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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 SAN FRANCISCO DIVISION

11	ROBERT RAMIREZ, et. al.)	Case No. C04-0281-JSW
12	Plaintiff, and)	
13	EQUAL EMPLOYMENT OPPORTUNITY)	
14	COMMISSION,)	
15	Plaintiff-Intervenor,)	COMPLAINT-IN-INTERVENTION
16	v.)	
17	CINTAS CORPORATION,)	
18	Defendant.)	<u>JURY TRIAL DEMAND</u>
19)	

20 _____
 21 NATURE OF THE ACTION

22 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
 23 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide
 24 appropriate relief to Plaintiff Blanca Nelly Avalos and other women who have been adversely
 25 affected by those practices. As alleged with more particularity below, Defendant Cintas
 26 Corporation (Defendant) refused to recruit and hire and otherwise discriminated against women
 27

1 nationwide as Drivers/Service Sales Representatives because of their sex, in violation of Title
2 VII. The Equal Employment Opportunity Commission's (EEOC) intervention is limited to the
3 issue of Defendant's refusal to recruit and hire women as Drivers/Service Sales Representatives,
4 and it covers Defendant's practices nationwide except its facilities within the state of Michigan.

5 JURISDICTION AND VENUE

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
7 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 705(g)(6)
8 and 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§
9 2000e-4 and -5(f)(1) and (3) (Title VII).

10 2. The employment practices alleged to be unlawful were committed within
11 the jurisdiction of the United States District Court for the Northern District of California and
12 nationwide.

13 PARTIES

14 3. Plaintiff Blanca Nelly Avalos is described in Plaintiff's Second Amended
15 Complaint, incorporated herein by this reference. The class she seeks to represent with respect to
16 her Title VII claims is also described in Plaintiff's Third Amended Complaint.

17 4. Plaintiff-Intervenor Equal Employment Opportunity Commission is the
18 agency of the United States of America charged with the administration, interpretation and
19 enforcement of Title VII and is expressly authorized to bring this action by Sections 705(g)(6)
20 and 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-4 and -5(f)(1) and (3).

21 5. At all relevant times, Defendant Cintas Corporation has been a corporation
22 that continuously has been doing business in the State of California and continuously has had at
23 least 15 employees.

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

STATEMENT OF CLAIMS

1
2 7. All conditions precedent to this intervention have been fulfilled. Attached
3 as Appendix A is a certification that this case is of general public importance.

4 8. Since at least August, 1999, Defendant has engaged in unlawful
5 employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).
6 Defendant has denied employment to Plaintiff Blanca Nelly Avalos and a class of women
7 applicants nationwide by refusing to recruit and hire them as Drivers/Service Sales
8 Representatives because of their sex. This suit excludes Defendant's facilities within the state of
9 Michigan.

10 9. The effect of the practices complained of in paragraph 8 above and in
11 Plaintiffs' Second Amended Complaint has been to deprive Plaintiff Blanca Nelly Avalos and the
12 class of women she seeks to represent of equal employment opportunities and otherwise
13 adversely affect their status as applicants because of their sex.

14 10. The unlawful employment practices complained of in paragraph 8 above
15 and in Plaintiffs' Second Amended Complaint are and were intentional.

16 11. The unlawful employment practices complained of in paragraph 8 above
17 and in Plaintiffs' Second Amended Complaint are and were done with malice or reckless
18 indifference to the federally protected rights of Plaintiff Blanca Nelly Avalos and the class of
19 women she seeks to represent.

PRAYER FOR RELIEF

Wherefore, EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in the unlawful conduct alleged above and any other employment practice that discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for women and eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Plaintiff Blanca Nelly Avalos and the class of women she represents by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place hiring.

D. Order Defendant to make whole Plaintiff Blanca Nelly Avalos and the class of women she represents by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above and in Plaintiffs' Second Amended Complaint, in amounts to be determined at trial.

E. Order Defendant to make whole Plaintiff Blanca Nelly Avalos and the class of women she represents by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 8 above and in Plaintiffs' Second Amended Complaint, including compensation for emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Plaintiff Blanca Nelly Avalos and the class of women she represents punitive damages for Defendant's malicious and reckless conduct as described above and in Plaintiffs' Second Amended Complaint, in amounts to be determined at trial.

1 G. Order Defendant to make whole Plaintiff Blanca Nelly Avalos and the
2 class of women she represents by providing the affirmative relief necessary to eradicate the
3 effects of their unlawful practices, including but not limited to rightful-place hiring or,
4 alternatively, front pay.

5 H. Grant such further relief as the Court deems necessary and proper in the
6 public interest.

7 I. Award the Commission its costs of this action.

8 JURY TRIAL DEMAND

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

10 Respectfully submitted,

11 ERIC S. DREIBAND
12 General Counsel

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14 Deputy General Counsel

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