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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

2004 JUN 30 PM 12:44
U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

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11 EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

12 Plaintiff,

13 vs.

14 DIVERSIFIED PARATRANSIT,
15 INC., PAUL'S YELLOW CAB d/b/a
Yellow Cab, AND INLAND
16 EXPRESS, INC.; and DOES 1-10
Inclusively,

17 Defendants.
18

19 CASE NO. CV04-762 *STO*
ATW

20 COMPLAINT

21 : CIVIL RIGHTS
22 : EMPLOYMENT
DISCRIMINATION

23 (42 U.S.C. §§ 2000e, et seq.)

24 JURY TRIAL DEMAND
25

26 NATURE OF THE ACTION

27 This is an action under Title VII of the Civil Rights Act of 1964, and Title I
28 of the Civil Rights Act of 1991 to correct unlawful employment practices on the
basis of sex, and race and to provide appropriate relief to Shunne M. Johnson
("Ms. Johnson"), and a class of similarly situated employees who were adversely
affected by such practices. Jurisdiction of this Court is invoked pursuant to
U.S.C. §§ 451, 1331, 1337, 1343 and 1345. Plaintiff U.S. Equal Employment
Opportunity Commission (the "Commission") alleges that Ms. Johnson, and other
similarly situated female employees were subjected to harassment due to their
race (African-American). In addition, Ms. Johnson and other similarly situated

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1 female employees were subjected to sex harassment during their employment
2 with Defendants, DIVERSIFIED PARATRANSIT, PAUL'S YELLOW CAB,
3 d/b/a Yellow Cab, and INLAND EXPRESS, INC. ("Defendant Employers"),
4 affecting the terms and conditions of their employment. Charging Party Ms.
5 Johnson and other similarly situated employees were subjected to a hostile work
6 environment perpetuated by both company management and Defendants'
7 president and owner.

8 JURISDICTION AND VENUE

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

11 2. This action is authorized and instituted pursuant to Section 706(f) (1)
12 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 Section 102 of the Civil Rights Act of
14 1991, 42 U.S.C. § 1981a.

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

18 PARTIES

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

24 5. At all relevant times alleged herein, Defendant Employers, a
25 California corporation, has continuously been doing business in the State of
26 California, County of Los Angeles, and has continuously had at least 15
27 employees.

28 6. Plaintiff is ignorant of the true names and capacities of Defendant

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

8 7. It is further alleged on information and belief that the unnamed
9 defendants in the complaint are mere alter egos of the Defendant Employers. The
10 remaining defendants are properly named in the complaint.

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

21 9. At all relevant times, Defendant Employers has continuously been an
22 employer engaged in an industry affecting commerce within the meaning of
23 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

24 STATEMENT OF CLAIMS

25 10. More than thirty days prior to the institution of this lawsuit Ms.
26 Johnson filed a charge with the Commission alleging violations of Title VII by
27 Diversified Paratransit. The Commission has issued a Letter of Determination
28 finding that Ms. Johnson and other similarly situated employees were subjected to

1 unlawful employment discrimination based upon their sex/gender (female), and
2 race (African-American) in violation of Title VII. All conditions precedent to the
3 institution of this lawsuit have been fulfilled.

4 11. The Commission alleges that, since at least 1995 and continuing to
5 the present, Defendant Employers has engaged in unlawful employment practices
6 at its Southern California facilities throughout Los Angeles County, California, in
7 violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) by subjecting Ms.
8 Johnson and other similarly situated employees to harassment based upon their
9 sex/gender (female), and race (African-American). Specifically, Defendant
10 Employer repeatedly subjected Ms. Johnson, and other similarly situated
11 employees to unlawful sex/gender harassment, and racial harassment in the form
12 of verbal harassment directed at them, impacting the terms and conditions of their
13 employment and creating a hostile working environment at Defendant Employers.
14 Ms. Johnson and other similarly situated employees complained to Defendant
15 Employers. Defendant Employers, however, failed to take immediate corrective,
16 and preventative measures.

17 12. Defendant Employers' owner, and company president is Brian Hunt.
18 Mr. Hunt is the proxy for Diversified Paratransit, Inc. and Defendant Employers.

19 13. The effect of the practices complained of in paragraph 11 above has
20 been to deprive Ms. Johnson, and other similarly situated employees of equal
21 employment opportunities and otherwise adversely affect their status as
22 employees, because of their gender/sex (female), and race (African-American)
23 under Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

24 14. The unlawful employment practices complained of in paragraph 11
25 above were intentional.

26 15. The unlawful employment practices complained of in paragraph 11
27 above were done with malice or with reckless indifference to the federally
28 protected rights of Ms. Johnson and other similarly situated employees.

1 Employees were openly told on a frequent basis a variation of "All 'N's' are lazy"
2 in reference to African-Americans, and equally derogatory statements directed at
3 them due to their sex, female. The verbal harassment was frequent and varied
4 depending on whether the harasser wanted to make a sexually derogatory
5 comment about women or a racially derogatory comment about African-
6 Americans.

7 16. As a direct and proximate result of the aforesaid acts of Defendant
8 Employers, Ms. Johnson and other similarly situated employees have suffered
9 emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation
10 and damages, according to proof.

11 17. As a direct and proximate result of the aforesaid acts of Defendant
12 Employers, Ms. Johnson and other similarly situated employees suffered a loss of
13 earnings, and other pecuniary and non-pecuniary losses in an amount according to
14 proof.

15 PRAYER FOR RELIEF

16 Wherefore, the Commission respectfully requests that this Court:

17 A. Grant a permanent injunction enjoining Defendant Employers, its
18 officers, successors, assigns, and all persons in active concert or participation
19 with it, from engaging in any employment practice which discriminates on the
20 basis of gender/sex, and/or race.

21 B. Order Defendant Employers to institute and carry out policies,
22 practices and programs which provide equal employment opportunities for
23 females, and African-Americans, which eradicate the effects of their past and
24 present unlawful employment practices;

25 C. Order Defendant Employer to make whole Ms. Johnson and other
26 similarly situated employees by providing appropriate backpay and front pay with
27 prejudgment interest, in amounts to be determined at trial, and other affirmative
28 relief necessary to eradicate the effects of its unlawful employment practices,

1 including, but not limited to, discrimination on the basis of gender/sex, and/or
2 race.

3 D. Order Defendant Employer to make whole Ms. Johnson, and other
4 similarly situated employees by providing compensation for past and future
5 pecuniary losses resulting from the unlawful employment practices described in
6 paragraphs 10-16 above, in amounts to be determined at trial.

7 E. Order Defendant Employers to make whole Ms. Johnson, and other
8 similarly situated employees by providing compensation for past and future
9 nonpecuniary losses resulting from the unlawful practices complained of in
10 paragraphs 10-16 above, including, but not limited to emotional pain, suffering,
11 inconvenience, loss of enjoyment of life, and humiliation, in amounts to be
12 determined at trial.

13 F. Order Defendant Employer to pay Ms. Johnson, and other similarly
14 situated employees punitive damages for its malicious and reckless conduct
15 described in paragraphs 10-16 above, in amounts to be determined at trial.

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

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

2 JURY TRIAL DEMAND

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

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6 Dated: June 30, 2004

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Respectfully Submitted,

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