

1 WILLIAM R. TAMAYO - #084965 (CA)  
JONATHAN T. PECK -- #12303 (VA)  
2 EVANGELINA FIERRO HERNANDEZ -- #168879 (CA)  
LINDA ORDONIO-DIXON -# 172830 (CA)  
3 EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
4 San Francisco District Office  
350 The Embarcadero, Suite 500  
5 San Francisco, California 94105  
Telephone: (415) 625-5622  
6 Facsimile: (415) 625-5657

7 Attorneys for Plaintiff Equal Employment Opportunity Commission

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

11 **EQUAL EMPLOYMENT OPPORTUNITY** ) Civil Action No.  
12 **COMMISSION,** )  
13 Plaintiff, ) **COMPLAINT**  
14 v. ) Civil Rights - Employment  
15 **KOVACEVICH "5" FARMS,** ) Discrimination  
16 **A Partnership,** )  
17 Defendant. ) **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 and  
20 Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the  
21 basis of sex and to provide appropriate relief to Charging Party Patricia Delgado,  
22 Charging Party Myriam Cazarez, Charging Party Flor Rivera, Charging Party Miriam  
23 Delgado, Charging Party Terri Salcido and Charging Party Delia Casas (collectively  
24 "Charging Parties") and similarly situated female employees who were adversely  
25 affected by such practices. Defendant Kovacevich "5" Farms refused to hire the  
26 Charging Parties and similarly situated female employees based on their sex.

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

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

9 **INTRADISTRICT ASSIGNMENT**

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

14 **PARTIES**

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

19 5. Defendant Kovacevich "5" Farms is a California partnership, doing  
20 business in the State of California, in the County of Kern, and has continuously had at  
21 least 15 employees.

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

25 7. At all relevant times, Defendant Kovacevich "5" Farms was the sole  
26 employer of Charging Parties for purposes of Title VII liability.

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1 **STATEMENT OF CLAIMS**

2 **CLAIM FOR RELIEF**

3 **Violation of Title VII of Civil Rights Act : Sex Discrimination**

4 8. More than thirty days prior to the institution of this lawsuit, the Charging  
5 Parties filed their charge with Plaintiff Commission, alleging violations of Title VII by  
6 Defendants. All conditions precedent to the institution of this lawsuit have been  
7 fulfilled.

8 9. Since at least January of 1998, Defendant have engaged in unlawful  
9 practices of sex discrimination, in violation §703(a) of Title VII, 42 U.S.C. §2000e-2(a), by  
10 subjecting refusing to hire the Charging Parties and similarly situated female employees  
11 based on their sex.

12 10. The effect of the actions complained of in Paragraph 9 above has been to  
13 deprive the Charging Parties and similarly situated female employees of equal  
14 employment opportunities and has otherwise adversely affected their status as  
15 employees because of their sex.

16 11. The unlawful employment practices complained of in Paragraph 9 above  
17 were intentional.

18 12. The unlawful employment practices complained of in Paragraph 9 above  
19 were done with malice or with reckless indifference to the federally protected rights of  
20 the Charging Parties and similarly situated female employees.

21 **PRAYER FOR RELIEF**

22 Wherefore, the Commission respectfully requests that this Court:

23 A. Grant a permanent injunction enjoining Defendant, its officers, successors,  
24 assigns, and all persons acting in concert or participation with Defendant, from  
25 engaging in discrimination against its employees, including the failure to hire females  
26 because of their sex.

27 B. Order Defendant to institute and carry out policies, practices, and  
28 programs which prohibit discrimination based on sex and which serve to eradicate the

1 effects of their unlawful employment practices.

2 C. Order Defendant to make whole the Charging Parties and similarly  
3 situated female employees by providing appropriate back pay and benefits with  
4 prejudgment interest, and other affirmative relief necessary to eradicate the effects of  
5 their unlawful employment practices, including, but not limited to, reinstatement  
6 and/or front pay and other appropriate relief to be determined at trial.

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

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

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

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

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

23 **DEMAND FOR JURY TRIAL**

24  
25 The Commission requests a jury trial on all questions of fact raised by its complaint.

26  
27 James L. Lee  
Deputy General Counsel

28 Gwendolyn Young Reams  
Associate General Counsel

