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FILED
05 SEP 26 AM 11:11
RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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E-Filing

6 Attorneys for Plaintiff
7 Equal Employment Opportunity Commission

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 EQUAL EMPLOYMENT OPPORTUNITY)
12 COMMISSION,)

05 3867
Civil Action No.

COMPLAINT

13 Plaintiff,

Civil Rights - Employment
Discrimination

PVT

14 v.

JURY TRIAL DEMAND

15 VASQUEZ BROTHERS, INC., DBA
16 CENTRAL COAST PACKING,

17 Defendant.

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19 NATURE OF THE ACTION

20 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
21 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex
22 and retaliation and to provide appropriate relief to Ms. Maria Ceja aggrieved by
23 Defendant's unlawful practices. Plaintiff alleges that Defendant, Vasquez Brothers, Inc.,
24 DBA Central Coast Packing, unlawfully subjected Ms. Ceja to sexual harassment.
25 Plaintiff further alleges that Defendant subjected Ms. Ceja to retaliation after she
26 complained about and/or rejected the unlawful sexual harassment.

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1 JURISDICTION AND VENUE

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
3 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706 (f)
4 (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C.
5 §2000e-5 (f) (1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C.
6 §1981(a).

7 INTRA-DISTRICT ASSIGNMENT

8 2. This action is appropriate for assignment to the San Jose division because
9 the unlawful employment practices alleged were committed within Monterey County,
10 the employment record relevant to the unlawful practices are located in Monterey
11 County, and because Defendant's principal place of business is in Monterey County.

12 PARTIES

13 3. Plaintiff, the Equal Employment Opportunity Commission
14 ("Commission"), is the agency of the United States of America charged with the
15 administration, interpretation and enforcement of Title VII, and is expressly authorized
16 to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and
17 (3).

18 4. At all relevant times, Defendant Central Coast Packing ("Defendant") has
19 continuously been, and is now, a California corporation, qualified and doing business in
20 the state of California and the city of Soledad and has continuously had and does now
21 have at least 15 employees.

22 5. At all relevant times, Defendant has continuously been, and is now, an
23 employer engaged in an industry affecting commerce within the meaning of Sections
24 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

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STATEMENT OF CLAIMS

FIRST CLAIM FOR RELIEF

Violation of Title VII of Civil Rights Act Based on Sex Discrimination, Sexual Harassment

6. More than thirty days prior to the institution of this lawsuit, Ms. Maria Ceja filed charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least April 2002, Defendant has engaged in unlawful employment practices of sex discrimination in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by subjecting Charging Party Maria Ceja ("Charging Party") to a sexually hostile, abusive, intimidating and offensive work environment.

8. The effect of the practices complained of above in paragraph 7 has been to deprive Charging Party of equal employment opportunities and otherwise adversely affect her employment status because of her sex.

9. The unlawful employment practices complained of above in paragraph 7 were and are intentional.

10. The unlawful employment practices complained of above in paragraph 7 were done with malice and/or reckless indifference to the federally protected rights of Charging Party.

SECOND CLAIM FOR RELIEF

Violation of Title VII of Civil Rights Act Based on Retaliation

11. Plaintiff Commission hereby incorporates the allegations of paragraphs 1 through 7 above as though fully set forth herein.

12. In addition to the above-referenced harassment, Defendant has engaged in unlawful employment practices in violation of Section 704 (a) of Title VII, 42 U.S.C. § 2000e-3 (a), by subjecting Charging Party to adverse employment actions in retaliation for her opposition to and rejection of sexual harassment, including, *inter alia*, termination of her employment.

13. The effect of the action complained of in paragraph 12 above has been to

1 deprive Charging Party of equal employment opportunities and otherwise adversely
2 affect her status as an employee because of her protected activity.

3 14. The unlawful employment practices complained of in paragraph 12 above
4 were intentional.

5 15. The unlawful employment practices complained of in paragraph 12 above
6 were done with malice or with reckless indifference to the federally protected rights of
7 Charging Party.

8 **PRAYER FOR RELIEF**

9 Wherefore, the Commission respectfully requests that this Court:

10 A. Grant a permanent injunction enjoining Defendant, its officers, successors,
11 assigns, and all persons in active concert or participation with it, from engaging in
12 sexual harassment and/or retaliation against its employees.

13 B. Order Defendant to institute and carry out policies, practices, and
14 programs which provide equal employment opportunities for women and those
15 persons who complain about sexual harassment, and which eradicate the effects of its
16 past and present unlawful employment practices.

17 C. Order Defendant to make whole Charging Party by providing
18 compensation for past and future pecuniary losses resulting from the unlawful
19 employment practices complained of above, including but not limited to medical
20 expenses or other out of pocket expenses in amounts to be determined at trial.

21 D. Order Defendant to make whole Charging Party by providing
22 compensation for past and future non-pecuniary losses resulting from the unlawful
23 practices complained of above, including but not limited to pain and suffering,
24 emotional distress, indignity, loss of enjoyment of life, loss of self-esteem and
25 humiliation, in amounts to be determined at trial.

26 F. Order Defendant to pay Charging Party punitive damages for its
27 malicious and reckless conduct complained of above, in amounts to be determined at
28 trial.

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

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

4 **JURY TRIAL DEMAND**


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

7
8 **James L. Lee**
Deputy General Counsel
9 **Gwendolyn Young Reams**
Associate General Counsel

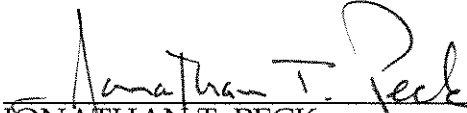
10 **Equal Employment Opportunity Commission**
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11 Washington, DC 20507

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13 COMMISSION
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15 Dated: 9/22/05

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WILLIAM R. TAMAYO
Regional Attorney

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18 Dated: 9/22/05

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21 Dated: September 22, 2005

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