

1 A. Luis Lucero, Jr. Regional Attorney  
John F. Stanley, Acting Supervisory Trial Attorney  
2 Wesley Katahira, Senior Trial Attorney  
Equal Employment Opportunity Commission  
3 909 First Avenue, Suite 400  
Seattle, Washington 98104  
4 Telephone: (206) 220-6918

5 Attorneys for Plaintiff

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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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8 UNITED STATES DISTRICT COURT  
9 FOR THE WESTERN DISTRICT OF WASHINGTON

10 EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

11 Plaintiff,

12 v.

13 HANNAH MOTORS COMPANY,

14 Defendant.

**CV03 5531** K132

COMPLAINT

JURY TRIAL DEMAND



03-CV-05531-CMP

16 NATURE OF THE ACTION

17 This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of  
18 the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and  
19 retaliation and to provide appropriate relief to Ann Morgan and Genny Smith who were adversely  
20 affected by such practices. The Commission alleges that Ms. Morgan and Ms. Smith were sexually  
21 harassed. The Commission further alleges that Ms. Morgan was discharged in retaliation for having  
22 complained about being sexually harassed and Ms. Smith was constructively discharged. Plaintiff  
23 seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages  
24 and punitive damages.

25 JURISDICTION AND VENUE

26 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343

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

US Gov't (fee waived) (Miss in blank)

1 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII  
2 of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title VII"), and  
3 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

4 2. The employment practices alleged to be unlawful were committed within the  
5 jurisdiction of the United States District Court for the Western District of Washington.

6 PARTIES

7 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is  
8 the agency of the United States of America charged with the administration, interpretation and  
9 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title  
10 VII, 42 U.S.C. §2000e-5(f)(1).

11 4. At all relevant times, Defendant Hannah Motors Company ("Hannah Motor") has  
12 continuously been a corporation doing business in the State of Washington and has continuously had  
13 at least 15 employees.

14 5. At all relevant times, Defendant Hannah Motors has continuously been an employer  
15 engaged in an industry affecting commerce within the meaning of Sections and Sections 701(b), (g)  
16 and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

17 STATEMENT OF CLAIMS

18 6. More than thirty days prior to the institution of this lawsuit, Ms. Morgan filed a  
19 charge with the Equal Employment Opportunity Commission alleging violations of Title VII by  
20 Defendant Hannah Motors. All conditions precedent to the institution of this lawsuit have been  
21 fulfilled.

22 7. From at least June, 1999, Defendant Hannah Motors engaged in unlawful  
23 employment practices at its Vancouver, Washington facility in violation of §§ 703(a) and 704(a) of  
24 Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a). These practices included sexually harassing Ms.  
25 Smith and Ms. Morgan, then discharging Ms. Morgan in retaliation for complaining about being  
26 sexually harassed and constructively discharging Ms. Smith.

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8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Morgan and Ms. Smith of equal employment opportunities and otherwise adversely affect their status as employees of Hannah Motors because of their 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 Ms. Morgan and Genny Smith .

### 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 other employment practice which discriminates on the basis of sex and retaliation.

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 Ann Morgan and Genny 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 Ann Morgan and Genny 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 defendants to make whole Ann Morgan and Genny 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

1 of enjoyment of life, in amounts to be determined at trial.

2 F. Order defendant to pay Ann Morgan and Genny Smith punitive damages for its  
3 malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

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

7 JURY TRIAL DEMAND

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

9 DATED this 29th day of September, 2003.

10 A. LUIS LUCERO, JR.  
Regional Attorney

ERIC S. DREIBAND  
General Counsel

11 JOHN F. STANLEY  
12 Acting Supervisory Trial Attorney

JAMES L. LEE  
Deputy General Counsel

13 WESLEY KATAHIRA  
14 Senior Trial Attorney

GWENDOLYN YOUNG REAMS  
Associate General Counsel

15 BY: A. Luis Lucero Jr

16 EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
17 Seattle District Office  
18 909 First Avenue, Suite 400  
19 Seattle, Washington 98104  
Telephone (206) 220-6918

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

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21 Attorneys for Plaintiff  
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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  
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