

Honorable Thomas S Zilly

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CV 02-00468 #00000011

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

LAIDLAW, INC, and LAIDLAW
EDUCATION SERVICES dba LAIDLAW
TRANSIT, INC,

Defendant.

NO C02-468Z

COMPLAINT BY PLAINTIFF
IN INTERVENTION
SHERYL EVERSON

JURY TRIAL DEMAND

SHERYL EVERSON,

Plaintiff in Intervention.

Plaintiff in Intervention, Sheryl Everson, alleges as follows:

JURISDICTION & VENUE

- 1 This Court has jurisdiction over the subject matter of this complaint in intervention pursuant to 28 U.S.C. §§ 1331, 1337, 1343, 1345, and 1367.
- 2 Venue is proper before this court pursuant to 28 U.S.C. § 1391.

1 PARTIES

2 3. This matter was commenced by plaintiff, the Equal
3 Employment Opportunity Commission ("EEOC").

4 4 Plaintiff in Intervention, Sheryl Everson, is a resident of the
5 State of Washington

6 5 At all relevant times, defendant Laidlaw Inc , and Laidlaw
7 Education Services dba Laidlaw Transit Inc. ("Laidlaw") has been a corporation
8 continuously doing business in the State of Washington and has continuously had at
9 least 15 employees.

10 6. The EEOC has alleged that Laidlaw subjected Ms. Everson to
11 disparate and unlawful treatment on the basis of her sex, female. As the aggrieved
12 person in the unlawful practices alleged by the EEOC, Ms. Everson is entitled to
13 intervene in this action under 42 U.S.C. § 2000e-5(f)(1) Ms. Everson has satisfied all
14 requirements concerning exhaustion of administrative remedies and all conditions
15 precedent to the institution of her claims

16 7 Paragraphs 1 through 10 of the Complaint filed by the EEOC are
17 incorporated by reference as if fully set forth herein.

18 LIDLAW'S WRONGFUL CONDUCT

19 8. At all relevant times, Ms. Everson worked as a bus driver for
20 Laidlaw.

21 9. Peter McCue worked for Laidlaw as a District Manager. Mr.
22 McCue has a history of discriminating against female employees.

23 10 Laidlaw, through the actions and omissions of Mr. McCue and
24 otherwise, subjected Ms. Everson to disparate treatment with respect to the terms
25 and conditions of her employment, including denial of her bids to drive on
26 mountain trips, on the basis of her sex, female.

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11 Laidlaw’s discriminatory conduct was intentional and/or occurred with malice or with reckless indifference to Ms. Everson’s rights

12. As a result of Laidlaw’s conduct, Ms. Everson has suffered damages, including emotional distress, in an amount to be proven at trial.

13. Laidlaw knew, or in the exercise of ordinary care, should have known of Mr McCue’s unfitness for the District Manager position at the time of Mr. McCue’s hiring and before he engaged in discrimination against Ms. Everson. Laidlaw’s hiring and retention of Mr. McCue proximately caused injury to Ms. Everson.

14 Laidlaw’s conduct constitutes violations of Title VII, 42 U.S.C. § 2000e et seq. and the Washington Law Against Discrimination, RCW Chapter 49.60. Laidlaw’s conduct also constitutes negligent infliction of emotional distress, and negligent hiring and retention.

RELIEF REQUESTED

WHEREFORE, plaintiff requests the following relief.

1. That plaintiff be awarded judgment for all damages, including emotional distress damages, caused by Laidlaw’s conduct in an amount to be determined at trial,

2. That plaintiff be awarded punitive damages,

3. That plaintiff be awarded her costs and attorneys’ fees.

4. That plaintiff be awarded prejudgment and post-judgment interest at the rate provided by law; and

5. That plaintiff be awarded such other and further relief as the Court may deem just and proper.

1 DATED this 23rd day of May, 2002.

2 MUNDT MacGREGOR L.L.P.

3
4 By John H. Chun
5 Jay H. Zulauf
6 WSB No. 2277
7 John H. Chun
8 WSB No. 24767
9 Attorneys for Plaintiff in Intervention

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Defendant.

NO C02-468Z

DECLARATION OF SERVICE
BY MAIL

SHERYL EVERSON,

Plaintiff in Intervention.

Sandra K. Lee, makes the following declaration.

I am over the age of eighteen years and not a party to the above action.

On May 31, 2002, I deposited in the mails of the United States of
America a properly stamped and addressed envelope containing a copy of
Complaint by Plaintiff in Intervention Sheryl Everson in the above-referenced
matter, addressed to

Ms. Cheryl H. Middleton
ProACT LAW GROUP
18550 - 43rd Avenue Northeast
Seattle, Washington 98155

I declare under penalty of perjury under the laws of the State of
Washington that the foregoing is true and correct.

DATED at Seattle, Washington this 31st day of May, 2002.


Sandra K. Lee

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