

ADAMS
C:

A. LUIS LUCERO, JR., REGIONAL ATTORNEY
KATHRYN OLSON, SUPERVISORY TRIAL ATTORNEY
CARMEN FLORES, SENIOR TRIAL ATTORNEY
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
909 FIRST AVENUE, SUITE 400
SEATTLE, WA 98104
TEL: (206) 220-6920

ORIGINAL

ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	COMPLAINT
v.)	'04 1361 AS
)	JURY TRIAL DEMAND
LITHIA SUBARU OF)	
OREGON CITY,)	
)	
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 and to provide appropriate relief to Hussain Adel and Mark Harris, who were adversely affected by such practices. The Equal Employment Opportunity Commission ("EEOC" or "the Commission") alleges that defendant harassed Mr. Adel because of his national origin (Iranian) and religion (islam), creating a hostile

work environment, which led to his discharge. EEOC further alleges that defendant terminated Mr. Harris in retaliation for his opposition to defendant's employment practices, including its treatment of Ms. Adel, which violated Title VII. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages.

JURISDICTION AND VENUE

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

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Oregon.

PARTIES

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

4. At all relevant times, defendant, Lithia Subaru of Oregon City., incorporated in the State of Oregon, has continuously been a corporation doing business in the State of Oregon and has continuously had at least 15 employees.

5. 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. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone: (206) 220-6883
Facsimile: (206) 220-6911
TDD: (206) 220-6882

U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Hussain Adel and Mark Harris filed charges simultaneously with the Oregon Bureau of Labor and Industries and the Equal Employment Opportunity Commission, alleging violations of Title VII by defendant Lithia Subaru of Oregon City. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least April, 2002 to January 2003, defendant engaged in unlawful employment practices at its Oregon City, Oregon facility in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a). Defendant affected the terms and conditions of employment of Mr. Adel and Mr. Harris by subjecting Mr. Adel to hostile work environment harassment based on his race (Iranian) and religion (Islam), which led to his discharge. Also, defendant terminated Mr. Harris in retaliation for his engaging in activity protected under Title VII.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Mr. Adel and Mr. Harris of equal employment opportunities and otherwise adversely affect their status as employees of Lithia Subaru of Oregon City because of race, religion and in retaliation for opposing discrimination.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were

done with malice or with reckless indifference to the federally protected rights of Hussain Adel and Mark Harris.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any other employment practice which discriminates on the bases of race, religion and in retaliation for opposing discrimination.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Hussain Adel and Mark Harris by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

D. Order defendant to make whole Hussain Adel and Mark Harris by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order defendant to pay Hussain Adel and Mark Harris punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at

trial.

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

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

DATED this 23rd day of September, 2004.

A. LUIS LUCERO, JR.
Regional Attorney

ERIC S. DREIBAND
General Counsel

KATHRYN OLSON
Supervisory Trial Attorney

JAMES L. LEE
Deputy General Counsel

CARMEN FLORES
Senior Trial Attorney

GWENDOLYN YOUNG REAMS
Associate General Counsel

BY: 
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104
Telephone (206) 220-6920

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Office of the General Counsel
1801 "L" Street NW
Washington, D.C. 20507

Attorneys for Plaintiff