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LOS ANGELES

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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA

9 U.S. EQUAL EMPLOYMENT
10 OPPORTUNITY COMMISSION,

11 Plaintiff,

12 v.

13 BSH HOME APPLIANCES
14 CORPORATION, AND DOES 1-10
15 Inclusive,

16 Defendants.

CASE NO.: LACV03-7013TJH

(RC)

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

JURY TRIAL DEMAND

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20 NATURE OF THE ACTION

21 This is an action under Title VII of the Civil Rights Act of 1964, as
22 amended, and Title I of the Civil Rights Act of 1991 to correct unlawful
23 employment practices. Plaintiff United States Equal Employment Opportunity
24 Commission ("Commission") alleges that Defendants BSH Home Appliances
25 Corporation, and Doe Defendants 1-10 ("Defendants") subjected Charging Parties
26 Erika Salgado ("Ms. Salgado") and Michelle Hernandez ("Ms. Hernandez") to
27 sexual harassment. The Commission further alleges that Defendants retaliated
28 against Ms. Salgado for resisting and/or complaining about the sexual harassment.

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1 complaint to allege such responsibility when same shall have been ascertained by
2 Plaintiff.

3 8. All of the acts and failures to act alleged herein were duly performed
4 by and attributable to all Defendants, each acting as a successor, agent, employee
5 or under the direction and control of the others, except as otherwise specifically
6 alleged. Said acts and failures to act were within the scope of such agency and/or
7 employment, and each Defendant participated in, approved and/or ratified the
8 unlawful acts and omissions by other Defendants complained of herein.

9 Whenever and wherever reference is made in this Complaint to any act by a
10 Defendant or Defendants, such allegations and reference shall also be deemed to
11 mean the acts and failures to act of each Defendant acting individually, jointly,
12 and/or severally.

13 STATEMENT OF CLAIMS

14 9. More than thirty days prior to the institution of this lawsuit, Ms.
15 Salgado and Ms. Hernandez each filed a charge with the Commission alleging
16 violations of Title VII by Defendants. The Commission investigated and issued a
17 Letter of Determination finding that Ms. Salgado was subjected to unlawful sexual
18 harassment and retaliation in violation of Title VII. The Commission investigated
19 and issued a Letter of Determination finding that Ms. Hernandez was subjected to
20 sexual harassment in violation of Title VII. All conditions precedent to the
21 institution of this lawsuit have been fulfilled.

22 10. Since in or about at least 2000, Defendants have engaged in unlawful
23 employment practices at its Los Angeles, California location, in violation of
24 Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a)(1) by subjecting Ms. Salgado
25 and Ms. Hernandez to sexual harassment. The sexual harassment Ms. Salgado and
26 Ms. Hernandez were subjected to included, but was not limited to, unwelcome
27 physical touching, and sexually charged and/or suggestive, speech and/or conduct,
28 and requests for dates and other unwanted social interaction.

1 11. When Ms. Salgado rebuked and/or complained about the sexual
2 harassment, Defendants subjected her to unwarranted discipline and terminated
3 her, resulting in a tangible employment action. Defendants also failed to take
4 immediate and effective corrective action to prevent the harassment despite
5 repeated complaints from Ms. Salgado and Ms. Hernandez about sexual
6 harassment.

7 12. The effect of the practice(s) complained of in paragraphs 10 and 11
8 above has been to deprive Ms. Salgado and Ms. Hernandez of equal employment
9 opportunities and otherwise adversely affect their status as employees, because of
10 their sex.

11 13. Since in or about at least 2000, Defendants have engaged in unlawful
12 employment practices at its Los Angeles, California location, in violation of
13 Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by subjecting Ms. Salgado to
14 retaliation for complaining about sexual harassment. The retaliation against Ms.
15 Salgado included, but was not limited to, unwarranted discipline, reprimands, and
16 termination.

17 14. The effect of the practices complained of above in paragraph 13 has
18 been to deprive Ms. Salgado of equal employment opportunities and to otherwise
19 adversely affect her employment status because she engaged in activity protected
20 under Title VII.

21 15. The unlawful employment practices complained of in paragraphs 10
22 through 14 above were intentional.

23 16. The unlawful employment practices complained of in paragraphs 10
24 through 14 above were done with malice or with reckless indifference to the
25 federally protected rights of Ms. Salgado and Ms. Hernandez.

26 17. As a direct and proximate result of the aforesaid acts of Defendants,
27 Ms. Salgado and Ms. Hernandez have each suffered emotional pain, suffering,

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1 inconvenience, loss of enjoyment of life, humiliation and damages, according to
2 proof.

3 18. As a direct and proximate result of the aforesaid acts of Defendants,
4 Ms. Salgado suffered a loss of earnings in an amount according to proof.

5 PRAYER FOR RELIEF

6 Wherefore, the Commission respectfully requests that this Court:

7 A. Grant a permanent injunction enjoining Defendants, their respective
8 officers, successors, assigns, agents, and all persons in active concert or
9 participation with them, from engaging in any employment practice which
10 discriminates on the basis of sex;

11 B. Grant a permanent injunction enjoining Defendants, their respective
12 officers, successors, assigns, agents, and all persons in active concert or
13 participation with them, from retaliating against any employee who opposes
14 discrimination or engages in any protected activity under Title VII;

15 C. Order Defendants to institute and carry out policies, practices, and
16 programs which provide equal employment opportunities for women, and which
17 eradicate the effects of its past and present unlawful employment practices;

18 D. Order Defendants to make whole Ms. Salgado, by providing
19 appropriate backpay with prejudgment interest, and front pay in amounts to be
20 determined at trial, and/or other affirmative relief necessary to eradicate the effects
21 of its unlawful employment practices;

22 E. Order Defendants to make whole Ms. Salgado and Ms. Hernandez
23 whole by providing compensation for past and future non-pecuniary losses
24 resulting from the unlawful practices complained of in paragraphs 10 through 14
25 above, including, but not limited to emotional pain, suffering, inconvenience, loss
26 of enjoyment of life, and humiliation, in amounts to be determined at trial.

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1 F. Order Defendants to pay Ms. Salgado and Ms. Hernandez punitive
2 damages for its malicious and reckless conduct described in paragraphs 10 through
3 14 above, in amounts to be determined at trial.

4 G. Grant such further relief as the Court deems necessary and proper in
5 the public interest.

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

7 JURY TRIAL DEMAND

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

10 Dated: September 29, 2003

Respectfully Submitted,

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12 General Counsel

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