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CV 03-0080 #1

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

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

JERRY CHAMBERS CHEVROLET INC

Defendant

CIVIL ACTION NO

COMPLAINT

JURY TRIAL DEMAND

CV03-0080P

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief to Amy Seaman who was adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that defendant sexually harassed Ms Seaman because of her sex, creating a hostile environment, then failed to take prompt remedial actions to end the harassment and retaliated against her, all forcing Ms. Seaman to resign. The Commission alleges that defendant's discriminatory conduct led to Ms Seaman's constructive

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Commission alleges that defendant's discriminatory conduct led to Ms. Seaman's constructive discharge. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages.

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, 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 Jerry Chambers Chevrolet, incorporated in the
State of Washington, 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 Jerry Chambers Chevrolet, 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)

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STATEMENT OF CLAIMS

6 More than thirty days prior to the institution of this lawsuit, Amy Seaman filed a charge of discrimination with the Equal Employment Opportunity Commission alleging violations of Title VII by defendant, Jerry Chambers Chevrolet. All conditions precedent to the institution of this lawsuit have been fulfilled.

7 From at least June 1999, defendant engaged in unlawful employment practices at its Bellingham, Washington facility in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 3(a). Defendant affected the terms and conditions of Ms. Seaman's employment by subjecting her to ongoing harassment based on her sex, female, and subjecting her to retaliation for her complaints of discrimination. This ongoing sexual harassment and retaliation led to her constructive discharge on or about September 10, 2001.

8 The effect of the practices complained of in paragraph 7 above has been to deprive Amy Seaman of equal employment opportunities and otherwise adversely affect her status as an employee of Jerry Chambers Chevrolet because of 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 Amy Seaman.

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

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employment practice which discriminates 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 Amy Seaman 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 defendant's unlawful employment practices

D Order defendant to make whole Amy Seaman 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 Amy Seaman 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 Amy Seaman punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

H Award the Commission its costs of this action

JURY TRIAL DEMAND

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

DATED this 15th day of January, 2003.

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