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8 ATTORNEYS FOR PLAINTIFF

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF IDAHO

13 EQUAL EMPLOYMENT OPPORTUNITY
14 COMMISSION,
15 and
16 IDAHO HUMAN RIGHTS COMMISSION
on behalf of
AUDREY POWERS,

17 Plaintiffs

18 v.

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20 THE BURRITO SHOPPE LLC, dba
21 SQUEEZERS GIANT BURGERS and
22 ALLIED FOODSERVICE INC. dba
SQUEEZERS,

23 Defendants.

CIVIL ACTION NO. CV05-329-S-LMB

AMENDED COMPLAINT

JURY TRIAL DEMAND

24 NATURE OF THE ACTION

1 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
2 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide
3 appropriate relief to Audrey Powers ("Ms. Powers"). The Equal Employment Opportunity
4 Commission and the Idaho Human Rights Commission allege that defendants subjected Ms.
5 Powers and a class of similarly situated females to discrimination when they subjected them to
6 harassment on the basis of their sex. The sexual harassment resulted in Ms. Powers' constructive
7 discharge. Plaintiffs seek monetary relief, including pecuniary and nonpecuniary compensatory
8 and punitive damages, and injunctive relief, on behalf of Ms. Powers and a class of similarly
9 situated females.
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11 JURISDICTION AND VENUE

12 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
13 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of
14 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)
15 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.
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17 2. The employment practices alleged to be unlawful were committed within the
18 jurisdiction of the United States District Court for the District of Idaho.

19 PARTIES

20 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is
21 the agency of the United States of America charged with the administration, interpretation and
22 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of
23 Title VII, 42 U.S.C. §2000e-5(f)(1).
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1 4. Defendant the Burrito Shoppe LLC, dba Squeezers Giant Burgers (“Squeezers
2 Giant Burgers”) has been a corporation continuously doing business in the State of Idaho and has
3 continuously had at least 15 employees.

4 5. Defendant Squeezers Giant Burgers has continuously been an employer engaged
5 in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title
6 VII, 42 U.S.C. §§2000e-(b), (g) and (h).

7 6. Defendant, Allied Food service, Inc., dba Squeezers (“Squeezers”) has been a
8 corporation continuously doing business in the State of Idaho since March 2006 and has
9 continuously had 15 employees.

10 7. In March 2006, James Dorsey, the sole member of Defendant, The Burrito
11 Shoppe LLC, dissolved the limited liability company, and acting as the incorporator, formed the
12 second Defendant, Allied Foodservice Inc. Mr. Dorsey changed the corporate form of the
13 restaurant business from a limited liability company to an S corporation on the advice of an
14 accountant.

15 8. In March 2006, Mr. Dorsey acting on behalf of Defendant, The Burrito Shoppe
16 LLC, cancelled its Certificate of Assumed Business Name for Squeezers Giant Burgers. Mr.
17 Dorsey acting on behalf of Defendant, Allied Foodservice Inc., filed a Certificate of Assumed
18 Business Name for Squeezers.

19 9. Defendant, Allied Foodservice Inc. dba Squeezers, is the continuation of the
20 business previously operated by Defendant, The Burrito Shoppe LLC dba Squeezers Giant
21 Burgers, at the same locations, with the substantially the same employees, equipment and
22 supervisors, performing substantially the same jobs, in same line of work, fast food restaurant.
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1 A. Grant a permanent injunction enjoining defendants, their officers, successors,
2 agents, assigns, and all persons in active concert or participation with it, from engaging in any
3 employment practices which discriminate.

4 B. Order defendants to institute and carry out policies, practices, and programs
5 which provide equal employment opportunities for all employees, and which eradicate the
6 effects of their past and present unlawful employment practices.

7 C. Order defendants to make whole Ms. Powers and the class of similarly situated
8 females by providing appropriate back pay with prejudgment interest, in amounts to be
9 determined at trial, and other affirmative relief necessary to eradicate the effects of their
10 unlawful employment practices.

11 D. Order defendants to make whole Ms. Powers and the class of similarly situated
12 females by providing compensation for past and future pecuniary losses resulting from the
13 unlawful employment practices described in paragraph 12 above, including past and future out-
14 of-pocket expenses, in amounts to be determined at trial.

15 E. Order defendants to make whole Ms. Powers and a class of similarly situated
16 females by providing compensation for past and future nonpecuniary losses resulting from the
17 unlawful practices complained of in paragraph 12 above, including without limitation emotional
18 pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

19 F. Order defendants to pay Ms. Powers and the class of similarly situated females
20 punitive damages for their malicious and reckless conduct described in paragraph 12 above, in
21 amounts to be determined at trial.
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1 G. Grant such further relief as the Court deems necessary and proper in the public
2 interest.

3 H. Award the Commission its costs of this action.

4 JURY TRIAL DEMAND

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

6 DATED this 12th day of September, 2006.

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