

Mary Jo O'Neill, AZ Bar No. 005924  
Sally C. Shanley, AZ Bar No. 012251  
Michelle G. Marshall, AZ Bar No. 017358  
**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, Phoenix District Office**  
3300 North Central Avenue, Suite 690  
Phoenix, Arizona 85012-2504  
Telephone: (602) 640-5020  
Fax: (602) 640-5009  
Emails: mary.oneill@eeoc.gov  
sally.shanley@eeoc.gov  
michelle.marshall@eeoc.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	Case No.:
Plaintiff,	)	
vs.	)	COMPLAINT
SUNWEST FEDERAL CREDIT UNION,	)	(JURY TRIAL DEMANDED)
A Federally Chartered Credit Union,	)	
Defendant.	)	

**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 on the basis of sex, female, and provide appropriate relief due to Marlene Wight and a class of women as a result of such unlawful practices. The Commission alleges that Sunwest Federal Credit Union (hereinafter "Defendant") discriminated against Marlene Wight and a class of women by subjecting them to sexual and gender-based harassment. The Commission further alleges that Defendant discriminated against Ms. Wight in retaliation for complaining about the harassment by further harassing and then terminating her.

1  
2  
3  
4  
5  
6  
7  
8  
9  
**JURISDICTION AND VENUE**

10 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,  
11 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section  
12 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §  
13 2000e-5(f)(1) and (3) ("Title VII") and pursuant to Section 102 of the Civil Rights Act of  
14 1991, 42 U.S.C. § 1981a. The employment practices alleged to be unlawful were  
15 committed within the jurisdiction of the United States District Court for the District of  
16 Arizona, Phoenix Division.

17  
18  
19  
20  
**PARTIES**

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

25 3. At all relevant times, Defendant has continuously been a federally chartered  
26 credit union doing business in the State of Arizona and has continuously had at least 15  
27 employees.

28 4. At all relevant times, Defendant 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).

**STATEMENT OF CLAIMS**

5. More than thirty days prior to the institution of this lawsuit, Marlene Wight  
filed a charge with the Commission alleging violations of Title VII by Defendant. All  
conditions precedent to the institution of this lawsuit have been fulfilled.

6. Since at least January 2004, Defendant has engaged in unlawful  
employment practices in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-  
2(a)(1). These unlawful employment practices include, but are not limited to:

- a. A manager leering at and touching female employees without their  
consent;

- b. A manager referring to himself as a “babe magnet;”
- c. A manager regularly referring to women as “bitches;” and
- d. A manager yelling at, demeaning and intimidating female employees.

7. Since at least January 2004, Defendant has engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3, by retaliating against Ms. Wight by further harassing her and then discharging her from her employment after she made complaints about the hostile work environment. These unlawful employment practices include, but are not limited to:

- a. A manager telling Ms. Wight, “You will not cost me my job. I will take you out,” and “I am your executioner, I have my executioner’s hood on and I’m ready to take your head off;”
- b. A manager changing Ms. Wight’s job title and giving her unrealistic goals to meet; and
- c. Defendant disciplining and discharging Ms. Wight.

8. The effect of the practice(s) complained of in paragraphs 6 and 7 has been to deprive Marlene Wight and a class of women of equal employment opportunities and otherwise adversely affect their status as employees, because of their sex, female.

9. The unlawful employment practices complained of in paragraphs 6 and 7 were intentional.

10. The unlawful employment practices complained of in paragraphs 6 and 7 were done with malice or with reckless indifference to the federally protected rights of Ms. Wight and a class of women.

#### **PRAYER FOR RELIEF**

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from

1 engaging in the harassment of employees because of sex and any other employment  
2 practice which discriminates on the basis of sex.

3 B. Grant a permanent injunction enjoining Defendant, its officers, successors,  
4 assigns and all persons in active concert or participation with it, from engaging in any  
5 employment practice which discriminates or retaliates against any individual because of  
6 the individual's opposition to perceived unlawful employment practices and/or because  
7 the individual filed a charge, testified, assisted or participated in an investigation or  
8 proceeding under Title VII.

9 C. Order Defendant to make whole Marlene Wight by providing backpay with  
10 prejudgment interest, in amounts to be proved at trial, and other affirmative relief  
11 necessary to eradicate the effects of its unlawful employment practices, including, but not  
12 limited to, rightful place reinstatement or front pay.

13 D. Order Defendant to make whole Marlene Wight and a class of women by  
14 providing compensation for past and future pecuniary losses resulting from the unlawful  
15 practices described in paragraph 6 above, and make whole Marlene Wight by providing  
16 compensation for past and future pecuniary losses resulting from the unlawful practices  
17 described in paragraph 7, in amounts to be determined at trial.

18 E. Order Defendant to make whole Marlene Wight and a class of women by  
19 providing compensation for past and future nonpecuniary losses resulting from the  
20 unlawful practices complained of in paragraph 6 above, and make whole Marlene Wight  
21 by providing compensation for past and future pecuniary losses resulting from the  
22 unlawful practices described in paragraph 7, including but not limited to emotional pain,  
23 suffering, inconvenience, mental anguish, and loss of enjoyment of life, in amounts to be  
24 determined at trial.

25 F. Order Defendant to pay Marlene Wight and a class of women punitive  
26 damages for its malicious and/or reckless conduct described in paragraph 6 above, and  
27 pay Marlene Wight punitive damages for its malicious and/or reckless conduct described  
28 in paragraph 7, in an amount to be determined at trial.

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

3 H. Award the Commission its costs of this action.

4 **JURY TRIAL DEMAND**

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

7 Respectfully submitted this 22nd day of September, 2006.

8  
9 RONALD S. COOPER  
General Counsel

10 JAMES L. LEE  
Deputy General Counsel

11 GWENDOLYN YOUNG REAMS  
Associate General Counsel

12 EQUAL EMPLOYMENT  
13 OPPORTUNITY COMMISSION  
14 1801 L Street, NW  
15 Washington, D.C. 20507

16 s/ Mary Jo O'Neill  
17 MARY JO O'NEILL  
18 Regional Attorney

19 s/ Sally C. Shanley  
20 SALLY C. SHANLEY  
Supervisory Trial Attorney

21 s/ Michelle G. Marshall  
22 MICHELLE G. MARSHALL  
23 Trial Attorney

24 EQUAL EMPLOYMENT  
25 OPPORTUNITY COMMISSION  
26 Phoenix District Office  
3300 N. Central Ave.  
Suite 690  
Phoenix, Arizona 85012

27 Attorneys for Plaintiff  
28