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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 EQUAL EMPLOYMENT OPPORTUNITY)
16 COMMISSION,)

17 Plaintiff,)

18 v.)

19 ROWTOWN, INC. D/B/A)
20 THE FISH HOPPER RESTAURANT,)

21 Defendant.)
22)

CIVIL ACTION NO.

COMPLAINT

Civil Rights
Employment Discrimination

JURY TRIAL DEMAND

23 **NATURE OF THE ACTION**

24 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
25 Rights Act of 1991 to correct unlawful employment practices on the basis of sex, retaliation and
26 constructive discharge and to provide appropriate relief to Ms. Masumeh Zanganeh and other
27 similarly situated female employees of the Defendant. As alleged below, Defendant unlawfully
28 subjected Ms. Zanganeh and other similarly situated female employees to sexual harassment and

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1 a hostile work environment. Plaintiff also alleges that Defendant subjected Ms. Zanganeh to
2 retaliation and constructive discharge because she engaged in a protected activity.

3 **JURISDICTION AND VENUE**

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

8 **INTRA-DISTRICT ASSIGNMENT**

9 2. This action is appropriate for assignment to the San Jose division because the
10 unlawful employment practices alleged were committed in Monterey County, within the
11 jurisdiction of the United States District Court for the Northern District of California.

12 **PARTIES**

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

17 4. At all relevant times, Defendant, Rowtown, Inc. D/B/A The Fish Hopper
18 Restaurant (“Defendant or Fish Hopper”), has continuously been, and is now, a California
19 business, qualified and doing business in the State of California and the City of Monterey and has
20 continuously had and does now have at least 15 employees.

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

24 **STATEMENT OF CLAIMS**

25 6. More than thirty days prior to the institution of this lawsuit, Ms. Masumeh
26 Zanganeh filed a charge with the Commission alleging violations of Title VII by Defendant. All
27 conditions precedent to the institution of this lawsuit have been fulfilled.

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1 7. Since at least 1997, Defendant has engaged in unlawful employment practices of
2 sex discrimination in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2 (a) (1).
3 These practices include subjecting Ms. Zanganeh and other similarly situated female employees
4 of the Defendant to sexual harassment, creating a hostile, abusive, intimidating and
5 discriminatory work environment, including constructive discharge.

6 8. Since at least 1998, Defendant has subjected Ms. Zanganeh to adverse
7 employment actions in retaliation for her opposition to and rejection of the sexual harassment in
8 violation of Section 704 (a) of Title VII, 42 U.S.C. Section 2000e-3 (a). These practices include
9 retaliatory discipline and constructive discharge.

10 9. The effect of the practices complained of above has been to deprive Ms. Zanganeh
11 and other similarly situated female employees of equal employment opportunities and otherwise
12 adversely affect their employment status because of their sex and on account of retaliation and
13 constructive discharge.

14 10. The unlawful employment practices complained of above were and are
15 intentional.

16 11. The unlawful employment practices complained of above were done with malice
17 and/or reckless indifference to the federally protected rights of Ms. Zanganeh and other similarly
18 situated female employees of the Defendant.

19 **PRAYER FOR RELIEF**

20 Wherefore, the Commission respectfully requests that this Court:

21 A. Grant a permanent injunction enjoining Defendant, their officers, successors,
22 assigns, and all persons in active concert or participation with it, from engaging in sexual
23 harassment, retaliation, constructive discharge and any other employment practice which
24 discriminates on the basis of sex.

25 B. Order Defendant to carry out policies, practices, and programs which provide
26 equal employment opportunities for women and those persons who complain about sexual
27 harassment, and which eradicate the effects of its past and present unlawful employment
28 practices.

1 C. Order Defendant to make whole Ms. Zanganeh and other similarly situated female
2 employees by providing appropriate back pay with prejudgment interest, in amounts to be
3 determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful
4 employment practices.

5 D. Order Defendant to make whole Ms. Zanganeh and other similarly situated female
6 employees by providing compensation for past and future pecuniary losses resulting from the
7 unlawful employment practices described above, including but not limited to medical expenses,
8 with interest, in amounts to be determined at trial.

9 E. Order Defendant to make whole Ms. Zanganeh and other similarly situated female
10 employees by providing compensation for past and future non-pecuniary losses caused by the
11 above unlawful conduct, including pain and suffering, emotional distress, indignity, loss of
12 enjoyment of life, loss of self-esteem and humiliation, in amounts to be determined at trial.

13 F. Order Defendant to pay Ms. Zanganeh and other similarly situated female
14 employees punitive damages for its malicious and reckless conduct described above, in amounts
15 to be determined at trial.

16 G. Grant such further relief as the Court deems necessary and proper in the public
17 interest.

18 K. Award the Commission its costs of this action.

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JURY TRIAL DEMAND

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

Respectfully submitted,

NICHOLAS INZEO
Acting General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Office of the General Counsel
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Dated: 4/9/03

s/William R. Tamayo
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Regional Attorney

Dated: 4/9/03

s/Jonathan T. Peck
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Dated: 4/9/03

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