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resign. The Commission alleges that defendant's discriminatory conduct led to Ms. Smith's constructive discharge. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages.

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. §§ 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 Idaho.

PARTIES

3. Plaintiff, the 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 Life Care Center of America, Inc., incorporated in the State of Tennessee, has continuously been a corporation doing business in the State of Idaho and has continuously had at least 15 employees.

5. At all relevant times, defendant Life Care Centers of America, Inc., d/b/a Life Care Center of Lewiston ("Life Care Centers"), 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).

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone: (206) 220-6883
Facsimile: (206) 220-6911
TDD: (206) 220-6882

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Sarah Smith filed a charge, initially with the Idaho Human Rights Commission, which was transferred to the Equal Employment Opportunity Commission alleging violations of Title VII by defendant, Life Care Centers. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least October, 2000 defendant engaged in unlawful employment practices at its Lewiston, Idaho facility in violation of § 703(a) Title VII, 42 U.S.C. § 2000e-2(a). Defendant affected the terms and conditions of Ms. Smith's employment by subjecting her to ongoing harassment based on her sex, female. This ongoing sexual harassment and retaliation led to her constructive discharge on or about December 9, 2000.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Sarah Smith of equal employment opportunities and otherwise adversely affect her status as an employee of Life Care Centers because of 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 Sarah Smith.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors,

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agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex.

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 Sarah Smith 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 Sarah Smith 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 Sarah Smith 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 Sarah Smith 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.

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JURY TRIAL DEMAND

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

DATED this 30th day of September, 2002.

A. LUIS LUCERO, JR.
Regional Attorney

GWENDOLYN YOUNG REAMS
Associate General Counsel

JOHN F. STANLEY
Acting Supervisory Trial Attorney

WESLEY KATAHIRA
Senior Trial Attorney

BY: *A. Luis Lucero Jr.*
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104
Telephone (206) 220-6864

Office of the General Counsel
1801 "L" Street NW
Washington, D.C. 20507

Attorneys for Plaintiff