

FILED ORIGINAL

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U.S. DISTRICT COURT
DISTRICT OF OREGON
MEDFORD, OREGON

BY _____

8 UNITED STATES DISTRICT COURT
FOR DISTRICT OF OREGON
9 AT MEDFORD

10 EQUAL EMPLOYMENT OPPORTUNITY)
11 COMMISSION,)
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Plaintiff,

v.

INTERNATIONAL LINE BUILDERS, INC.,

Defendant.

CIVIL ACTION NO. 00-3105-CO
COMPLAINT
JURY TRIAL DEMAND

17 NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of
19 the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to
20 provide appropriate relief to Susan Baldwin. The Equal Employment Opportunity Commission
21 alleges that International Line Builders, Inc. harassed Ms. Baldwin because of her sex, female, creat-
22 ing a hostile environment and thereby discriminatorily interfering with her employment. This led to
23 Ms. Baldwin's constructive discharge. Further, plaintiff alleges that International Line Builders, Inc.
24 failed to rehire Ms. Baldwin in retaliation for her earlier complaints of sexual harassment. Plaintiff
25 seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages,
26 and punitive damages.
27

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JURISDICTION AND VENUE

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

6 2. The employment practices alleged to be unlawful were committed within the
7 jurisdiction of the United States District Court for the District of Oregon at Medford.

PARTIES

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

13 4. At all relevant times, defendant International Line Builders, Inc. (the "employer"), has
14 continuously been a corporation doing business in the state of Oregon and the city of Medford, and
15 has continuously had at least 15 employees.

16 5. At all relevant times, defendant has continuously been an employer engaged in an
17 industry affecting commerce under sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b),
18 (g), and (h).

STATEMENT OF CLAIMS

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20 6. More than thirty days prior to the institution of this lawsuit, Susan Baldwin filed a
21 charge with the Commission alleging violations of Title VII by defendant. All conditions precedent
22 to the institution of this lawsuit have been fulfilled.

23 7. From at least May 1, 1999, defendant has engaged in unlawful employment practices
24 through its Medford, Oregon area facility in violation of sections 703(a) and 704(a) of Title VII, 42
25 U.S.C. §§ 2000e-2(a) and -(3)(a). Defendant harassed Ms. Baldwin because of her sex, female,
26 creating a hostile environment and thereby discriminatorily interfering with her employment. This
27 discriminatory conduct led to Ms. Baldwin's constructive discharge because her working conditions

1 were intolerable. Plaintiff also alleges that International Line Builders, Inc. failed to rehire Ms.
2 Baldwin on or about November 4, 1999, in retaliation for her earlier complaints of sexual
3 harassment.

4 8. The effect of the practices complained of in paragraph 7 above has been to deprive
5 Susan Baldwin of equal employment opportunities and otherwise adversely affect her status as an
6 employee of International Line Builders because of sex and retaliation.

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

9 10. The unlawful employment practices complained of in paragraph 7 above were done
10 with malice or with reckless indifference to the federally protected rights of Susan Baldwin.

11 PRAYER FOR RELIEF

12 Wherefore, the Commission respectfully requests that this Court:

13 A. Grant a permanent injunction enjoining defendant, its officers, successors, agents,
14 assigns, and all persons in active concert or participation with it, from engaging in any other
15 employment practice which discriminates on the bases of sex and retaliation.

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

19 C. Order defendant to make whole Susan Baldwin by providing appropriate back pay
20 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary
21 to eradicate the effects of its unlawful employment practices.

22 D. Order defendant to make whole Susan Baldwin by providing compensation for past
23 and future pecuniary losses resulting from the unlawful employment practices described in paragraph
24 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

25 E. Order defendant to make whole Susan Baldwin by providing compensation for past
26 and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7
27 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in

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1 amounts to be determined at trial.

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

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

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

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JURY TRIAL DEMAND

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

10 DATED this 27th day of September, 2000.

11

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