

1 WILLIAM R. TAMAYO - #084965 (CA)
JONATHAN T. PECK -- #12303 (VA)
2 EVANGELINA FIERRO HERNANDEZ -- #168879 (CA)
EQUAL EMPLOYMENT OPPORTUNITY
3 COMMISSION
San Francisco District Office
4 350 The Embarcadero, Suite 500
San Francisco, California 94105
5 Telephone: (415) 625-5622
Facsimile: (415) 625-5657
6

7 Attorneys for Plaintiff Equal Employment Opportunity Commission

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 **EQUAL EMPLOYMENT OPPORTUNITY**
COMMISSION,

12 Plaintiff,

13 v.

14 **CALIFORNIA PSYCHIATRIC**
15 **TRANSITIONS, INC.,**

16 Defendant.
17

Civil Action No.

COMPLAINT

Civil Rights - Employment
Discrimination

DEMAND FOR JURY TRIAL

18 **NATURE OF THE ACTION**

19 This action is brought pursuant to Title VII of the Civil Rights Act of 1964 ("Title
20 VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment
21 practices on the basis of sex and retaliation and to provide appropriate relief to
22 Charging Party Mariel Somera ("Charging Party Somera"), Charging Party Valeria
23 Soares ("Charging Party Soares") (collectively "Charging Parties") and other similarly
24 situated female employees who were adversely affected by such practices. Defendant
25 California Psychiatric Transitions, Inc., ("CPT" or "Defendant") subjected the Charging
26 Parties and similarly situated female employees to unlawful harassment based on their
27 sex, created a hostile work environment based on their sex, and discharged Charging
28 Party Soares in retaliation for engaging in protected activity under Title VII.

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JURISDICTION AND VENUE

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

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of California.

INTRADISTRICT ASSIGNMENT

3. This action is appropriate for assignment to Fresno because the unlawful employment practices alleged were and are being committed within Merced County, the employment record relevant to the unlawful practices are located in Merced County, and because Defendant's principal place of business is in Merced County.

PARTIES

4. Plaintiff, the Equal Employment Opportunity Commission ("Commission") is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by §706(f)(1) and (3) of Title VII, §2000-e(f)(1) and (3).

5. Defendant CPT is a California company, doing business in the State of California, in the County of Merced, and has continuously had at least 15 employees.

6. At all relevant times, Defendant CPT has continuously been an employer engaged in an industry affecting commerce, within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000-e(b), (g) and (h).

7. At all relevant times, Defendant CPT was the sole employer of the Charging Parties and similarly situated female employees for purposes of Title VII liability.

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1 fulfilled.

2 14. Since at least April 2003 Defendant has engaged in unlawful practices of
3 retaliation, in violation §704(a) of Title VII, 42 U.S.C. §2000e-3(a), by subjecting
4 Charging Party Soares to adverse actions for engaging in protected activity, including
5 wrongfully discharging her in retaliation for complaining about unlawful sexual
6 harassment.

7 15. The effect of the actions complained of in Paragraph 14 above has been to
8 deprive the Charging Party Soares of equal employment opportunities and has
9 otherwise adversely affected her status as an employee because of her protected
10 activity.

11 16. The unlawful employment practices complained of in Paragraph 14 above
12 were intentional.

13 17. The unlawful employment practices complained of in Paragraph 14 above
14 were done with malice or with reckless indifference to the federally protected rights of
15 the Charging Party Soares.

16 **PRAYER FOR RELIEF**

17 Wherefore, the Commission respectfully requests that this Court:

18 A. Grant a permanent injunction enjoining Defendant, its officers, successors,
19 assigns, and all persons acting in concert or participation with Defendant, from
20 engaging in discrimination against its employees including harassment based on sex
21 and retaliation.

22 B. Order Defendant to institute and carry out policies, practices, and
23 programs which prohibit harassment based on sex and retaliation and which eradicate
24 the effects of its unlawful employment practices.

25 C. Order Defendant to make whole Charging Parties and similarly situated
26 female employees by providing appropriate back pay and benefits with prejudgment
27 interest, and other affirmative relief necessary to eradicate the effects of its unlawful
28 employment practices, including but not limited to reinstatement and/or front pay and

1 other appropriate relief to be determined at trial.

2 D. Order Defendant to make whole Charging Parties and similarly situated
3 female employees harmed by providing compensation for past and future pecuniary
4 losses resulting from the unlawful employment practices complained of above,
5 including but not limited to such out-of-pocket expenses as medical care necessitated by
6 Defendant's unlawful conduct, in amounts to be determined at trial.

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

12 F. Order Defendant to pay Charging Parties and similarly situated female
13 employees harmed by providing punitive damages for the malicious and reckless
14 conduct described above, in amounts to be determined at trial.

15 G. Grant such further relief as the Court may deem just and proper in the
16 public interest.

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

18 **DEMAND FOR JURY TRIAL**

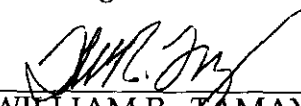
19 Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff
20 hereby demands a jury trial.

21 Ronald S. Cooper
22 General Counsel

23 Gwendolyn Young Reams
24 Associate General Counsel

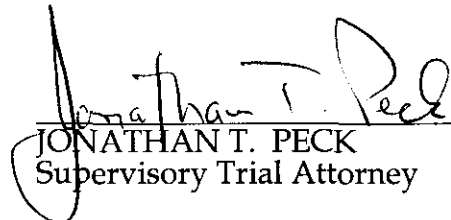
25 **Equal Employment Opportunity**
26 **Commission**
27 1801 L Street, N.W.
28 Washington, DC 20507

27 Date: September 12, 2006


WILLIAM R. TAMAYO
Regional Attorney

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Date: Sept 12, 2006


JONATHAN T. PECK
Supervisory Trial Attorney

Date: September 12, 2006


EVANGELINA FIERRO HERNANDEZ
Senior Trial Attorney

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Commission**
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350 The Embarcadero, Suite 500
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