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Attorney for Plaintiff in Intervention,
Laura Cigarroa

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff,)
vs.)
LA MEXICANA, INC.,)
Defendant.)

LAURA CIGARROA,)
Plaintiff in Intervention,)
vs.)
LA MEXICANA, INC., ALBERT NEAL)
WALDEN, individually and the marital)
community thereof with JANE DOE)
WALDEN)
Defendants in Intervention.)

Case No: 06-CV-01359-TSZ

**PLAINTIFF IN INTERVENTION
LAURA CIGARROA'S COMPLAINT
AND JURY DEMAND**

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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 section 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 Western District of Washington of Seattle.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (“EEOC”), 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. Plaintiff in intervention, Laura Cigarroa is a resident of the State of Washington. On November 1, 1999, Defendant La Mexicana hired Ms. Cigarroa.

5. At all relevant times hereto, Defendant La Mexicana, Inc. (“La Mexicana”) has been a corporation continuously doing business in the state of Washington and has continuously had at least 15 employees.

6. At all relevant times hereto, 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).

7. At all relevant times hereto, Defendant Albert Neal Walden is believed to be married, and together he and his wife form a marital community under the laws of the State of

PLAINTIFF IN INTERVENTION
LAURA CIGARROA’S COMPLAINT
AND JURY DEMAND - 2

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1 Washington; that all acts hereinafter alleged of the Defendant Albert Neal Walden were done on his
2 own behalf and on behalf of his marital community.

3
4 **FACTS**

5
6 8. At all time relevant hereto, Defendant Albert Neal Walden was charged with
7 managing one or more employees of the La Mexicana in Seattle, Washington.

8
9 9. Beginning on November 1, 1999, Ms. Cigarroa commenced employment with
9 Defendant La Mexicana. Ms. Cigarroa's position and job is packing lead.

10
11 10. During the last few years of her employment with La Mexicana, she has been
11 subjected to unwanted sexual advances because of her gender by Defendant Albert Neal Walden.

12
13 11. In February 2006, Ms. Laura Cigarroa complained to the general manager, Bill Frye.
14 Bill Frye failed to take corrective actions to correct the sexual harassment, thereby creating a hostile
15 work environment.

16
17 12. Bill Frye informed Ms. Cigarroa that he would take care of the unwanted sexual
17 harassment, but he did not.

18
19 13. On or about March 10, 2006, Ms. Cigarroa filed a charge of discrimination with the
19 EEOC alleging violation of Title VII on the basis of gender/sexual harassment.

20
21 14. On September 21, 2006, the EEOC filed the present lawsuit against Defendant La
22 Mexicana on behalf of Ms. Cigarroa and others similarly situated on the basis of sexual harassment
23 and constructive discharge.

24
25 15. More than 30 days prior to the institution of this lawsuit, Plaintiff Laura Cigarroa
26 filed a charge with the Commission alleging violations of Title VII by defendant. All conditions
27 precedent to the institution of this lawsuit have been fulfilled.

1 **CLAIMS**

2 1. Unlawful Discrimination Based Upon Gender - Title VII. Defendant engaged in
3 unlawful discrimination based upon Plaintiff's gender when she was subjected to egregious sexual
4 advances because of her sex by a fellow co-worker and Defendants failed to take corrective action
5 to correct the harassment, creating an extremely hostile work environment, in violation of § 703(a)
6 of Title VII, 42 U.S.C. § 2000e-2(a).

8 2. Unlawful Discrimination Based Upon Gender - Washington Law Against
9 Discrimination (WLAD). Defendant engaged in unlawful discrimination based upon Plaintiff's
10 gender in the terms and conditions of employment, in violation of the WLAD, RCW 49.60. *et seq.*

11 3. Retaliation – Title VII and WLAD. Defendant retaliated against plaintiff for
12 complaining about the sexual harassment, in violation of both Title VII and the WLAD.

14 4. Intentional Infliction of Emotional Distress. Defendant's conduct is and was
15 outrageous. As a result defendant has intentionally or with reckless indifference caused plaintiff
16 severe emotional distress.

17 5. Negligent Infliction of Emotional Distress. Defendant has negligently inflicted
18 emotional distress upon plaintiff.

19 6. Plaintiff further reserves the right to amend or supplement her complaint to include other
20 facts or claims, as necessary.

21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiff prays:

- 23 1. That she have judgment against Defendant for all compensatory damages, including but
24 not limited to, back and front pay and benefits;
25 2. That she be awarded punitive damages pursuant to Title VII;
26 3. That she be awarded prejudgment interest;
27
28


- 1 4. That she be awarded non-economic damages for humiliation, emotional distress, loss of
- 2 enjoyment of life, pain and suffering, personal indignity, embarrassment, fear, anxiety, and anguish,
- 3 in an amount to be proven at trial;
- 4 5. That the court award equitable relief, as appropriate;
- 5 6. That the court award attorney's fees and actual costs; and
- 6 7. For such other and further relief as this court deems just and equitable.
- 7

8 **JURY TRIAL DEMAND**

9 Plaintiff Laura Cigarroa hereby requests a jury trial on all questions of fact raised by her
10 complaint.

11 DATE: 12-4-06

12
13 **GEORGIA TREJO LOCHER, P.S.**

14
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