

1 A. LUIS LUCERO, JR., REGIONAL ATTORNEY
2 KATHRYN OLSON, SUPERVISORY TRIAL ATTORNEY
3 TERI HEALY, SENIOR TRIAL ATTORNEY
4 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
5 909 FIRST AVENUE, SUITE 400
6 SEATTLE, WA 98104
7 TEL: (206) 220-6916
8 FAX: (206) 220-6911
9 Teri.Healy@eeoc.gov

10 ATTORNEYS FOR PLAINTIFF

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff,

v.

LABOR READY, INC.,

Defendant.

CIVIL ACTION NO.

EEOC'S FIRST AMENDED COMPLAINT

JURY TRIAL DEMAND

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 on the basis of sex, and retaliation, and to provide appropriate relief to Janice Lowell ("Ms. Lowell") who was adversely affected by such practices. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), alleges that Labor Ready, Inc. and Labor Ready Northwest, Inc. (hereafter Labor Ready

1 **Northwest**), subjected Ms. Lowell to sexual harassment. Furthermore, the Commission alleges
2 that Labor Ready, Inc. **and Labor Ready Northwest** retaliated against Ms. Lowell when she
3 complained about the sexual harassment by discharging her, and then engaged in post-
4 employment retaliation against her. Plaintiff seeks monetary relief, including pecuniary and
5 nonpecuniary compensatory and punitive damages and injunctive relief, on behalf of Ms.
6 Lowell.

7 JURISDICTION AND VENUE

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9 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
10 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of
11 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)
12 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

13 2. The employment practices alleged to be unlawful were committed within the
14 jurisdiction of the United States District Court for the Western District of Washington at
15 Tacoma.

16 PARTIES

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

21 4. At all relevant times, Defendant Labor Ready, Inc. ("Labor Ready") and **Labor**
22 **Ready Northwest** ~~have has been a corporation~~ continuously doing business in the State of
23 Washington and has continuously had at least 15 employees. **Defendant Labor Ready**
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1 **Northwest at all material times has been a wholly-owned subsidiary of Defendant Labor**
2 **Ready.**

3 5. At all relevant times, Defendant Labor Ready and **Defendant Labor Ready**
4 **Northwest have** ~~has~~ continuously been ~~an~~ employers engaged in an industry affecting commerce
5 within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and
6 (h).

7 STATEMENT OF CLAIMS

8 6. More than thirty days prior to the institution of this lawsuit, Ms. Lowell filed a
9 charge with the Commission alleging violations of Title VII by Defendant Labor Ready. All
10 conditions precedent to the institution of this lawsuit have been fulfilled.

11 7. From at least December 15, 2003, Defendant Labor Ready, and **Labor Ready**
12 **Northwest** at its Longview, Washington facility and elsewhere engaged in unlawful employment
13 practices in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a)-
14 ~~Defendant~~ **by** subjecting ~~ed~~ Ms. Lowell to sexual harassment. Furthermore, Labor Ready, Inc.
15 **and Labor Ready Northwest** engaged in unlawful practices by: (1) retaliating against Ms.
16 Lowell for her complaints about sexual harassment by terminating her in January 2003; and (2)
17 retaliating against Ms. Lowell by interfering with her subsequent employment.

18 8. The effect of the practices complained of in paragraph 7 ~~9~~ above has been to
19 deprive Ms. Lowell of equal employment opportunities.

20 9. The unlawful employment practices complained of in paragraph 7 ~~9~~ above were
21 intentional.

1 12. The unlawful employment practices complained of in paragraph 7 9 above were
2 done with malice or with reckless indifference to Ms. Lowell's federally protected rights.

3 PRAYER FOR RELIEF

4 Wherefore, the Commission respectfully requests that this Court:

5 A. Grant a permanent injunction enjoining Defendants, its officers, successors,
6 agents, assigns, and all persons in active concert or participation with it, from engaging in any
7 employment practices which discriminate or retaliate.

8 B. Order Defendants to institute and carry out policies, practices, and programs
9 which provide equal employment opportunities for all employees, and which eradicate the
10 effects of its past and present unlawful employment practices.

11 C. Order Defendants to make whole Ms. Lowell by providing appropriate back pay
12 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
13 necessary to eradicate the effects of its unlawful employment practices.

14 D. Order Defendants to make whole Ms. Lowell by providing compensation for past
15 and future pecuniary losses resulting from the unlawful employment practices described in
16 paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be
17 determined at trial.

18 E. Order Defendants to make whole Ms. Lowell by providing compensation for past
19 and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph
20 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in
21 amounts to be determined at trial.
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1 F. Order Defendants to pay Ms. Lowell punitive damages for its malicious and
2 reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

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

6 JURY TRIAL DEMAND

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

8 DATED this __23__ day of __March__, 2006

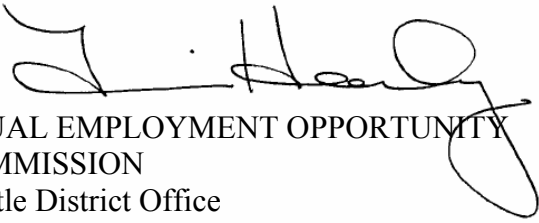
9
10 WILLIAM R. TAMAYO JAMES
Regional Attorney Deputy
11 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
12 San Francisco District Office
350 The Embarcadero, Suite 500
13 San Francisco, CA 94105-1260

L. LEE
General Counsel

14 KATHRYN OLSON GW
15 Supervisory Trial Attorney

ENDOLYN Y. REAMS
Associate General Counsel

16 TERI HEALY
17 Senior Trial Attorney

18
19 BY: 
20 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
21 Seattle District Office
909 First Avenue, Suite 400
22 Seattle, Washington 98104
Telephone (206) 220-6916
23 Facsimile (206) 220-6911

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

24 Attorneys for Plaintiff EEOC