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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 EQUAL EMPLOYMENT OPPORTUNITY  
10 COMMISSION,

11 Plaintiff,

12 v.

13 LA MEXICANA, INC.,  
14

15 Defendant.

CIVIL ACTION NO. CV6 1359Z

AMENDED COMPLAINT

JURY TRIAL DEMAND

16 NATURE OF THE ACTION

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18 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the  
19 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex  
20 and to provide appropriate relief to Laura Cigarroa ("Ms. Cigarroa"), who was adversely  
21 affected by such practices. The Equal Employment Opportunity Commission alleges  
22 that defendant subjected Ms. Cigarroa to discrimination when it subjected her to  
23 harassment on the basis of her sex. Plaintiff seeks monetary relief, including pecuniary  
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1 and nonpecuniary compensatory and punitive damages and injunctive relief, on behalf  
2 of Ms. Cigarroa.

3 JURISDICTION AND VENUE

4 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,  
5 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections  
6 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.  
7 sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of  
8 1991, 42 U.S.C. §1981a.

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10 2. The employment practices alleged to be unlawful were committed within  
11 the jurisdiction of the United States District Court for the Western District of Washington  
12 at Seattle.

13 PARTIES

14 3. Plaintiff, the Equal Employment Opportunity Commission (the  
15 "Commission"), is the agency of the United States of America charged with the  
16 administration, interpretation and enforcement of Title VII, and is expressly authorized to  
17 bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).  
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19 4. At all relevant times, defendant La Mexicana, Inc. ("La Mexicana") has  
20 been a corporation continuously doing business in the State of Washington and has  
21 continuously had at least 15 employees.

22 5. At all relevant times, defendant La Mexicana has continuously been an  
23 employer engaged in an industry affecting commerce within the meaning of Sections  
24 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).  
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STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Cigarroa filed a charge with the Commission alleging violations of Title VII by defendant La Mexicana. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. La Mexicana engaged in unlawful employment practices, in that Ms. Cigarroa was subjected to sexual harassment from at least November 2003, in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a).

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Cigarroa of equal employment opportunities and otherwise adversely affected her status as an employee of La Mexicana because of her 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 Ms. Cigarroa'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 employment practices which discriminate on the basis of sex.

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1 B. Order defendant to institute and carry out policies, practices, and  
2 programs which provide equal employment opportunities for all employees, and which  
3 eradicate the effects of its past and present unlawful employment practices.

4 C. Order defendant to make whole Ms. Cigarroa by providing appropriate  
5 relief in amounts to be determined at trial, and other affirmative relief necessary to  
6 eradicate the effects of its unlawful employment practices.

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

11 E. Order defendant to make whole Ms. Cigarroa by providing compensation  
12 for past and future nonpecuniary losses resulting from the unlawful practices  
13 complained of in paragraph 7 above, including without limitation emotional pain,  
14 suffering, and loss of enjoyment of life, in amounts to be determined at trial.

15 F. Order defendant to pay Ms. Cigarroa punitive damages for its malicious  
16 and reckless conduct described in paragraph 7 above, in amounts to be determined at  
17 trial.

18 G. Grant such further relief as the Court deems necessary and proper in the  
19 public interest.

20 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 2nd day of November, 2006.

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