

to judge PM  
**JUDGE PECHMAN**



**03-CV-00080-CMP**

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**MAIL**

**AUG 08 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.: CV03-0080P

**PLAINTIFF IN INTERVENTION AMY  
SEAMAN'S AMENDED 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, and files this amended complaint alleging 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.

**AMENDED 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**

1           1.3     Plaintiff Amy Seaman was an employee of Defendant's from approximately  
2     October 1998, until she was constructively discharged in September 2001. She worked as  
3     salesperson in the car dealership in Bellingham Washington.

## 4                               II. JURISDICTION & VENUE

5           2.1     All actions of which Plaintiff complains took place within the Western District  
6     of Washington.

7           2.2     This action involves a controversy arising under §§ 703(a) and 704(a) of Title  
8     VII, 42 USC §§200e-2(a) and 3(a).

9           2.3     Plaintiff requests this Court exercise its pendent jurisdiction to hear those claims  
10    which arise under state law because they are related to Plaintiff's federal claims.

## 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     harassment was to create a hostile work environment in violation of RCW 49.60.

21           3.4     Plaintiff Seaman complained about the harassment to company managers.  
22     Her complaints were made in verbal and written form.

23           3.5     In response to Plaintiff Amy Seaman's resistance to the sexual harassment  
24     In response to Plaintiff Amy Seaman's resistance to the sexual harassment  
25

1 and complaints about the sexual harassment, Defendants retaliated against Amy Seaman  
2 in violation of Washington Law Against Discrimination, RCW 49.60 by further harassing  
3 her and by limiting her earning opportunities on the job.

4 3.6 Plaintiff Seaman was constructively discharged by Defendant on  
5 approximately September 10, 2001.

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

8 Defendant's actions described in Section III above were based on Plaintiff's gender  
9 in violation of RCW 49.60.180.

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

11 Defendant's actions described in Section III above were based in whole or in part  
12 on Plaintiff's assertion of protected rights, and other conduct protected under the  
13 Washington Law Against Discrimination (RCW 49.60.010 *et seq.*), and the public policy  
14 of the State of Washington, such acts were sexual harassment and were retaliatory acts  
15 violating these statutes and the public policy of the State of Washington.

16 **VI. PRAYER FOR RELIEF**

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

18 6.1 For damages provided by law for the losses Plaintiff has suffered as a result  
19 of the conduct described in this Complaint. These damages include, but are not limited to:

- 20
- 21 a. wages to which Plaintiff was entitled by law;
  - 22 b. compensation lost to Plaintiff as a result of Defendants' failure to
  - 23 assign work to Plaintiff as described in this Complaint;
  - 24 c. wages and benefits lost to Plaintiff as a result of her termination;
- 25

1 d. wages and benefits lost to Plaintiff as a result of the retaliatory  
2 conduct described in this Complaint.

3 6.2 Double damages and other damage factors permitted under applicable  
4 Washington statutes including RCW 49.60.030 and RCW 49.52.070 and case laws and as  
5 thereafter amended.

6 6.3 Actual damages as authorized by RCW 49.60.180 *et seq.*

7 6.4 Plaintiff's costs and expenses in bringing this action, including reasonable  
8 attorneys' fees and other legal expenses as authorized by RCW 49.60.

9 6.5 Reinstatement to Plaintiff's former position or, in the absence or  
10 unfeasibility of such reinstatement, to lost wages reasonably likely to be incurred by  
11 Plaintiff in the future as a result of the loss of her employment.

12 6.6 Injunctive and/or equitable relief as the court deems appropriate.

13 6.7 For such other relief as this Court may find just, equitable, and proper under  
14 the circumstances.  
15

16 DATED this 5<sup>th</sup> day of August 2003.

17 ZENDER THURSTON, P.S.

18  
19 Karen Leigh Funston  
KAREN LEIGH FUNSTON, WSBA #28258  
Attorneys for Amy Seaman  
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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 August 7, 2003, I caused to be served, via First Class/US Mail, true and correct copies of **Plaintiff in Intervention Amy Seaman's Amended Complaint for Damages and Unpaid Wages and the Initial Disclosures of Plaintiff in Intervention**

AFFIDAVIT OF SERVICE - I


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ORIGINAL

1 Amy Seaman to the parties listed below:


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

Attorneys for Plaintiff Equal Employment  
Opportunity Commission:  
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

8  
9  
10   
SHELLY R. JOHNSON

11 SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of August 2003 by Shelly  
12 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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