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U.S. COURTS

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ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FRED MEYERS STORES,

Defendant.

CIV05-391-S-EJL

CIVIL ACTION NO.

COMPLAINT

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

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appropriate relief to Lisa Allen ("Ms. Allen"). The Equal Employment Opportunity Commission alleges that defendant discriminated against Ms. Allen when it subjected her to sexual harassment on the basis of her sex. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary compensatory and punitive damages, and injunctive relief, on behalf of Ms. Allen.

JURISDICTION AND VENUE

1. 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 sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Idaho.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "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 Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendant Fred Meyers Stores. ("Fred Meyer") has been a corporation continuously doing business in the State of Idaho and has continuously had at least 15 employees.

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

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Allen filed a charge with the Commission alleging violations of Title VII by defendant Fred Meyer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 1, 2003, defendant Fred Meyer engaged in unlawful employment practices at its Idaho Falls, Idaho facility in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). The practices include sexual harassment of Ms. Allen because of her sex.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Allen of equal employment opportunities.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to Ms. Allen's federally protected rights.

PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Ms. Allen by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order defendant to make whole Ms. Allen by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order defendant to make whole Ms. Allen by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order defendant to pay Ms. Allen punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

DATED this 23rd day of Sept 2005.

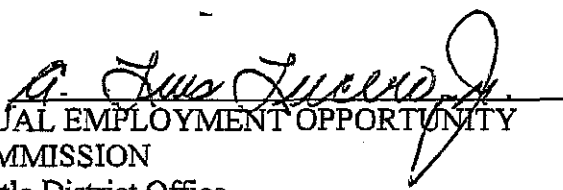
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