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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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JONATHAN T. PECK (VA. State Bar No. 12303)
SANYA HILL MAXION (WA. State Bar No. 18739)
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E-Filing

Attorneys for Plaintiff
Equal Employment Opportunity Commission

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

TAYLOR MADE DIGITAL
SYSTEM, INC.,

Defendant.

CIVIL ACTION NO.

05 3952

COMPLAINT

Civil Rights - Employment
Discrimination

JURY TRIAL DEMAND

JCS

NATURE OF THE ACTION

This action is brought pursuant to 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 race and to provide appropriate relief to Chene Gasper, who was adversely affected by such practices. Plaintiff alleges that Defendant, Taylor Made Digital Systems, Inc., subjected Ms. Gasper to unlawful sex and race discrimination when it refused to allow her to return to her position, demoted her and terminated her employment.

JURISDICTION AND VENUE

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

1 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981(a); and the Pregnancy
2 Discrimination Act of 1978, 42 U.S.C. §2000e(k).

3 2. The unlawful employment practices alleged herein were committed in the State
4 of California, thus venue is proper "in any judicial district in the State in which the unlawful
5 employment practice is alleged to have been committed" (§706(f)(3) of Title VII, 42 U.S.C.
6 §2000e-5(f)(3)). Venue is therefore proper in the United States District Court for the Northern
7 District of California.

8 **INTRA-DISTRICT ASSIGNMENT**

9 3. This action is appropriate for assignment to the Oakland Division of the Northern
10 District of California because the unlawful employment practices were committed within
11 Alameda County, the employment records relevant to the unlawful practices are located in
12 Alameda county and because Defendant's principal place of business is in Alameda county.

13 **PARTIES**

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

18 5. At all relevant time, Defendant Taylor Made Digital System, Inc., ("Defendant")
19 is a California Corporation, qualified and doing business in the State of California and the City
20 of Livermore and has continuously had and does now have at least 15 employees.

21 6. At all relevant times, Defendant has been, and is now 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 7. More than thirty (30) days prior to the institution of this lawsuit, Chene
26 Gasper ("Charging Party") filed a charge with the Commission alleging violations of Title VII
27 by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

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1 8. Since at least May 2, 2003, Defendant engaged in unlawful employment
2 practices in violation of Section 703 (a)(1) of Title VII, 42 U.S.C. §2000e-2(a) (1) by
3 discriminating against Charging Party because of her sex (female/pregnancy) and race (African-
4 American). Defendant unlawfully refused to allow Charging Party to return to her previous
5 position after her pregnancy despite the fact that she could perform all her job functions, and
6 instead replaced and demoted her; in further violation of the statute Defendant laid off Charging
7 Party because of her pregnancy sex (female-pregnancy and race (African-American).

8 9. The effect of the practices complained of above have been to deprive Charging
9 Party of equal employment opportunities and otherwise adversely affect her employment status
10 because of her sex and race.

11 10. The unlawful employment practices complained of above were and are
12 intentional.

13 11. The unlawful employment practices complained of above were done with malice
14 and/or reckless indifference to the federally protected rights of Charging Party.

15 **PRAYER FOR RELIEF**

16 Wherefore, the Commission respectfully request that this Court:

17 A. Grant a permanent injunction enjoining Defendant, its officers, successors,
18 assigns, and all persons in active concert or participation with it, from engaging in sex and race
19 discrimination based on pregnancy, childbirth, or related medical conditions, and race
20 discrimination.

21 B. Order Defendant to institute and carry out policies, practices, and programs
22 which provide equal employment opportunities for female and black employees and which
23 eradicate the effect of their past and present unlawful employment practices of sex and race
24 discrimination.

25 C. Order Defendant to make whole Charging Party by providing appropriate back
26 pay with prejudgment interest, in amounts to be determined at trial, reinstatement and/or front
27 pay in amounts to be determined at trial and other affirmative relief necessary to eradicate the
28 effects of its unlawful employment practices.

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2 D. Order Defendant to make whole Charging Party by providing compensation for
3 past and future pecuniary losses resulting from the unlawful employment practices described
4 above, including but not limited to medical expenses, with interest, in amounts to be determined
5 at trial.

6 E. Order Defendant to make whole Charging Party by providing compensation for
7 past and future non-pecuniary losses resulting from the unlawful employment practices
8 described above, including but not limited to emotional pain and suffering, inconvenience, loss
9 of enjoyment of life and humiliation, in amounts to be determined at trial.

10 F. Order Defendant to pay Charging Party punitive damages for its malicious and
11 reckless conduct described above, in amounts to be determined at trial.

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

14 H. Award the Commission its costs in this action.

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JURY TRIAL DEMAND

Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a jury trial.

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

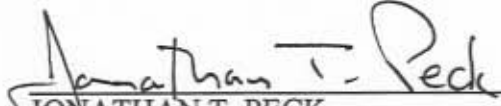
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DATE: 9/29, 2005



WILLIAM R. TAMAYO
Regional Attorney

DATE: Sept. 29, 2005



JONATHAN T. PECK
Supervisory Trial Attorney

DATE: September 29, 2005



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