

ORIGINAL FILED

03 SEP 30 PM 3:14

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 WILLIAM R. TAMAYO - #084965 (CA)
2 JONATHAN T. PECK - #12303 (VA)
3 RAYMOND T. CHEUNG - #176086 (CA)
4 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
5 San Francisco District Office
6 901 Market Street, Suite 500
7 San Francisco, CA 94103
8 Telephone No. (415) 356-5336
9 Fax No. (415) 356-5046

E-filing

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BZ

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

C 03 CIVIL ACTION NO. 4429

Plaintiff,

COMPLAINT
Civil Rights
- Employment Discrimination
- Class Action

v.

CLEAR LAKE RIVIERA YACHT
AND GOLF CLUB

JURY TRIAL DEMAND

Defendant.

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Wendy DeBolt, Tamara Eaton, Crystal Cameron and similarly situated individuals who were adversely affected by such practices. As alleged below, defendant, Clear Lake Riviera Yacht and Golf Club (Club) subjected Mses. DeBolt, Eaton, Cameron and others to a sexually hostile work environment because of their sex, female.

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 sections 706(f)(1) of Title

COMPLAINT

1 VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §§2000e-5(f)(1), and
2 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

3 2. The employment practices alleged to be unlawful were and are now being
4 committed within Lake County which is within the jurisdiction of the United States District
5 Court for the Northern District of California.

6 INTRADISTRICT ASSIGNMENT

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

9 PARTIES

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

14 5. At all relevant times, Defendant, Clear Lake Riviera Yacht and Golf Club ("Club"
15 or "Defendant Employer"), has continuously been doing business in the State of California and
16 the town of Kelseyville and has continuously had at least fifteen employees.

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

20 STATEMENT OF CLAIMS

21 7. More than thirty days prior to the institution of this lawsuit, Wendy DeBolt,
22 Tamera Eaton and Crystal Cameron separately filed charges of discrimination with the EEOC
23 alleging violations of Title VII by Defendant Employer. All conditions precedent to the
24 institution of this lawsuit have been fulfilled.

25 8. Since at least December 2000, Defendant Employer has engaged in unlawful
26 practices at its Kelseyville, California restaurant and club in violation of section 703(a)(1) of
27 Title VII, 42 U.S.C. §§2000e-2(a). These practices include subjecting Mses. DeBolt, Eaton,
28 Cameron and other similarly situated employees to sexual harassment and to an offensive,

1 abusive, intimidating and hostile work environment based on their sex, female.

2 9. The effect of the practices complained of above has been to deprive Wendy
3 DeBolt, Tamera Eaton, Crystal Cameron and others of equal employment opportunities and
4 otherwise to adversely affect their status as an employee because of their sex, female.

5 10. The unlawful employment practices complained of above were and are
6 intentional.

7 11. The unlawful employment practices complained of above were and are done with
8 malice and/or reckless disregard for the federally protected rights of Wendy DeBolt, Tamera
9 Eaton, Crystal Cameron and other similarly situated women.

10 PRAYER FOR RELIEF

11 WHEREFORE, the Commission respectfully requests that this Court:

12 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
13 successors, assigns, and all persons in active concert or participation with it, from engaging in
14 sexual harassment, sex-based harassment, sex discrimination and any other employment practice
15 which discriminates on the basis of sex.

16 B. Order Defendant Employer to institute and carry out policies, practices, and
17 programs which provide equal employment opportunities for female employees and which
18 eradicate the effects of its past and present unlawful employment practices.

19 C. Order Defendant Employer to make whole Wendy DeBolt, Tamera Eaton, Crystal
20 Cameron and other similarly situated women by providing compensation for past and future
21 pecuniary losses resulting from the unlawful employment practices described above, including
22 medical expenses, with interest, in amounts to be determined at trial.

23 D. Order Defendant Employer to make whole Wendy DeBolt, Tamera Eaton, Crystal
24 Cameron and other similarly situated women by providing compensation for past and future non-
25 pecuniary losses caused by the above unlawful conduct, including pain and suffering, emotional
26 distress, indignity, loss of enjoyment of life, loss of self-esteem, and humiliation, in amounts to
27 be determined at trial.

28 E. Order Defendant Employer to pay Wendy DeBolt, Tamera Eaton, Crystal

1 Cameron and other similarly situated women punitive damages for its malicious and reckless
2 conduct described above, in amounts to be determined at trial.

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

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

5 JURY TRIAL DEMAND

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

7 Respectfully submitted,

8 ERIC S. DREIBAND
9 GENERAL COUNSEL

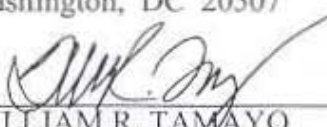
10 JAMES L. LEE
11 DEPUTY GENERAL COUNSEL

12 GWENDOLYN YOUNG REAMS
13 ASSOCIATE GENERAL COUNSEL

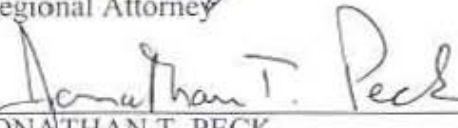
14 EQUAL EMPLOYMENT OPPORTUNITY
15 COMMISSION

16 1801 L Street, N.W.
17 Washington, DC 20507

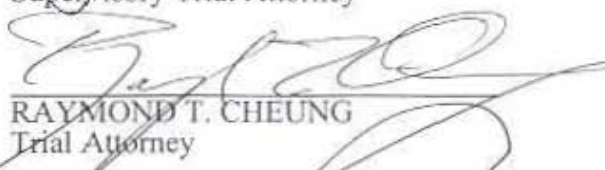
18 Dated: 9/30/03

19 
20 WILLIAM R. TAMAYO
21 Regional Attorney

22 Dated: 9/30/03

23 
24 JONATHAN T. PECK
25 Supervisory Trial Attorney

26 Dated: 9/30/2003

27 
28 RAYMOND T. CHEUNG
Trial Attorney

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
San Francisco District Office
901 Market Street, Suite 500
San Francisco, CA 94103-1735
Telephone: (415) 356-5336