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CV 03 00080 #00000007

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MAR 19 2003

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

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v

JERRY CHAMBERS CHEVROLET, INC ,

Defendant.

No C03-80P

**COMPLAINT FOR DAMAGES AND  
UNPAID WAGES**

COMES NOW the above-named plaintiff, by and through her counsel KAREN LEIGH FUNSTON and the law firm of ZENDER THURSTON, P S , and for causes of action against the above named defendants, alleges as follows

**I. PARTIES**

1 1 At all times material and relevant, Plaintiff Amy Seaman was a resident of Whatcom County

1 2 Defendant Jerry Chambers Chevrolet, Inc (hereinafter referred to as "Jerry Chambers Chevrolet, Inc."), is a Washington corporation which conducted business in Whatcom County, Washington, at all times relevant hereto

1 3 Plaintiff Amy Seaman was an employee of Defendant's from approximately

**COMPLAINT FOR DAMAGES AND UNPAID  
WAGES - 1**

**ZENDER THURSTON, P.S  
ATTORNEYS AT LAW  
1700 D STREET/PO BOX 5226  
BELLINGHAM, WA 98227  
PHONE (360) 647-1500  
FAX (360) 647-1501**

**ORIGINAL**

7

1 October 1998, until she was constructively discharged in September 2001. She worked as  
2 salesperson in the car dealership in Bellingham Washington.

## 3 II. JURISDICTION & VENUE

4 2 1 All actions of which Plaintiff complains took place within the Western District  
5 of Washington

6 2 2 This action involves a controversy arising under §§ 703(a) and 704(a) of Title  
7 VII, 42 USC §§200e-2(a) and 3(a).

8 2 3 Plaintiff requests this Court exercise its pendent jurisdiction to hear those claims  
9 which arise under state law because they are related to Plaintiff's federal claims  
10

## 11 III. FACTS

12 3 1 Amy Seaman was employed by Jerry Chambers Chevrolet, Inc from  
13 approximately October 1998 until September 2001

14 3 2 Plaintiff Seaman regularly worked at least 40 hours per week as a  
15 salesperson in the Bellingham dealership

16 3 3 During the course of her employ, Plaintiff Seaman was the victim of  
17 harassment based on her sex (female) in violation of Title VII of the Civil Rights Act of  
18 1964 and Washington Law Against Discrimination RCW 49 60 *et seq* The effect of the  
19 harassment was to create a hostile work environment in violation of RCW 49 60  
20

21 3 4 Plaintiff Seaman complained about the harassment and other unlawful  
22 practices to company managers Her complaints were made in verbal and written form

23 3 5 Plaintiff Seaman was constructively discharged by Defendant on  
24 approximately September 10, 2001  
25

1 **IV. FIRST CAUSE OF ACTION: DISCRIMINATION IN VIOLATION OF THE**  
2 **LAW AGAINST DISCRIMINATION OF THE STATE OF WASHINGTON**

3 Defendant's actions described in Section III above were based on Plaintiff's gender  
4 in violation of RCW 49 60 180,

5 **V. SECOND CAUSE OF ACTION: RETALIATION**

6 Defendant's actions described in Section III above were based in whole or in part  
7 on Plaintiff's assertion of protected rights, and other conduct protected under the  
8 Washington Wage and Hour statutes, the Law Against Discrimination (RCW 49 60 010 *et*  
9 *seq* ), and the public policy of the State of Washington and were retaliatory acts violating  
10 these statutes and the public policy of the State of Washington.

11 **VI. PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

13 6 1 For damages provided by law for the losses Plaintiff has suffered as a result  
14 of the conduct described in this Complaint. These damages include, but are not limited to  
15

- 16 a. wages to which Plaintiff was entitled by law;  
17 b. compensation lost to Plaintiff as a result of Defendants' failure to  
18 assign work to Plaintiff as described in this Complaint,  
19 c. wages and benefits lost to Plaintiff as a result of her termination,  
20 d. wages and benefits lost to Plaintiff as a result of the retaliatory  
21 conduct described in this Complaint

22 6 2 Double damages and other damage factors permitted under applicable  
23 Washington statutes and case laws and as thereafter amended

24 6 3 Actual damages as authorized by RCW 49 60 180 *et seq*

25 6 4 Plaintiff's costs and expenses in bringing this action, including reasonable

**COMPLAINT FOR DAMAGES AND UNPAID  
WAGES - 3**

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1 attorneys' fees and other legal expenses


2 6 5 Reinstatement to Plaintiff's former position or, in the absence or  
3 unfeasibility of such reinstatement, to lost wages reasonably likely to be incurred by  
4 Plaintiff in the future as a result of the loss of her employment

5 6 6 Injunctive and/or equitable relief as the court deems appropriate.

6 6 7 For such other relief as this Court may find just, equitable, and proper under  
7 the circumstances

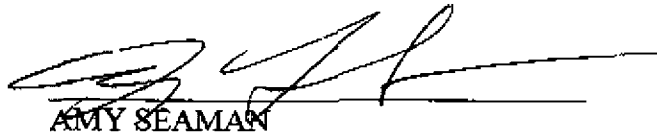
8 DATED this 20<sup>th</sup> day of February 2003

9  
10 ZENDER THURSTON, P.S.

11   
12 KAREN LEIGH FUNSTON, WSBA #28258  
13 Attorneys for Amy Seaman  
14  
15  
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25


1 STATE OF MINNESOTA )  
2 )§  
3 COUNTY OF RAMSEY )

4 AMY SEAMAN swears and affirms under penalty of perjury under the laws of the  
5 State of Washington that she is the plaintiff in this lawsuit, that she has read the foregoing  
6 Complaint for Damages and Unpaid Wages, knows the contents thereof, and believes the  
7 same to be true and correct.

8  
9   
10 AMY SEAMAN

11 SUBSCRIBED AND SWORN to before me this 25th day of February, 2003, by  
12 AMY SEAMAN.



16   
17 NOTARY PUBLIC in and for the State of  
18 Minnesota, residing at  
19 St Paul MN  
20 My commission expires     /     /    

21  
22  
23  
24  
25 COMPLAINT FOR DAMAGES AND UNPAID  
WAGES - 5

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JUDGE PECHMAN

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AT SEATTLE  
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WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

No. CV03-0080P

Plaintiff,

AFFIDAVIT OF SERVICE

v

JERRY CHAMBERS CHEVROLET, INC.,

Defendant

STATE OF WASHINGTON )  
COUNTY OF WHATCOM ) §

The undersigned, being first duly sworn on oath deposes and says. That she is now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington over the age of eighteen years, not a party to or interested in the above-entitled action and competent to be a witness therein.

That on March 18, 2003, I caused to be served, via First Class/US Mail, true and correct copies of the Motion to Intervene by "Charging Party" Amy Seaman and Memorandum in Support, Declaration of Counsel Karen Leigh Funston in Support

AFFIDAVIT OF SERVICE - 1

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ORIGINAL

1 of Amy Seaman's Motion to Intervene (with attachment Determination of EEOC, dated  
2 November 8, 2002); Complaint for Damages and Unpaid Wages, and **[proposed] Order**  
3 **Granting Motion of Amy Seaman to Intervene** to the parties listed below


4 **Attorneys for Defendant Jerry**  
5 **Chambers Chevrolet, Inc.:**  
6 Law Offices of Dan'l W Bridges  
7 2135 ~ 112<sup>th</sup> Avenue NE #120  
8 Bellevue, WA 98004-2912  
9 Fax (425) 818-4882

**Attorneys for Plaintiff Equal Employment**  
**Opportunity Commission:**  
A Luis Lucero, Jr , Regional Attorney  
Kathryn Olson, Supervisory Trial Attorney  
Teri Healy, Trial Attorney  
U S Equal Employment Opportunity Commission  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
Fax (206)220-6911

11  
12  
13   
14 SHELLEY R. JOHNSON

15 SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of March 2003 by **Shelly**  
16 **R. Johnson**



  
NOTARY PUBLIC in and for the State of  
Washington, residing at Deming, WA  
My commission expires 05/04/2006

AFFIDAVIT OF SERVICE - 2

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