 400
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Attorney for Plaintiff

Brendan V. Monahan X U.S. Mail
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Attorney for Defendant


Pamela R. Mengel