ORIGINAL FILED LODGED APR 15 2004 i keli-nofee us AT SEATTLE CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE C04-866 10 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. 11 CIVIL ACTION NO. Plaintiff, 12 COMPLAINT 13 V. JURY TRIAL DEMAND UNION PACIFIC RAILROAD COMPANY, 15 Defendant. 16 17 18 NATURE OF THE ACTION 19 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil 20 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide 21 appropriate relief to Jill Harp, who was adversely affected by such practices. The Equal 22 Employment Opportunity Commission (the "Commission") alleges that defendant, Union Pacific 23 Railroad Company, subjected Ms. Harp to a sexually hostile work environment. The Commission 24 seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of Ms. Harp. 25 26 27 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 04-CV-00866-CMP Seattle, Washington 98104-1081

COMPLAINT - PAGE | 1

ENTERED

RECEIVED

Seattle District Office Federal Office Building 909 First Avenue, Suite 400

Telephone (206) 220-6683 Fax (206) 220-8911

TDD (206) 220-6862

PM.

10

8

15

17 18

19

20 21

22

24

23

26

25 27

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 1. 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, 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 Union Pacific Railroad Company, 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 Union Pacific Railroad Company, incorporated in Deleware, 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).

STATEMENT OF CLAIMS

- 6. More than thirty days prior to the institution of this lawsuit, Jill Harp filed a charge of discrimination with the Equal Employment Opportunity Commission alleging violations of Title VII by defendant, Union Pacific Railroad Company. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. Beginning approximately June 10, 2002, defendant engaged in unlawful employment practices at its Seattle, Washington facility, in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000c-2(a). Defendant affected the terms and conditions of Jill Harp's employment by subjecting her to ongoing sexual harassment including lewd comments, inappropriate touching, pornography,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Seattle District Office

Federal Office Building 909 First Avenue, Suite 400 Sealtle, Washington 98104-1061 Telephone (206) 220-6883 Fax (206) 220-6911

TOD (206) 220-6882

19

20

21

22

23

25

26

27

and sexual graffiti because of her sex.

- 8. The effect of the practices complained of in paragraph 7 above has been to deprive Jill Harp of equal employment opportunities and otherwise adversely affect her status as an employee.
- 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 Jill Harp.

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.
- 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 Jill Harp by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to cradicate the effects of its unlawful employment practices.
- D. Order defendant to make whole Jill Harp 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 Jill Harp 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 Jill Harp punitive damages for its malicious and reckless

TDD (206) 220-5882

1	conduct described in paragraph 7 above, in amounts to be determined at trial.					
2	G.	Grant such further rel	lief as the Cour	t deems ne	ecessary and pi	roper in the public
3	interest.					
4	H.	Award the Commissi	on its costs of	this action.	•	
5			HIRV TRIA	I DEMAN	ID.	
6	JURY TRIAL DEMAND The Commission requests a jury trial on all questions of fact raised by its complaint.					
7						
8	\		4	, ,		
9	DATED this 15th day of April, 2004.					
10						
11	A. LUIS LUCE Regional Attor			ERIC S. D. General Co	REIBAND ounsel	
12	JOHN STANL	-			he General Co	unsel
13	Acting Supervi	isory Trial Attorney			on, D.C. 20507	7
14	LISA COX Trial Attorney	,	^			
15	BY: O. July Juleus J., EQUAL EMPLOYMENT OPPORTUNITY COMMISSION					
16						
17	 Seattle District					
18	909 First Aven Seattle, Washir	ngton 98104				
19	Telephone (206 lisa.cox@eeoc.	5) 220-6890 .gov				
20						
21	Attorneys for Plaintiff					
22						
23						
24						
25 36						
26 27	is					
27						

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone (206) 220-8883
Fax (206) 220-6911
TOD (206) 220-8882