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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

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

24 CIVIL ACTION NO.
25 COMPLAINT
26 Civil Rights
27 – Employment Discrimination
28 – 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 sex, race and
32 national origin, and to provide appropriate relief to Susanna Ortez 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 Ms. Ortez and others to a
35 hostile work environment because of their sex, race and/or national origin. Defendants also
36 subjected Ms. Ortez and the class of similarly situated individual to disparate treatment and/or
37 termination because of their sex, race and/or national origin.

38 COMPLAINT

JURISDICTION AND VENUE

1
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 committed within San
7 Francisco County which is within the jurisdiction of the United States District Court for the
8 Northern District of California.

9 INTRADISTRICT ASSIGNMENT

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

12 PARTIES

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 has
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 has
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, Susanna Ortez 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 Ms. Ortez and other similarly
8 situated employees to harassment and to an offensive, abusive, intimidating and hostile work
9 environment based on their sex, race and/or national origin. Defendants also subjected Ms. Ortez
10 and the class of similarly situated individual to disparate treatment and/or termination because of
11 their sex, race and/or national origin.

12 10. The effect of the practices complained of above has been to deprive Susanna
13 Ortez and others of equal employment opportunities and otherwise to adversely affect their
14 status as employees because of their sex, race and/or national origin.

15 11. The unlawful employment practices complained of above were intentional.

16 12. The unlawful employment practices complained of above were done with malice
17 and/or reckless indifference to the federally protected rights of Susanna Ortez and other similarly
18 situated individuals.

19 PRAYER FOR RELIEF

20 WHEREFORE, the Commission respectfully requests that this Court:

21 A. Grant a permanent injunction enjoining Defendant Employers, their officers,
22 successors, assigns, and all persons in active concert or participation with them, from engaging in
23 harassment and retaliation, and any other employment practice which discriminates on the basis
24 of sex, race or national origin.

25 B. Order Defendant Employers to institute and carry out policies, practices, and
26 programs which provide equal employment opportunities for racial and ethnic minority and/or
27 female employees and which eradicate the effects of their past and present unlawful employment
28 practices.

1 C. Order Defendant Employers to make whole Susanna Ortez and other similarly
2 situated individuals, by providing appropriate backpay with prejudgment interest, in amounts to
3 be determined at trial, and other affirmative relief necessary to eradicate the effects of its
4 unlawful employment practices, including but not limited to interest.

5 D. Order Defendant Employers to make whole Susanna Ortez and other similarly
6 situated individuals by providing compensation for past and future pecuniary losses resulting
7 from the unlawful employment practices described above, with interest, in amounts to be
8 determined at trial.

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

13 F. Order Defendant Employers to pay Susanna Ortez and other similarly situated
14 individuals punitive damages for its malicious and reckless conduct described above, in amounts
15 to be determined at trial.

16 G. Grant such further relief as the Court deems proper.

17 H. Award the Commission its costs in this action.

18 JURY TRIAL DEMAND

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

21 Respectfully submitted,

22
23 JAMES L. LEE
24 DEPUTY GENERAL COUNSEL

25 GWENDOLYN YOUNG REAMS
26 ASSOCIATE GENERAL COUNSEL

27 EQUAL EMPLOYMENT OPPORTUNITY
28 COMMISSION

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Dated: _____
WILLIAM R. TAMAYO
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Dated: _____
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