

ORIGINAL

The Honorable Robert J Bryan

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	



CV 01-05426 #00000010

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

JULIE A. NEEDHAM

Intervenor Plaintiff,

vs

**TUALATIN VALLEY BUILDER'S
SUPPLY, INC.; TODD LAYTON; MARK
LEATHERS; NICK BLAYLOCK; MIKE
MAXWELL; MICHAEL D. HILLIER,**

Defendants

Case No. C01-5426RJB

**COMPLAINT IN INTERVENTION
FOR SEX DISCRIMINATION AND
RETALIATION IN VIOLATION OF
TITLE VII AND RCW 49.60. et seq.**

[JURY DEMAND]

COMPLAINT IN INTERVENTION
FOR SEX DISCRIMINATION AND
RETALIATION - 1

Arin M Dunn, WSBA 27171
Emily A Sheldrick, WSBA 26562
1014 Franklin St, Suite 110
Vancouver, WA 98660
(360) 737-6793

ISSA

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1 **I. PARTIES**

2 1 1 Intervenor Julie A Needham ("Needham") is a female, and has been at all times
3 material to this Complaint, a resident of Vancouver, Washington in Clark County At all times
4 material to this action, Needham was an employee of Tualatin Valley Builder's Supply, Inc
5 ("TVBS") in Vancouver, Washington

6 1 2 TVBS is an Oregon corporation with a business location in Vancouver,
7 Washington at all times material to this Complaint TVBS employed at least 15 employees in
8 Vancouver, Washington at all times relevant to this Complaint TVBS has nine other business
9 locations in Washington, Oregon and California

10 1 3 TVBS has been an employer engaged in an industry affecting commerce within
11 the meaning of 42 USC § 2000e-(b), (g), and (h)

12 1 4 Todd Layton is a resident of Oregon At all times material to this action, Todd
13 Layton was a manager of TVBS in Vancouver, Washington

14 1 5 Nick Blaylock is a resident of Washington At all times material to this action,
15 Nick Blaylock was a manager of TVBS in Vancouver, Washington

16 1 6 Mark Leathers is a resident of Washington At all times material to this action,
17 Mark Leathers was a manager of TVBS in Vancouver, Washington

18 1 7 Mike Maxwell is a resident of Oregon At all times material to this action, Mike
19 Maxwell was Vice President and Human Resources Director for TVBS

20 1 8 Michael D Hillier is a resident of Oregon At all times material to this action,
21 Michael D Hillier was the president and an owner of TVBS

22 **II. JURISDICTION AND VENUE**

23 2 2 This action arises under the Washington Law Against Discrimination, RCW
24 49 60, et seq , and 42 USC § 2000e, et seq

25 2 3 This court has federal question jurisdiction over the federal claims pursuant to 28

1 USC § 1331, 28 USC § 1337, 28 USC § 1343, 42 USC § 1981a, and 42 USC § 1988

2 2 4 This court has supplemental jurisdiction over the state claims based on 28 USC §
3 1367(a) because Needham's claims arise from the same operative facts and involve similar
4 issues of law as Needham's federal claims

5 2 5 Venue is proper in the Western District of Washington under 28 USC § 1391(b)
6 because defendant TVBS does business in the Western District of Washington, Needham is a
7 resident of the Western District of Washington, and a substantial part of the events or omissions
8 giving rise to the claims occurred in the Western District of Washington

9 2 6 Needham timely filed a charge against defendants alleging sex discrimination and
10 retaliation with the Equal Employment Opportunity Commission The Equal Employment
11 Opportunity Commission filed suit on Needham's behalf in the U S District Court, Western
12 District of Washington

13 III. FACTS

14 3 1 Needham began her employment with TVBS in July 1999 as a receptionist/front
15 desk clerk at the TVBS Vancouver, Washington location

16 3 2 Todd Layton hired Needham and supervised her daily activities while she worked
17 as a receptionist/front desk clerk

18 3 3 On or about April 2000, Needham was promoted to sales assistant Mark
19 Leathers then became Needham's direct supervisor and remained her supervisor until Needham's
20 employment with TVBS was terminated

21 3 4 Throughout Needham's employment at TVBS, Nick Blaylock was the general
22 manager of the TVBS Vancouver, Washington location

23 3 5 As both a receptionist/front desk clerk and sales assistant, Needham performed
24 her job satisfactorily

25 3 6 Beginning on Needham's first day working at TVBS and throughout her
26

1 employment, Needham was subjected to, on a repeated and ongoing basis, sexually hostile,
2 intimidating, and unwelcome comments and sexual advances by her male co-workers and
3 supervisors. The conduct included unwelcome touching and grabbing.

4 3 7 Needham repeatedly told her co-workers to stop their offensive conduct, but the
5 unwelcome behavior continued. This behavior subjected Needham to a sexually hostile work
6 environment.

7 3 8 Needham also repeatedly informed her supervisors of the unwelcome behavior by
8 her co-workers. Nevertheless, the behavior continued.

9 3 9 was also subjected to sexual advances and unwelcome sexual comments
10 by a vendor of TVBS.

11 3 10 Needham was also subjected to sexual advances by the president and owner of
12 TVBS, Michael Hillier.

13 3 11 Needham repeatedly complained about the unwelcome comments and sexual
14 behavior from her male co-workers to her immediate supervisor, Todd Layton. Mr. Layton also
15 observed and witnessed the sexually hostile work environment. Ms. Needham was subjected to

16 3 12 Needham also complained about the unwelcome comments and sexual behavior
17 from her male co-workers to Nick Blaylock, the TVBS Vancouver General Manager.

18 3 13 Needham also complained about the unwelcome comments and sexual behavior
19 of her male co-workers to the Vice President and Human Resources Director, Mike Maxwell.

20 3 14 Because of Needham's repeated complaints, TVBS and the individual defendants
21 were on notice, or alternatively should have known, about the sexually hostile work
22 environment.

23 3 15 Despite Needham's complaints about the misconduct of her co-workers and
24 supervisors, TVBS and the individual defendants refused and/or failed to take prompt and
25 appropriate remedial action to prevent a continuation of the sexually hostile work environment.

1 3 16 By their refusal and/or failure to take prompt, appropriate remedial action, TVBS
2 and the individual defendants, as agents of TVBS and in their supervisory capacities, maliciously
3 and recklessly injured Needham. These injuries were intentionally inflicted.

4 3 17 TVBS and the individual defendants implicitly or expressly conditioned future
5 employment and employment benefits upon their discriminatory and retaliatory misconduct.

6 3 18 After Needham complained about the sexually hostile work environment and
7 retaliation to Mr Maxwell, Mr Blaylock and Mr Leathers further retaliated against her for
8 complaining by terminating her employment.

9 10 **IV. FIRST CLAIM**

11 4 1 Needham realleges paragraphs 1 1 through 3 18 herein.

12 4 2 The individual defendants and TVBS, acting through its agents on behalf of
13 TVBS in their official capacity, discriminated against Needham on the basis of her sex, in willful
14 violation of Title VII and RCW 49 60 180, by creating a sexually hostile work environment.

15 4 3 Todd Layton, Nick Blaylock, Mark Leathers, Mike Maxwell and Michael Hillier,
16 acting individually and in their official capacities as agents of TVBS, discriminated against
17 Needham on the basis of her sex, in willful violation of RCW 49 60 180, by creating a sexually
18 hostile work environment.

19 4 4 As a result of all defendants' unlawful actions, Needham has lost past and future
20 wages, benefits, and income, lost future earnings, expenses, and has suffered emotional distress.

21 4 5 As a result of Todd Layton, Nick Blaylock, Mark Leathers, Mike Maxwell and
22 Michael Hillier's unlawful actions, Needham has lost past and future wages, benefits, and
23 income, lost future earnings, expenses, and has suffered emotional distress.

24 **V. SECOND CLAIM**

25 5 1 Needham realleges paragraphs 1 1 through 4 5 herein.

1 2000e

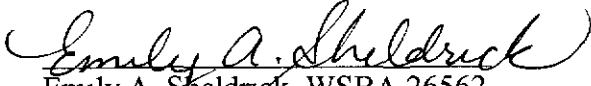
2 g Awarding Needham such other relief as this Court deems just and equitable

3 **VIII. JURY DEMAND**

4 8 1 Plaintiff requests a jury trial on all questions of fact raised in her complaint

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7
8 Dated this 1 day of August, 2001

9 EMILY A. SHELDRIK
10 ARIN M. DUNN

11 
12 Emily A. Sheldrick, WSBA 26562
13 Arin M. Dunn, WSBA 27171
14 Attorneys for Intervenor Julie A. Needham

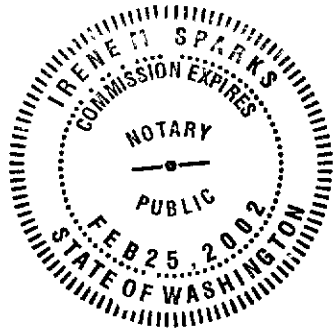
1 VERIFICATION

2 STATE OF WASHINGTON)
3) SS
4 COUNTY OF KING)

5 The person who signed below affirmed that she is the intervenor in the above-entitled
6 cause, has read the foregoing complaint, knows the contents thereof, and believes the same to be
7 true

8
9 Julie A Needham
10 JULIE A NEEDHAM

11 SIGNED AND AFFIRMED to before me this 30 day of July, 2001, by Julie A
12 Needham

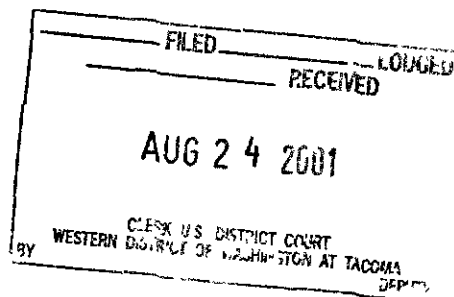


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14 Irene M Sparks
15 Printed Name Irene M Sparks
16 NOTARY PUBLIC in and for the State of
17 Washington, residing at Vancouver
18 My commission expires 2-25-02

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The Honorable Robert J Bryan



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Defendants

Case No C01-5426RJB

DECLARATION OF MAILING

Emily Sheldrick hereby certifies that on August 22, 2001 I deposited in the U S Mail,
postage prepaid to the Clerk of the Court, United States District Court Western District of
Washington, United States Courthouse, 1717 Pacific Ave, Rm 3100, Tacoma, Washington

DECLARATION OF MAILING - 1

Arin M Dunn, WSBA 27171
Emily A Sheldrick, WSBA 26562
1014 Franklin St, Suite 110
Vancouver, WA 98660
(360) 737-6793

1 98402-3200 copies of Julie A. Needham's Complaint in Intervention and Summons I also sent
2 copies of the Complaint in Intervention and Summons in the U S Mail postage prepaid to Ms
3 Nancy Maisano, representative for the plaintiff Equal Employment Opportunity Commission, at
4 the offices of the Equal Employment Opportunity Commission, 909 First Avenue, Suite 400,
5 Seattle, Washington 98104 and to Joe Vance, attorney for Tualatin Valley Builder's Supply, Inc ,
6 in regular U S. Mail, postage prepaid, to 1300 SW Fifth Avenue, Suite 2300, Portland, Oregon
7 97201-5682

8 I declare under penalty of perjury under the laws of the United State that the foregoing is true
9 and correct

10 DATED this 22 day of August, 2001 at Vancouver, Washington

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12 Emily A. Sheldrick
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