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

MAR 11 2004

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

9 Attorneys for Plaintiff in Intervention, Jenifer D. Gibbs

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12 EQUAL EMPLOYMENT)
13 OPPORTUNITY COMMISSION,)

14 Plaintiff,)

15 and)

16 JENIFER D. GIBBS,)

17 Plaintiff in Intervention,)

18 v.)

19 T R A INDUSTRIES, INC. a/k/a)
20 HUNTWOOD INDUSTRIES, INC.,)

21 Defendant.)
22)
23)
24)
25)

Case No. CS-03-0309-FVS

COMPLAINT OF PLAINTIFF
IN INTERVENTION
JENIFER D. GIBBS

JURY TRIAL DEMANDED

26 Plaintiff in Intervention, Jenifer D. Gibbs, alleges as

27 follows:

28
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30 JENIFER D. GIBBS – Page 1

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JURISDICTION AND VENUE

1
2 1. This Court has jurisdiction over the subject matter of this
3
4 complaint in intervention pursuant to 28 U.S.C. §§ 1331, 1343, 1367,
5 and 42 U.S.C. § 2000e et. seq., and 42 U.S.C. § 1981a.

6
7 2. Venue is proper before this Court pursuant to 28 U.S.C. §
8 1391, as all unlawful employment practices and actions alleged herein
9
10 occurred within the jurisdiction of the United States District Court for
11 the Eastern District of Washington

12
13 3. All prerequisites required by federal and state law have
14 been satisfied by Plaintiff in Intervention before bringing this action.

PARTIES

15
16
17 4. This matter was originally commenced by Plaintiff, the
18
19 Equal Employment Opportunity Commission ("EEOC").

20
21 5. Plaintiff in Intervention, Jenifer D. Gibbs, is a resident of
22
23 the State of Washington, and has been so during all periods relevant
24 to the claims herein.

25
26 6. At all relevant times to the allegations herein, Defendant
27
28 T R A Industries, Inc. a/k/a Huntwood Industries, Inc. ("Defendant"),
has been a corporation continuously doing business in the State of

29 COMPLAINT OF PLAINTIFF IN INTERVENTION
JENIFER D. GIBBS – Page 2

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1 Washington, and has continuously had at least fifteen (15) or more
2 employees. At all relevant times to the allegations herein, Defendant
3 has continuously been an employer engaged in an industry affecting
4 commerce within the meaning of Sections 701(b), (g), and (h) of Title
5 VII, 42 U.S.C. §§ 2000e-(b), (g), and (h), and is an employer under
6
7
8 RCW 49.60 et seq.

9
10 7. The allegations set forth in Paragraphs 1 through 10 of the
11 Complaint filed by the EEOC against Defendant in this matter are
12 incorporated by reference as if fully set forth herein.
13

14 8. Defendant's actions have deprived Ms. Gibbs of equal
15 employment opportunities under federal and state anti-discrimination
16 laws, and upon information and belief were with reckless disregard to
17 Ms. Gibbs' rights under federal and state laws, and were willfully and
18 intentionally done with the purpose to discriminate against Ms. Gibbs
19 because of her gender.
20
21
22

23 9. Defendant affected the terms and conditions of
24 employment of Ms. Gibbs by subjecting her to a sexually hostile work
25 environment because of her gender and retaliation for complaining
26
27
28

1 about such conduct, all of which caused Ms. Gibbs' constructive
2 discharge on or about January 2, 2002.

3
4 10. Defendant's actions are in violation of Title VII, RCW 49.60
5 et. seq., in violation of Washington State Public Policy, and constitutes
6 negligent and/or intentional infliction of emotional distress.
7

8 11. Ms. Gibbs is entitled to recover for the unlawful actions by
9 Defendant in an amount to be proven at trial.
10

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff in Intervention, Jenifer D. Gibbs,
13 respectfully requests that the Court enter the following relief:
14

15 A. Granting a permanent injunction enjoining Defendant, its
16 officers, employees, agents, successors and all persons in active
17 concert or participation with it from engaging in any employment
18 practices which discriminate against Ms. Gibbs on the basis of gender;
19
20

21 B. Granting Ms. Gibbs back pay, front pay and lost benefits,
22 plus interest, in an amount to be determined at trial;
23

24 C. Granting judgment against Defendant for punitive damages
25 as allowed under federal and state laws in an amount to be
26 determined at trial;
27
28

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30 JENIFER D. GIBBS – Page 4

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1 D. Granting judgment for past and future nonpecuniary
2 damages, including, without limitation, emotional pain, suffering,
3 stress, and loss of enjoyment of life, in amounts to be determined at
4 trial;
5

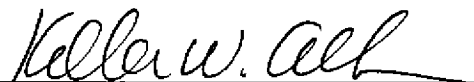
6
7 E. For reasonable attorney fees and costs incurred by Ms.
8 Gibbs in prosecuting this action;
9

10 F. For an award of monetary damages to offset any adverse
11 tax consequences attributable to any back pay, front pay, and
12 attorney's fee award and/or recovery; and
13

14 G. For such other relief as the Court deems necessary and
15 proper.
16

17 DATED this 26 day of January, 2004.

18 ALLEN & McLANE, P.C.
19

20
21 
22 Keller W. Allen, WSBA No. 18794
23 Attorney for Plaintiff in Intervention
24
25
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27
28

CERTIFICATE OF SERVICE

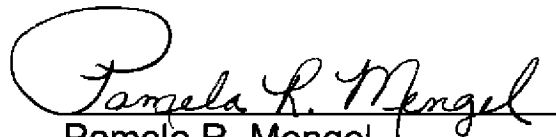
I HEREBY CERTIFY that on the 11 day of March, 2004, I caused to be served a true and correct copy of the foregoing on the following in the manner indicated:

Lisa Cox U.S. Mail
Equal Employment Overnight Mail
Opportunity Commission Hand Delivery
Federal Office Building Facsimile
909 First Avenue, Suite 400
Seattle, WA 98104-1061

Attorney for Plaintiff EEOC

Michael H. Church U.S. Mail
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Attorneys for Defendant T R A Industries, Inc. a/k/a
Huntwood Industries, Inc.


Pamela R. Mengel