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CLERK: U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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WILLIAM R. TAMAYO - #084965 (CA)
DAVID F. OFFEN-BROWN - #063321 (CA)
LINDA ORDONIO-DIXON - #172830 (CA)
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260
Telephone No. (415) 625-5654
Fax No. (415) 625-5657

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

C 05 5170 SBA

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

PIZZERIA UNO LOMBARD, INC.,

Defendant.

CIVIL ACTION NO.

COMPLAINT

Civil Rights
- Employment Discrimination

JURY TRIAL DEMAND

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 Charging Party Hilda Betancourth, and other similarly situated individuals who

1 were adversely affected by such practices. As alleged below, defendant, **PIZZERIA UNO**
2 **LOMBARD, INC.**, subjected the claimants to a hostile work environment based on sex, female.

3
4 **JURISDICTION AND VENUE**

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

9 2. Intradistrict Assignment: The employment practices alleged to be unlawful were
10 committed in the city and county of San Francisco which is within the jurisdiction of the United
11 States District Court for the Northern District of California.

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14 **PARTIES**

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

19 4. At all relevant times, Defendant is and was a corporation doing business in the State
20 of California and the city and county of San Francisco, and has continuously had at least 15
21 employees.

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

6. More than thirty days prior to the institution of this lawsuit, Hilda Betancourth filed charges of discrimination with the EEOC alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least November of 2002, Defendant **PIZZERIA UNO LOMBARD, INC.** has engaged in unlawful practices at its San Francisco restaurant in violation of §703(a)(1) of Title VII, 42 U.S.C. §§2000e-2(a)(1). These practices include subjecting Ms. Betancourth and other similarly situated individuals to harassment on the basis of their sex, female, which created an offensive, abusive, intimidating and hostile work environment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Betancourth and other similarly situated individuals of equal employment opportunities and to otherwise adversely affect their status as employees because of their sex, female.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice and/or reckless disregard for the federally protected rights of Ms. Betancourth and other similarly situated individuals.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in harassment based

1 on sex and any other employment practice which discriminates on the basis of sex.

2 B. Order Defendant Employer to institute and carry out policies, practices, and programs
3 which provide equal employment opportunities for its employees and which eradicate the effects of
4 its past and present unlawful employment practices.
5

6 C. Order Defendant Employer to make whole Ms. Betancourth and other similarly
7 situated individuals by providing compensation for past and future pecuniary losses resulting from
8 the unlawful employment practices described above, with interest, in amounts to be determined at
9 trial.
10

11 D. Order Defendant Employer to make whole Ms. Betancourth and other similarly
12 situated individuals by providing compensation for past and future non-pecuniary losses resulting
13 from the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss
14 of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.
15

16 E. Order Defendant Employer to pay Ms. Betancourth and other similarly situated
17 individuals punitive damages for its malicious and reckless conduct described above, in amounts to
18 be determined at trial.

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

20 G. Award the Commission its costs in this action.
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JURY TRIAL DEMAND

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


James L. Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

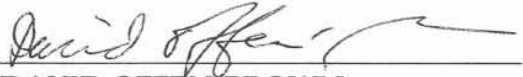
**Equal Employment Opportunity
Commission**

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

Date: October 24, 2005


WILLIAM R. TAMAYO
Regional Attorney

Date: October 24, 2005


DAVID OFFEN-BROWN
Supervisory Trial Attorney

Date: October 21, 2005


LINDA ORDONIO-DIXON
Senior Trial Attorney

**Equal Employment Opportunity
Commission**

San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, California 94105-1260
Telephone: (415) 625-5654