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NORTHERN DISTRICT OF CALIFORNIA  
WIKING DISTRICT COURT

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Attorneys for Plaintiff Equal Employment Opportunity Commission

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**JCS**

**C 04 2950**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

- Civil Action No.

Plaintiff,

**COMPLAINT**

v.

Civil Rights - Employment Discrimination

**SUN PACIFIC SHIPPERS, INC., SUN  
PACIFIC MARKETING COOPERATIVE,  
INC., SUN PACIFIC FARMING  
COOPERATIVE, INC., SUN PACIFIC  
SHIPPERS, L.P., and SUN PACIFIC  
ENTERPRISES, L.P.**

DEMAND FOR JURY TRIAL

Defendants.

**NATURE OF THE ACTION**

This action is brought pursuant to Title VII or 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 Dora Diaz who was adversely affected by such practices. Defendants Sun Pacific Shippers, Inc., Sun Pacific Marketing Cooperative, Inc., Sun Pacific Farming Cooperative, Inc., Sun Pacific Shippers, L.P., and Sun Pacific Enterprises, L.P., subjected the above Charging Party to unlawful harassment based on her sex.

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**JURISDICTION AND VENUE**

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

2. The unlawful employment practices alleged herein were committed in the State of California, thus venue is proper “in any judicial district in the State in which the unlawful employment practice is alleged to have been committed.” (§706(f)(3) of Title VII, 42 U.S.C. §2000e-5(f)(3)). Venue is therefore proper in the United States District Court for the Northern District of California.

**INTRADISTRICT ASSIGNMENT**

3. This action is appropriate for assignment to San Francisco/Oakland as the administrative charges underlying this case were investigated in the San Francisco District Office of Plaintiff Equal Employment Opportunity Commission, and the records related to that investigation are in San Francisco.

**PARTIES**

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

5. Defendant Sun Pacific Shippers, Inc. is a California corporation, doing business in the State of California, in Tulare, Kern and/or Los Angeles Counties and has continuously had at least 15 employees.

6. Defendant Sun Pacific Marketing Cooperative, Inc. is a California corporation, doing business in the State of California, in Tulare, Kern and/or Los Angeles Counties and has continuously had at least 15 employees.

7. Defendant Sun Pacific Farming Cooperative, Inc. is a California corporation, doing business in the State of California, in Tulare, Kern and/or Los Angeles Counties and has

1 continuously had at least 15 employees.

2 8. Defendant Sun Pacific Shippers, L.P. is a California limited partnership, doing  
3 business in the State of California, in Tulare, Kern and/or Los Angeles Counties and has  
4 continuously had at least 15 employees.

5 9. Defendant Sun Pacific Enterprises, L.P. is a California limited partnership, doing  
6 business in the State of California, in Tulare, Kern and/or Los Angeles Counties and has  
7 continuously had at least 15 employees.

8 10. At all relevant times, Defendants Sun Pacific Shippers, Inc., Sun Pacific  
9 Marketing Cooperative, Inc., Sun Pacific Farming Cooperative, Inc., Sun Pacific Shippers, L.P.,  
10 and Sun Pacific Enterprises, L.P. (hereinafter "Defendants"), have continuously been employers  
11 engaged in an industry affecting commerce, within the meaning of Section 701(b), (g) and (h) of  
12 Title VII, 42 U.S.C. §2000-e(b), (g) and (h).

13 **STATEMENT OF CLAIM**

14 **Violation of Title VII of Civil Rights Act : Sex Discrimination,  
15 Harassment Based on Sex**

16 11. More than thirty days prior to the institution of this lawsuit, Charging Party Dora  
17 Diaz ("Charging Party") filed a charge with Plaintiff Commission alleging violations of Title VII  
18 by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

19 12. Since at least July 1, 2001, Defendants have engaged in unlawful practices of sex  
20 discrimination in violation §703(a) (1)of Title VII, 42 U.S.C. §2000e-2(a)(1) by subjecting the  
21 Charging Party to a hostile, abusive, intimidating and offensive work environment because of her  
22 sex.

23 13. The effect of the actions complained of in Paragraph 12 above has been to deprive  
24 the Charging Party of equal employment opportunities and otherwise adversely affect her status  
25 as an employee because of sex.

26 14. The unlawful employment practices complained of in Paragraph 12 above were  
27 intentional

28 15. The unlawful employment practices complained of in Paragraph 12 above were

done with malice or with reckless indifference to the federally protected rights of Charging Party

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons acting in concert or participation with them, from engaging in discrimination against their employees including harassment based on sex.

B. Order Defendants to institute and carry out policies, practices, and programs which prohibit harassment based on sex, and which eradicate the effects of their unlawful employment practices.

C. Order Defendants to make whole Charging Party by providing appropriate back pay and benefits with prejudgment interest, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement and/or front pay and other appropriate relief to be determined at trial.

D. Order Defendants to make whole Charging Party by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices complained of above, including but not limited to such out-of-pocket expenses as medical care necessitated by Defendants' unlawful conduct, in amounts to be determined at trial

E. Order Defendants to make whole Charging Party by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above life and humiliation, in amounts to be determined at trial

F. Order Defendants to pay Charging Party by providing punitive damages for the malicious and reckless conduct described above, in amounts to be determined at trial.

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

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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.

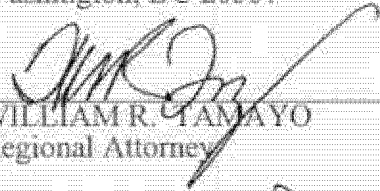
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James L. Lee  
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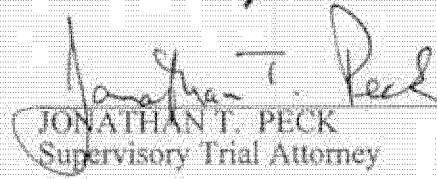
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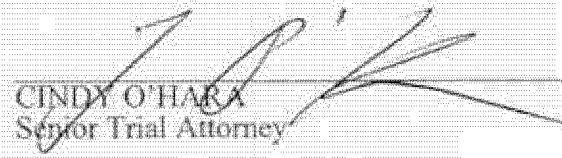
Date: 7/15/04, 2004

  
WILLIAM R. TAMAYO  
Regional Attorney

Date: 7/14/04, 2004

  
JONATHAN T. PECK  
Supervisory Trial Attorney

Date: July 14, 2004

  
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