

1 A. LUIS LUCERO, JR., REGIONAL ATTORNEY
JOHN F. STANLEY, ACTING SUPERVISORY TRIAL ATTORNEY
2 LISA COX, TRIAL ATTORNEY
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
3 909 FIRST AVENUE, SUITE 400
SEATTLE, WA 98104
4 TEL: (206) 220-6890
FAX: (206) 220-6911

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 22 2003

ORIGINAL

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON
9 AT SPOKANE

CS-03-0309-FVS

10 EQUAL EMPLOYMENT
11 OPPORTUNITY COMMISSION,

12 Plaintiff,

13 v.

14 T R A INDUSTRIES, INC. a/k/a
15 HUNTWOOD INDUSTRIES, INC.,

16 Defendant.

CIVIL ACTION NO.
COMPLAINT
DEMAND FOR JURY TRIAL

17
18 NATURE OF THE ACTION

19 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
20 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex
21 and to provide appropriate relief to Jennifer Gibbs, who was adversely affected by such
22 practices. The Equal Employment Opportunity Commission alleges that defendant
23 T R A Industries, Inc. subjected Ms. Gibbs to a sexually hostile work environment
24 because of her sex, resulting in her constructive discharge. Plaintiff seeks injunctive and

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone (206) 220-6883
Fax (206) 220-6911
TDD (206) 220-6882

1 monetary relief, including pecuniary and nonpecuniary compensatory damages and
2 punitive damages, on behalf of Ms. Gibbs.

3
4 JURISDICTION AND VENUE

5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
6 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections
7 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
8 sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of
9 1991, 42 U.S.C. §1981a.

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

12
13 PARTIES

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

19 4. At all relevant times, defendant T R A Industries, Inc. ("Huntwood") has
20 been a corporation continuously doing business in the State of Washington and has
21 continuously had at least 15 employees.

22 5. At all relevant times, defendant Huntwood has continuously been an
23 employer engaged in an industry affecting commerce within the meaning of Sections
24 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

25
26
27
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone (206) 220-6883
Fax (206) 220-6911
TDD (206) 220-6882

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jennifer Gibbs filed charges with the Commission alleging violations of Title VII by defendant Huntwood. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Beginning on or before October 22, 2001, defendant Huntwood engaged in unlawful employment practices at its Spokane, Washington cabinet manufacturing facility in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Defendant Huntwood affected the terms and conditions of employment of Ms. Gibbs by subjecting her to a sexually hostile environment because of their sex, which caused Ms. Gibbs' constructive discharge on or about January 2, 2002.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Gibbs of equal employment opportunities and otherwise adversely affect her status as an employee because of 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 Ms. Gibbs.

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 practices which discriminate on the bases of sex.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone (206) 220-6883
Fax (206) 220-6911
TDD (206) 220-6882

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

4 C. Order defendant to make whole Ms. Gibbs by providing appropriate back
5 pay with prejudgment interest, in amounts to be determined at trial, and other affirmative
6 relief necessary to eradicate the effects of its unlawful employment practices.

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

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

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

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

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

20 //

21 //

22 //

23 //

24 //

25

26

27

COMPLAINT - 4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone (206) 220-6883
Fax (206) 220-8911
TDD (206) 220-6882

1 JURY TRIAL DEMAND

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

4
5 DATED this 20th day of August, 2003.

6 A. LUIS LUCERO, JR.
7 Regional Attorney

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

8 JOHN F. STANLEY
9 Acting Supervisory Trial Attorney

10 LISA COX
11 Trial Attorney

12 BY: A. Luis Lucero Jr

13 EQUAL EMPLOYMENT
14 OPPORTUNITY COMMISSION
15 Seattle District Office
16 909 First Avenue, Suite 400
Seattle, Washington 98104
Telephone (206) 220-6890
Facsimile (206) 220-6911
E-mail: LISA.COX@EEOC.GOV

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Office of the General Counsel
1801 "L" Street, N.W.
Washington, D.C. 20507

17 Attorneys for Plaintiff