

A. LUIS LUCERO, JR., REGIONAL ATTORNEY  
KATHRYN OLSON, SUPERVISORY TRIAL ATTORNEY  
TERI HEALY, TRIAL ATTORNEY  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
909 FIRST AVENUE, SUITE 400  
SEATTLE, WA 98104  
TEL: (206) 220-6916

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	CIVIL ACTION NO.
	)	
Plaintiff,	)	COMPLAINT
	)	
v.	)	JURY TRIAL DEMAND
	)	
GORDON TRUCKING, INC.	)	
	)	
Defendant.	)	
_____	)	

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 and to provide appropriate relief to Lisa Cox and a group of similarly situated females who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that Defendant, Gordon Trucking, Inc. ("Gordon Trucking"), violated Title VII by subjecting Ms. Cox and other similarly situated applicants and employees to different terms and conditions of employment with regard to hiring and training opportunities based on their sex, female. Plaintiff

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6883  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

injunctive and monetary relief, including pecuniary and nonpecuniary compensatory damages, and punitive damages.

#### 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. §§ 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 Western District of Washington.

#### PARTIES

3. Plaintiff, the Equal Employment Opportunity 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 Gordon Trucking has continuously been a corporation doing business in the State of Washington and has continuously had at least 15 employees.

5. At all relevant times, Defendant Gordon Trucking 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, Lisa Cox filed a charge of discrimination with the Equal Employment Opportunity Commission alleging

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6883  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

violations of Title VII by Gordon Trucking. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least February 2003, Defendant engaged in unlawful employment practices through its Washington facilities in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 3(a). Defendant affected the terms and conditions of Ms. Cox's employment by subjecting her and other similarly situated applicants and employees to different terms and conditions of employment with regard to hiring and training opportunities based on their sex, female.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Lisa Cox and similarly situated female applicants and employees of equal employment opportunities and otherwise adversely affect their status as applicants and employees of Gordon Trucking because of their sex.

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 the federally protected rights of Lisa Cox and similarly situated applicants and employees.

#### PRAYER 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 practice which discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs which

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6883  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

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 Lisa Cox and similarly situated applicants and employees by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices.

D. Order Defendant to make whole Lisa Cox and similarly situated applicants and employees 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 Lisa Cox and similarly situated applicants and employees 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 Lisa Cox and similarly situated applicants and employees 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 30th day of September, 2004.

A. LUIS LUCERO, JR.  
Regional Attorney

GWENDOLYN YOUNG REAMS  
Associate General Counsel

KATHRYN OLSON  
Supervisory Trial Attorney

TERI HEALY  
Trial Attorney

BY:       /S/ A. Luis Lucero      

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104  
Telephone (206) 220-6916

Office of the General Counsel  
1801 "L" Street NW  
Washington, D.C. 20507

Attorneys for Plaintiff