

ORIGINAL FILED

03 SEP 23 AM 10:41

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 CINDY O'HARA -- #114555 (CA)
4 EQUAL EMPLOYMENT OPPORTUNITY
5 COMMISSION
6 San Francisco District Office
7 901 Market Street, Suite 500
8 San Francisco, California 94103
9 Telephone: (415) 356-5053
10 Facsimile: (415) 356-5046

11 Attorneys for Plaintiff Equal Employment Opportunity Commission

E-filing

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

EMC

C 03 4313

14 EQUAL EMPLOYMENT OPPORTUNITY
15 COMMISSION,

Civil Action No.

16 Plaintiff,

COMPLAINT

17 v.

Civil Rights - Employment
Discrimination

18 GOLDEN GATE MEAT COMPANY, INC.

DEMAND FOR JURY TRIAL

19 Defendant.

NATURE OF THE ACTION

20 This action is brought pursuant to Title VII or the Civil Rights Act of 1964 and
21 Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the
22 basis of national origin, and to provide appropriate relief to José Elmer Carrasco and
23 similarly situated Hispanic employees who were adversely affected by such practices.
24 Defendant Golden Gate Meat Company, Inc. subjected Mr. Carrasco and other Hispanic
25 employees to unlawful discriminatory harassment based on their national origin.

JURISDICTION AND VENUE

26 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
27 1337, 1343 and 1345. This action is authorized and instituted pursuant to §706(f)(1) and
28 (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and

1 (3) ("Title VII") and §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2 2. The employment practices alleged to be unlawful were and are now being
3 committed within the jurisdiction of the United States District Court for the Northern
4 District of California, San Francisco/Oakland division.

5 **INTRADISTRICT ASSIGNMENT**

6 3. This action is appropriate for assignment to San Francisco/Oakland
7 because the unlawful employment practices alleged were and are being committed
8 within San Francisco County, the employment record relevant to the unlawful practices
9 are located in San Francisco County, and because Defendants' principal place of
10 business is in San Francisco County.

11 **PARTIES**

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

16 5. Defendant Golden Gate Meat Company, Inc. ("Golden Gate Meat") is a
17 California corporation, doing business in the State of California, in the County of San
18 Francisco, and has continuously had at least 15 employees.

19 6. At all relevant times, Defendant Golden Gate Meat has continuously been
20 an employer engaged in an industry affecting commerce, within the meaning of Section
21 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000-e(b), (g) and (h).

22 **STATEMENT OF CLAIMS**

23 7. More than thirty days prior to the institution of this lawsuit, Charging
24 Party José Elmer Carrasco ("Charging Party") filed a charge with Plaintiff Commission
25 alleging violations of Title VII by Defendant. All conditions precedent to the institution
26 of this lawsuit have been fulfilled.

27 8. Since at least 1993, Defendant engaged in unlawful practices of
28 discrimination based on national origin in violation §703(a)(1) of Title VII, 42 U.S.C.

1 §2000e-2(a)(1) by subjecting Charging Party and other Hispanic employees to a hostile,
2 abusive, intimidating and offensive work environment because of their national origin.

3 9. The effect of the actions complained of in paragraph 8 above has been to
4 deprive Charging Party and other Hispanic employees of equal employment
5 opportunities and otherwise adversely affect their status as employees because of
6 national origin.

7 10. The unlawful employment practices complained of in paragraph 8 above
8 were intentional.

9 11. The unlawful employment practices complained of in paragraph 8 above
10 were done with malice or with reckless indifference to the federally protected rights of
11 Charging Party and other Hispanic employees.

12 **PRAYER FOR RELIEF**

13 Wherefore, the Commission respectfully requests that this Court:

14 A. Grant a permanent injunction enjoining Defendant, its officers, successors,
15 assigns, and all persons acting in concert or participation with them, from engaging in
16 harassment based on national origin.

17 B. Order Defendant to institute and carry out policies, practices, and
18 programs which prohibit harassment based on national origin, and which eradicate the
19 effects of its unlawful employment practices.

20 C. Order Defendant to make whole Charging Party and other Hispanic
21 employees harmed, by providing appropriate back pay and benefits with prejudgment
22 interest, and other affirmative relief necessary to eradicate the effects of its unlawful
23 employment practices, including but not limited to reinstatement and/or front pay and
24 other appropriate relief to be determined at trial.

25 D. Order Defendant to make whole Charging Party and other Hispanic
26 employees harmed by providing compensation for past and future pecuniary losses
27 resulting from the unlawful employment practices complained of above, including but
28 not limited to such out-of-pocket expenses as medical care necessitated by Defendant's

1 unlawful conduct, in amounts to be determined at trial.

2 E. Order Defendant to make whole Charging Party and other Hispanic
3 employees harmed by providing compensation for past and future nonpecuniary losses
4 resulting from the unlawful practices complained of above including, but not limited to
5 emotional pain and suffering, inconvenience, loss of enjoyment of life and humiliation,
6 in amounts to be determined at trial.

7 F. Order Defendants to pay Charging Party and other Hispanic employees
8 harmed punitive damages for the malicious and reckless conduct described above, in
9 amounts to be determined at trial.

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

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

H. Award the Commission its costs of this action.

DEMAND FOR JURY TRIAL

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

Eric S. Dreiband
General Counsel

James L. Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

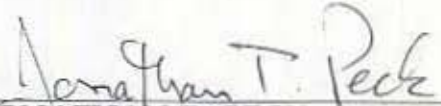
**Equal Employment Opportunity
Commission**
1801 L Street, N.W.
Washington, DC 20507

Date: Sept. 12, 2003



WILLIAM R. TAMAYO
Regional Attorney

Date: Sept 12, 2003



JONATHAN T. PECK
Supervisory Trial Attorney

Date: Sept. 11, 2003



CINDY O'HARA
Senior Trial Attorney

**Equal Employment Opportunity
Commission**
San Francisco District Office
901 Market Street, Suite 500
San Francisco, CA 94103