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HONORABLE Ricardo S. Martinez

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff,

v.

GLOBAL IMAGING SYSTEMS, INC. and QUALITY
BUSINESS SYSTEMS, INC.

Defendants.

ANNA MARTINSEN (f/k/a CHAMBERS),

Plaintiff/Intervener,

v.

GLOBAL IMAGING SYSTEMS, INC. and QUALITY
BUSINESS SYSTEMS, INC.

Defendants.

NO. 2:05-cv-01642-RSM

INTERVENER'S
COMPLAINT

JURY TRIAL DEMANDED

PRELIMINARY STATEMENT

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3 1. This is an individual employment discrimination action seeking relief because of the
4 conduct of Defendants Global Imaging Systems, Inc. and Quality Business Systems, Inc. that
5 constitutes sexual harassment, gender discrimination, retaliation, constructive discharge, and
6 post-employment retaliation in violation of the rights of Plaintiff/Intervener Anna Martinsen
7 pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000(e) et seq., as
8 amended ("Title VII") and RCW 49.60.010 et seq. ("WLAD"). Ms. Martinsen also pursues
9 claims for tortious interference with a business relationship.
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11 2. Jurisdiction of this court is proper pursuant to 28 U.S.C. Sections 1331 and 1343(d),
12 and 42 U.S.C. Section 2000e-5.

13 3. Plaintiff/Intervener Anna Martinsen is a female individual residing in the Western
14 District of Washington, and Defendants Quality Business Systems and Global Imaging Systems,
15 Inc. are businesses duly authorized and at times pertinent to this case owned and operated
16 businesses selling copiers and imaging equipment in the Western District of Washington.
17

18 **COMPLIANCE WITH STATUTORY REQUISITES**

19
20 4. Ms. Martinsen timely filed charges with regard to gender discrimination, sexual
21 harassment, retaliation, constructive discharge, and post-employment retaliation with the Equal
22 Employment Opportunity Commission (hereinafter "EEOC").

23 5. The EEOC issued a finding of cause to believe the defendants subjected Ms.
24 Martinsen to gender discrimination, sexual harassment, retaliation, constructive discharge, and
25 post-employment retaliation, and subsequently filed its Complaint against Defendants in this

1 action. Ms. Martinsen has met all jurisdictional prerequisites and brings her intervener's action
2 timely.

3 **STATEMENT OF CLAIMS**
4 **COUNT I- TITLE VII and WLAD**

5 6. Plaintiff/Intervener incorporates by reference as if fully set out here ¶¶1-5 inclusive.

6 7. Ms. Martinsen was employed by the defendants from August 29, 2003 through
7 January 30, 2004. The defendants were at all relevant times employers within the meaning of
8 Title VII and WLAD.

9 8. From at least December 1, 2003, defendants engaged in unlawful employment
10 practices in violation of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a) and WLAD §§49.60.180,
11 49.60.210. Defendants engaged in these unlawful practices through the following actions by: (a)
12 subjecting Ms. Martinsen to sexual harassment; (b) retaliating against Ms. Martinsen for her
13 complaints about sexual harassment; (c) discriminating and retaliating against Ms. Martinsen by
14 constructively terminating her in January 2004; and (d) discriminating and retaliating against Ms.
15 Martinsen after her constructive termination on January 30, 2004.

16 9. As a direct and proximate result of the unlawful employment practices of Defendants
17 as set forth above, Plaintiff/Intervener Anna Martinsen has suffered and will continue to suffer
18 lost wages and income and benefits, lost back pay and front pay and loss of employment
19 opportunities and advancement now and in the future, emotional and mental injury, pain,
20 suffering, anguish, and distress; inconvenience, loss of reputation, embarrassment, hurt, anger,
21 upset, loss of enjoyment of life and other non-pecuniary losses.

22 10. The unlawful employment practices set forth above were done with malice or
23 reckless indifference to Ms. Martinsen's federally protected rights.
24
25

REQUEST FOR RELIEF

In view of the foregoing, Plaintiff/Intervener Anna Martinsen requests that this Court:

A. Grant a permanent injunction enjoining defendants, their officers, successors, agents, assigns, and all persons in active concert or participation with them, from engaging in any employment practices which discriminate on the basis of sex or retaliate against Ms. Martinsen for engaging in protected EEO activity.

B. Order defendants to make whole Ms. Martinsen by providing affirmative relief necessary to eradicate the effects of their unlawful employment practices.

C. Order defendants to make whole Ms. Martinsen by providing appropriate back pay with prejudgment interest and front pay, resulting from the unlawful practices described above.

D. Order defendants to make whole Ms. Martinsen by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order defendants to make whole Ms. Martinsen by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices described above, including without limitation emotional and mental injury, pain, suffering, anguish, and distress; inconvenience, loss of reputation, embarrassment, hurt, anger, upset, loss of enjoyment of life, in amounts to be determined at trial.

F. Order defendants to pay Ms. Martinsen punitive damages for their malicious and reckless conduct described above, in amounts to be determined at trial.

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

1 H. Award Ms. Martinsen her costs and attorney's fees.

2 **COUNT II – TORTIOUS INTERFERENCE WITH A BUSINESS EXPECTANCY**

3 1. Plaintiff/Intervener restates and incorporates by reference as if fully set out here the
4 allegations set forth above in Count I, ¶¶2-3, 7.

5 2. Subsequent to January 30, 2004 Ms. Martinsen obtained employment with another
6 company known as Pacific Office Automation (“POA”).

7 3. Ms. Martinsen has a valid contractual relationship or business expectancy with POA.

8 4. The defendants had knowledge of Ms. Martinsen's relationship with POA.

9 5. The defendants intentionally interfered with that relationship, causing a termination
10 of the relationship or expectancy.

11 6. The defendants interfered with the relationship or expectancy for an improper
12 purpose or improper means.

13 7. As a direct and proximate result of the tortious conduct of the defendants as set forth
14 above, Plaintiff/Intervener Anna Martinsen has suffered and will continue to suffer lost wages
15 and income and benefits, lost back pay and front pay and loss of employment opportunities and
16 advancement now and in the future, emotional and mental injury, pain, suffering, anguish, and
17 distress; inconvenience, loss of reputation, embarrassment, hurt, anger, upset, loss of enjoyment
18 of life and other non-pecuniary losses.

19 **REQUEST FOR RELIEF**

20 In view of the foregoing, Plaintiff/Intervener Anna Martinsen requests that this Court:

21 A. Order defendants to make whole Ms. Martinsen by providing appropriate back
22 pay with prejudgment interest and front pay, resulting from the tortious conduct described above.
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1 B. Order defendants to make whole Ms. Martinsen by providing compensation for
2 past and future pecuniary losses resulting from the tortious conduct described above, including
3 past and future out-of-pocket expenses, in amounts to be determined at trial.

4 C. Order defendants to make whole Ms. Martinsen by providing compensation for
5 past and future non-pecuniary losses resulting from the tortious conduct described above,
6 including without limitation emotional and mental injury, pain, suffering, anguish, and distress;
7 inconvenience, loss of reputation, embarrassment, hurt, anger, upset, loss of enjoyment of life, in
8 amounts to be determined at trial.
9

10 D. Award Ms. Martinsen her costs and attorney's fees.

11 JURY TRIAL DEMAND

12 Ms. Martinsen requests a jury trial on all questions of fact raised by her complaint.
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14
15 DATED this 21st day of February, 2006.
16

17 ALLEN LAW FIRM
18

19 /s/Laura B. Allen
20 Laura B. Allen WSBA#19805
21 ATTORNEYS FOR INTERVENER,
ANNA MARTINSEN

22 CERTIFICATE OF SERVICE
23

24 I, Laura B. Allen, attorney for Intervener/Plaintiff, caused a copy of the foregoing
25 Intervener's Complaint to be served electronically through the CM/ECF system this 21st day of
February, 2006 on A. Luis Lucero, Jr., Regional Attorney, Kathryn Olson, Supervisory Trial

1 Attorney, Damien Lee, Senior Trial Attorney, Equal Employment Opportunity Commission, 909
2 First Avenue, Suite 400, Seattle, Wa 98104; and Mark M. Hough, Skylar A. Sherwood, Riddell
3 Williams, P.S., 1001 Fourth Avenue Suite 4500, Seattle, Washington 98154-1192; and Michael
4 J. Lorenger, Hogan & Hartson LLP, 8300 Greensboro Drive, McLean, VA 22102, attorneys for
5 Defendants.

6
7 /s/ Laura B. Allen
8 Laura B. Allen WSBA#19805
9 ATTORNEYS FOR INTERVENER,
10 ANNA MARTINSEN
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