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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 EQUAL EMPLOYMENT
15 OPPORTUNITY COMMISSION,

16 Plaintiff,

17 v.

18 RIVERA VINEYARDS, INC. d/b/a
19 BLAS RIVERA VINEYARDS;
20 LINDA VINEYARDS, INC.; BR
21 COMPANY; OASIS
22 DISTRIBUTING; AND DOES 1-7
23 Inclusive,

24 Defendants.

CASE NO.:

EDCV03-1117 RT (SGdx)

**COMPLAINT- CIVIL RIGHTS
EMPLOYMENT
DISCRIMINATION**
(42 U.S.C. §§ 2000e, *et seq.*)

JURY TRIAL DEMAND

NATURE OF THE ACTION

25 This is an action under Title VII of the Civil Rights Act of 1964, as
26 amended, 42 U.S.C. § 2000e *et seq.* ("Title VII"), and Title I of the Civil Rights
27 Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the
28 basis of sex and to provide appropriate relief to Rosario Taylor and Virginia
Mejia, former employees of Rivera Vineyards, Inc., et al. (hereafter collectively
referred to as "Defendant"), and to a class of female employees who were
adversely affected by such practices. Plaintiff, the U.S. Equal Employment
Opportunity Commission (the "Commission"), contends Defendants have engaged
in a pattern and practice of discrimination against Rosario Taylor, Virginia Mejia

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RIVERSIDE

1 and a class of other female employees because of their sex, by subjecting them to a
2 hostile and abusive work environment, failing to take prompt remedial action
3 intended to eliminate the harassment after the Defendant became aware of such
4 behavior, and segregating and excluding female employees from certain positions,
5 in violation of Title VII. The Commission further alleges that Defendant
6 retaliated against Taylor and Mejia in violation of Section 704(a) of Title VII for
7 complaining about the sex harassment and/or engaging in other protected
8 activities.

9 JURISDICTION AND VENUE

10 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
11 1331, 1337, 1343 and 1345.

12 2. This action is authorized and instituted pursuant to Sections 706(f)(1)
13 and (3), and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42
14 U.S.C. § 2000e-5 (f) (1) and (3), and -6 ("Title VII") and Section 102 of Title I of
15 the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

16 3. The employment practices alleged to be unlawful were and are now
17 being committed within the jurisdiction of the United States District Court for the
18 Central District of California, Eastern Division.

19 4. The Defendant's principal place of business and employment
20 records relevant to such alleged employment practices are located within the
21 jurisdiction of the United States District Court for the Central District of
22 California, Eastern Division.

23 PARTIES

24 5. Plaintiff, the Equal Employment Opportunity Commission, is the
25 federal agency charged with the administration, interpretation and enforcement of
26 Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and
27 (3) of Title VII, and is expressly authorized to bring this action by Section 705 (f)
28 (1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f) (1) and (3).

1 6. At all relevant times, Defendant was and is a California corporation
2 with its principal place of business within the jurisdiction of the United States
3 District Court for the Central District of California, Eastern Division. At all
4 relevant times, Defendant has continuously employed fifteen (15) or more persons.

5 7. Plaintiff is ignorant of the true names and capacities of Defendant,
6 sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues said
7 Defendant by such fictitious names. Plaintiff reserves the right to amend the
8 complaint to name the DOE Defendant individually or corporately as they become
9 known. Plaintiff alleges that each of the Defendant named as DOES was in some
10 manner responsible for the acts and omissions alleged herein and Plaintiff will
11 amend the complaint to allege such responsibility when same shall have been
12 ascertained by Plaintiff.

13 8. It is further alleged on information and belief that the unnamed
14 defendants in the complaint are mere alter egos of the Defendant Rivera
15 Vineyards, Inc.. The remaining defendants are properly named in the complaint.

16 9. All of the acts and failures to act alleged herein were duly performed
17 by and attributable to Defendant, each acting as a successor, agent, employee or
18 under the direction and control of the others, except as specifically alleged
19 otherwise. Said acts and failures to act were within the scope of such agency
20 and/or employment, and each Defendant participated in, approved and/or ratified
21 the unlawful acts and omissions by the other Defendant complained of herein.
22 Whenever and wherever reference is made to any act in this Complaint by a
23 defendant employer or Defendant, such allegations and reference shall also be
24 deemed to mean the acts and failures to act of each Defendant acting individually,
25 jointly and/or severally.

26 10. At all relevant times, Defendant has continuously engaged in an
27 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
28 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

11. More than thirty days prior to the institution of this lawsuit, Taylor and Mejia filed charges with the Commission alleging violations of Title VII by Defendant. The Commission investigated and issued Letters of Determination finding that Taylor, Mejia and a class of similarly situated individuals were subjected to a pattern or practice of unlawful sex harassment, and segregation and exclusion from certain positions reserved solely for male employees. The Commission also found that Taylor and Mejia were subjected to retaliation in violation of Title VII for complaining about sex harassment and engaging in other protected activities. All conditions precedent to the institution of this lawsuit have been fulfilled.

12. Since at least January 1989, Defendant has engaged in a pattern or practice of unlawful employment practices at its Coachella Valley locations, in violation of Sections 703 (a), 706 and 707 of Title VII, 42 U.S.C. §2000e-2(a)(1) and -6. These practices, include but are not limited to, engaging in intentional discrimination against Taylor, Mejia and a class of female employees by subjecting them to sexual harassment, sex-based harassment, segregating and excluding females employees from certain employment positions, and failing to take prompt remedial action intended to eliminate the harassment after the Defendant became aware of the illegal behavior, all in continuing violation of Sections 703(a) and 707 of Title VII, 42 U.S.C. §2000e-2(a)(1) and -6. The sexual harassment, sex-based harassment, and sex segregation, include but are not limited to, unwelcome touching of female employees' breasts, stomachs, and buttocks, forcing women to engage in unwelcome sexual conduct, soliciting sexual favors in exchange for favorable terms and conditions of employment, unwelcome derogatory comments about women, and unequal opportunities for employment for women.

13. Since at least February 2000, on or about the time when Taylor and

1 Mejia complained to Defendant about sexual harassment, Defendant has engaged
2 in unlawful employment practices at its Coachella Valley locations, in violation of
3 Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a) by subjecting Taylor, and
4 Mejia to retaliation. The unlawful retaliatory acts that Taylor and Mejia were
5 subjected to, include but are not limited to, lay offs, and failure to re-call.

6 14. The effect of the practice(s) complained of in paragraphs 12 and 13
7 above has been to deprive Taylor, Richardson, and a class of female employees of
8 equal employment opportunities and otherwise adversely affect their status as
9 employees, because of their sex and/or because they engaged in activity protected
10 under Title VII.

11 15. The unlawful employment practices complained of in paragraphs 12
12 and 13 above were intentional.

13 16. The unlawful employment practices complained of in paragraphs 12
14 and 13 above were done with malice or with reckless indifference to the
15 federally protected rights of Taylor, Mejia and a class of female employees.

16 17. As a direct and proximate result of Defendant's aforesaid acts
17 Taylor, Mejia and a class of employees have each suffered emotional pain,
18 suffering, inconvenience, loss of enjoyment of life, humiliation and damages,
19 according to proof.

20 18. As a direct and proximate result of Defendant's aforesaid acts,
21 Taylor, Mejia and a class of employees suffered a loss of earnings in an amount
22 according to proof.

23 PRAYER FOR RELIEF

24 Wherefore, the Commission respectfully requests that this Court:

25 A. Grant a permanent injunction enjoining Defendant, their respective
26 officers, successors, assigns, agents, and all persons in active concert or
27 participation with them, from engaging in any employment practice which
28 discriminates on the basis of sex;

1 B. Grant a permanent injunction enjoining Defendant, their respective
2 officers, successors, assigns, agents, and all persons in active concert or
3 participation with them, from retaliating against any employee who engages in any
4 protected activity under Title VII;

5 C. Order Defendant to institute and carry out policies, practices, and
6 programs which provide equal employment opportunities and a non-hostile work
7 environment for female employees, and which eradicate the effects of its past and
8 present unlawful employment practices;

9 D. Order Defendant to make whole Taylor, Mejia and a class of female
10 employees, by providing appropriate backpay with prejudgment interest, and front
11 pay in amounts to be determined at trial, and/or other affirmative relief necessary
12 to eradicate the effects of its unlawful employment practices;

13 E. Order Defendant to make whole Taylor, Mejia and a class of female
14 employees by providing compensation for past and future pecuniary losses
15 resulting from the unlawful practices complained of in paragraphs 12 and 13
16 above;

17 F. Order Defendant to make whole Taylor, Mejia and a class of female
18 employees by providing compensation for past and future non-pecuniary losses
19 resulting from the unlawful practices complained of in paragraphs 12 and 13
20 above, including, but not limited to emotional pain, suffering, inconvenience, loss
21 of enjoyment of life, and humiliation, in amounts to be determined at trial;

22 G. Order Defendants to pay Taylor, Mejia and a class of female
23 employees punitive damages for its malicious and/or reckless conduct described in
24 paragraphs 12 and 13 above, in amounts to be determined at trial;

25 H. Grant such further relief as the Court deems necessary and proper in
26 the public interest; and

27 I. Award the Commission its costs of this action.

28 ///

JURY TRIAL DEMAND

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

Dated: September 26, 2003 Respectfully Submitted,

ERIC S. DREIBAND,
General Counsel

JAMES LEE,
Deputy General Counsel

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