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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

6 Attorneys for Plaintiff

ORIGINAL

9 UNITED STATES DISTRICT COURT  
10 FOR THE WESTERN DISTRICT OF WASHINGTON

11 EQUAL EMPLOYMENT OPPORTUNITY  
12 COMMISSION,

13 Plaintiff,

14 v.

15 OREGON ELECTRIC CONSTRUCTION, INC.,  
16 d/b/a WASHINGTON ELECTRIC GROUP

17 Defendant.

CIVIL NO. **CV03 2903C**  
COMPLAINT

JURY TRIAL DEMAND



03-CV-02903-CMP

18 NATURE OF THE ACTION

19 This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of  
20 the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex,  
21 pregnancy, and to provide appropriate relief to Laura Lindberg and Jennifer Wilkerson who were  
22 adversely affected by such practices. The Equal Employment Opportunity Commission alleges that  
23 Ms. Lindberg was terminated from her employment and Ms. Wilkerson was constructively  
24 discharged because of their pregnancies. Plaintiff seeks monetary and injunctive relief, including  
25 pecuniary and nonpecuniary compensatory damages and punitive damages.  
26

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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 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 Western District of Washington.

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 Oregon Electric Construction, Inc. ("Oregon Electric") has continuously been a corporation doing business in the State of Washington and has continuously had at least 15 employees.

5. At all relevant times, Defendant Oregon Electric has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections and 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, Laura Lindberg filed a charge, initially with the Washington State Human Rights Commission, which was transferred to the Equal Employment Opportunity Commission alleging violations of Title VII by defendant, Oregon Electric. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least November 2000 to January 18, 2001, defendant engaged in unlawful employment practices at its Seattle, Washington facility in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). These practices included terminating Ms. Lindberg and forcing the

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1 constructive discharge of Ms. Wilkerson because of their pregnancies.

2 8. The effect of the practices complained of in paragraph 7 above has been to deprive  
3 Ms. Lindberg and Ms. Wilkerson of equal employment opportunities and otherwise adversely affect  
4 their status as employees of Oregon Electric because of sex.

5 9. The unlawful employment practices complained of in paragraph 7 above were  
6 intentional.

7 10. The unlawful employment practices complained of in paragraph 7 above were done  
8 with malice or with reckless indifference to the federally protected rights of Ms. Lindberg and Ms.  
9 Wilkerson.

10 PRAYER FOR RELIEF

11 Wherefore, the Commission respectfully requests that this Court:

12 A. Grant a permanent injunction enjoining defendant, its officers, successors, agents,  
13 assigns, and all persons in active concert or participation with it, from engaging in any other  
14 employment practice which discriminates on the basis of sex.

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

18 C. Order defendant to make whole Laura Lindberg and Jennifer Wilkerson by providing  
19 appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other  
20 affirmative relief necessary to eradicate the effects of its unlawful employment practices.

21 D. Order defendant to make whole Laura Lindberg and Jennifer Wilkerson by providing  
22 compensation for past and future pecuniary losses resulting from the unlawful employment practices  
23 described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be  
24 determined at trial.

25 E. Order defendants to make whole Laura Lindberg and Jennifer Wilkerson by providing  
26 compensation for past and future nonpecuniary losses resulting from the unlawful practices  
27

1 complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss  
2 of enjoyment of life, in amounts to be determined at trial.

3 F. Order defendant to pay Laura Lindberg and Jennifer Wilkerson punitive damages for  
4 its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at  
5 trial.

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

8 H. Award the Commission its costs of this action.

9 JURY TRIAL DEMAND

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

11 DATED this 24th day of September, 2003.

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