

For Dockets See 2:04cv01792

United States District Court, W.D. Washington.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,
v.
SOUND PARKING, INCORPORATED, Defendant.
No. 04CV01792.
2004.

Jury Trial Demand

Complaint

A. Luis Lucero, Jr. Regional Attorney, John F. Stanley, Acting Supervisory Trial Attorney, Lisa Cox Trial Attorney, A. Luis Lucero, Jr., Equal Employment Opportunity, Commission, Seattle District Office, 909 First Avenue, Suite 400, Seattle, Washington 98104, Telephone (206) 220-6896 Eric S. Dreiband General Counsel, James L. LEE, Deputy General Counsel, Gwendolyn Young Reams Associate General Counsel, Equal Employment Opportunity, Commission, Office of the General Counsel, 1801 "1" Street, N.W., Washington, D.C. 20507, Attorneys for Plaintiff

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 on the basis of retaliation and to provide appropriate relief to Omar Hashi ("Mr. Hashi"). The Equal Employment Opportunity Commission alleges that defendant discharged Mr. Hashi in retaliation for his opposition to conduct he reasonably believed to be discriminatory. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary compensatory and punitive damages, and injunctive relief, on behalf of Mr. Hashi.

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 Seattle.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "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 Sound Parking, Incorporated ("Sound Parking") 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 Sound Parking 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, Mr. Hashi filed a charge with the Commission alleging violations of Title VII by Sound Parking. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about December 10, 2002, defendant engaged in unlawful employment practices at one of its Seattle, Washington facilities in violation of §§ 704(a) of Title VII, 42 U.S.C. §§ 2000e-3(a), by discharging Mr. Hashi immediately after he opposed his supervisor's use of a racially derogatory epithet.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Mr. Hashi of equal employment opportunities and otherwise adversely affect his status as an employee.

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 Mr. Hashi'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 retaliatory employment practices.

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 Mr. Hashi 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.

D. Order defendant to make whole Mr. Hashi by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order defendant to make whole Mr. Hashi 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 be determined at trial.

F. Order defendant to pay Mr. Hashi 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.

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