

USDC SCAN INDEX SHEET



SWD 9/30/05 14:41

3:05-CV-01880 US EQUAL EMPLOYMENT V. WALKER WOOD

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ORIGINAL

FILED

05 SEP 30 PM 12:05

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

[Signature]

DEPUTY

[Signature]

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17 U.S. EQUAL EMPLOYMENT
18 OPPORTUNITY COMMISSION

19 UNITED STATES DISTRICT COURT
20 SOUTHERN DISTRICT OF CALIFORNIA

21 U.S. EQUAL EMPLOYMENT
22 OPPORTUNITY COMMISSION,

23 Plaintiff,

24 vs.

25 WALKER WOOD PRODUCTS,

26 Defendant.

Case No.: '05 CV 1880

WQH (LSP)

COMPLAINT—TITLE VII

- Sexual Harassment
- Retaliation

JURY TRIAL DEMAND

NATURE OF THE ACTION

27 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
28 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation,
and to provide appropriate relief to Amalia Venegas and a class of similarly situated individuals,
who were adversely affected by such practices. As set forth in this Complaint, Plaintiff alleges
that Ms. Venegas and a class of similarly situated individuals were subjected to a hostile

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1 environment by Defendant based on their sex and that Defendant retaliated against Ms. Venegas
2 when she complained of the harassment.

3 **JURISDICTION AND VENUE**

4 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
5 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of
6 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)
7 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

8 2. The employment practices alleged to be unlawful were and are now being
9 committed within the jurisdiction of the United States District Court for the Southern District of
10 California.

11 **PARTIES**

12 3. Plaintiff, the U.S Equal Employment Opportunity Commission ("EEOC" or
13 "Commission"), is the agency of the United States of America charged with the administration,
14 interpretation and enforcement of Title VII, and is expressly authorized to bring this action by
15 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

16 4. At all relevant times, Defendant, Walker Wood Products (the "Employer"), has
17 continuously been a California corporation doing business in the State of California and the
18 Cities of San Marcos and Escondido, and has continuously had at least 15 employees.

19 5. At all relevant times, Defendant Employer has continuously been an employer
20 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
21 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

22 **STATEMENT OF CLAIMS**

23 6. More than thirty days prior to the institution of this lawsuit, Amalia Venegas filed
24 a charge with the Commission alleging violations of Title VII by Defendant Employer. All
25 conditions precedent to the institution of this lawsuit have been fulfilled.

26 7. Since at least December 1, 2003, Defendant Employer has engaged in unlawful
27 employment practices at its San Marcos, California facility, in violation of Section 703 of
28 Title VII, 42 U.S.C. § 2000e-2, by subjecting Amalia Venegas and a class of similarly situated

1 individuals to a sexually harassing hostile environment. The sexually harassing behavior was
2 perpetrated by a supervisor and included, but was not limited to: frequent and unwelcome
3 explicit sexual commentary about Ms. Venegas' and other women's clothing, bodies, breasts,
4 buttocks, and genitalia; sexual propositions; explicit commentary about sexual acts; staring and
5 leering. On or about May 1, 2004, sexually suggestive commentary about Ms. Venegas and
6 another woman, with telephone numbers, was also written on the men's bathroom wall.
7 Defendant Employer allowed the hostile environment to persist despite repeated complaints by
8 Ms. Venegas and others about the harassment. Defendant Employer further failed to exercise
9 reasonable care to prevent and correct promptly the sexually harassing behavior.

10 8. From on or about November 19, 2004, through at least on or about January 24,
11 2005, Defendant Employer has also engaged in unlawful employment practices at its San
12 Marcos, California facility, in violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3, by
13 retaliating against Amalia Venegas for having complained of the harassment, when it laid her off
14 from work and replaced her with a new hire.

15 9. The effect of the practices complained of in paragraph 7 above has been to deprive
16 Amalia Venegas and a class of similarly situated individuals of equal employment opportunities
17 and otherwise adversely affect their status as employees, because of their sex.

18 10. The effect of the practices complained of in paragraph 8 above has been to
19 deprive Amalia Venegas of equal employment opportunities and otherwise adversely affect her
20 status as an employee, because of her participation in the protected activity of opposing sex-
21 discriminatory practices at Defendant Employer.

22 11. The unlawful employment practices complained of in paragraphs 7-8 above were
23 and are intentional.

24 12. The unlawful employment practices complained of in paragraphs 7-8 above were
25 and are done with malice or with reckless indifference to the federally protected rights of Amalia
26 Venegas and a class of similarly situated individuals.

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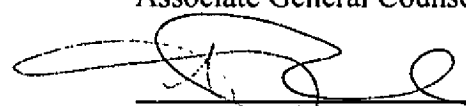
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JURY TRIAL DEMAND

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

James L. Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel



Anna Y. Park
Regional Attorney

9/29/05

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

ORIGINAL

CIVIL COVER SHEET

I (a) PLAINTIFFS

U.S. Equal Employment Opportunity
Commission

(b) COUNTY OF RESIDENCE OF FIRST LISTED
PLAINTIFF Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Walker Wood Products
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT San Diego
(IN U.S. PLAINTIFF CASES ONLY)
BY: WQH DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Anna Y. Park, Cherry-Marie Rojas
Connie Liem
255 East Temple Street, 4th Fl.
Los Angeles, CA 90012

ATTORNEYS (IF KNOWN)

05 CV 1880 - WQH

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☒ U.S. Government Plaintiff ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

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

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 194 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 147 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWD/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fed. Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE

9/29/05

SIGNATURE OF ATTORNEY OF RECORD