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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 EQUAL EMPLOYMENT OPPORTUNITY)
15 COMMISSION,)
16)
17 Plaintiff,)
18)
19 v.)
20)
21 AMELCO ELECTRIC SAN FRANCISCO)
22 AND AMELCO CORPORATION,)
23)
24 Defendant.)

25 CIVIL ACTION NO.
26 COMPLAINT
27 Civil Rights
28 – Employment Discrimination
– Class Action
JURY TRIAL DEMAND

29 NATURE OF THE ACTION

30 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
31 Rights Act of 1991 to correct unlawful employment practices on the basis of race, national
32 origin, sex and religion and to provide appropriate relief to Carl McNair and similarly situated
33 individuals who were adversely affected by such practices. As alleged below, defendants,
34 Amelco Electric San Francisco and Amelco Corporation subjected Mr. McNair and others to a
35 hostile work environment because of their race, national origin, sex and religion. Defendants also
36 subjected Mr. McNair and the class of similarly situated individual to disparate treatment and/or
37 termination because of their race, national origin, sex and religion. Finally, Defendants
38 terminated Mr. McNair in retaliation for his complaints of discrimination.

COMPLAINT

JURISDICTION AND VENUE

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

6 2. The employment practices alleged to be unlawful were and are now being
7 committed within San Francisco County which is within the jurisdiction of the United States
8 District Court for the Northern District of California.

INTRADISTRICT ASSIGNMENT

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10 3. This case is appropriate for assignment to San Francisco because the unlawful
11 employment practices alleged were and are being committed within San Francisco County.

PARTIES

12
13 4. Plaintiff, the Equal Employment Opportunity Commission (“EEOC”), is the
14 agency of the United States of America charged with the administration, interpretation, and
15 enforcement of Title VII and is expressly authorized to bring this action by sections 706(f)(1) and
16 (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and (3).

17 5. At all relevant times, Defendant, Amelco Electric San Francisco, has continuously
18 been doing business in the State of California and the City and County of San Francisco and have
19 continuously had at least fifteen employees.

20 6. At all relevant times, Defendant, Amelco Corporation, has continuously been
21 doing business in the State of California and the City and County of San Francisco and have
22 continuously had at least fifteen employees.

23 7. At all relevant times, Amelco Electric San Francisco and Amelco Corporation
24 (“Defendant Employers”) have continuously been employers engaged in an industry affecting
25 commerce within the meaning of section 701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e-(b),
26 (g), and (h).

27 ///

28 ///

COMPLAINT

1 STATEMENT OF CLAIMS

2 8. More than thirty days prior to the institution of this lawsuit, Carl McNair filed a
3 charge of discrimination with the EEOC alleging violations of Title VII by Defendant Employers.
4 All conditions precedent to the institution of this lawsuit have been fulfilled.

5 9. Since at least January 2002, Defendant Employers have engaged in unlawful
6 practices at their San Francisco, California work site in violation of section 703(a)(1) of Title
7 VII, 42 U.S.C. §2000e-2(a). These practices include subjecting Mr. McNair and other similarly
8 situated employees to harassment and to an offensive, abusive, intimidating and hostile work
9 environment based on their race, national origin, sex and religion. Defendants also subjected Mr.
10 McNair and the class of similarly situated individual to disparate treatment and/or termination
11 because of their race, national origin, sex and religion.

12 10. Since at least January 2002, Defendant Employers have engaged in unlawful
13 practices at their San Francisco, California work site in violation of section 704(a) of Title VII,
14 42 U.S.C. §2000e-3(a). These practices include terminating Mr. McNair in retaliation for his
15 complaints of discrimination.

16 11. The effect of the practices complained of above has been to deprive Carl McNair
17 and others of equal employment opportunities and otherwise to adversely affect their status as an
18 employee because of their race, national origin, sex and/or religion.

19 12. The unlawful employment practices complained of above were and are
20 intentional.

21 13. The unlawful employment practices complained of above were and are done with
22 malice and/or reckless disregard for the federally protected rights of Carl McNair and other
23 similarly situated individuals.

24 PRAYER FOR RELIEF

25 WHEREFORE, the Commission respectfully requests that this Court:

26 A. Grant a permanent injunction enjoining Defendant Employers, their officers,
27 successors, assigns, and all persons in active concert or participation with them, from engaging in
28 harassment and retaliation, and any other employment practice which discriminates on the basis

COMPLAINT

1 of race, national origin, sex and religion.

2 B. Order Defendant Employers to institute and carry out policies, practices, and
3 programs which provide equal employment opportunities for racial and religious minority and/or
4 female employees and which eradicate the effects of its past and present unlawful employment
5 practices.

6 C. Order Defendant Employers to make whole Carl McNair and other similarly
7 situated individuals by providing compensation for past and future pecuniary losses resulting
8 from the unlawful employment practices described above, including medical expenses, with
9 interest, in amounts to be determined at trial.

10 D. Order Defendant Employers to make whole Carl McNair and other similarly
11 situated individuals by providing compensation for past and future non-pecuniary losses caused
12 by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss
13 of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

14 E. Order Defendant Employers to pay Carl McNair and other similarly situated
15 individuals punitive damages for its malicious and reckless conduct described above, in amounts
16 to be determined at trial.

17 F. Grant such further relief as the Court deems proper.

18 G. Award the Commission its costs in this action.

19 JURY TRIAL DEMAND

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

21
22
23 Respectfully submitted,

24 ERIC S. DREIBAND
25 GENERAL COUNSEL

26 JAMES L. LEE
27 DEPUTY GENERAL COUNSEL

28 GWENDOLYN YOUNG REAMS
ASSOCIATE GENERAL COUNSEL

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