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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

CV 01-00836 #00000020

IN THE UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	)	NO. C01-0836 R
Plaintiff,	)	
- against -	)	COMPLAINT IN INTERVENTION
WASHINGTON ENERGY SERVICES COMPANY,	)	FOR RACIAL AND GENDER
BLUE DOT SERVICES COMPANY OF WASHINGTON,	)	DISCRIMINATION AND
Defendants,	)	RETALIATION IN VIOLATION
CLEVELAND KARL GAMBLE,	)	OF TITLE VII AND
Intervenor.	)	RCW 49.60, <u>et seq.</u>
	)	[JURY TRIAL DEMAND]

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**COMPLAINT**

**NATURE OF THE CLAIM**

1.) This is an action brought by the intervenor on behalf of himself against Washington Energy Services Company, Blue Dot Services Company of Washington. The intervenor seeks declaratory relief and monetary damages to redress the deprivation of the rights accorded to the intervenor under Title VII of the 1964 Civil Rights Act of 1871, as amended in 1991, 42 U.S.C. §2000 (e) et seq. and Title 49 of the Revised Code of Washington §§49.60.030 and 49 60.180. The intervenor is an African American male employee who is the victim of racial and sexually discriminatory employment policies and practices and retaliation. The intervenor is also a well qualified employee, who has been denied the opportunity for promotion and pay raises because of the racial and sexually discriminatory practices and disparate treatment of the named defendants. The intervenor was also the victim of retaliation, because he asserted his civil rights.

2.) The discrimination experienced by the named intervenor illustrates a significant pattern of discrimination, rather than just a chance occurrence. In the intervenor's two years of employment with Washington Energy Services Company/Blue Dot Services Company of Washington, the intervenor has had to endure disparate treatment because he is an African American. The intervenor also has been the victim of overt and covert racial and sexually discriminatory practices which

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1 include retaliation for asserting his civil rights.

2 3.) As evidence of a pattern and practice of race and sex  
3 discrimination, the intervenor alleges the following specific examples  
4 of disparate treatment and impact:

5 a.) Washington Energy Services Company/Blue Dot Services  
6 Company, its administrators, and managerial staff, repeatedly allowed  
7 and in no way reprimanded or punished Kim Valdez, (who is a staff member  
8 and the intervenor's supervisor), and other employees, when Washington  
9 Energy Services Company/Blue Dot Services Company knew that Ms. Valdez,  
10 and other employees, routinely sexually harassed and practiced sexual  
11 and racially discriminatory acts against the African American  
12 intervenor. Furthermore, Washington Energy Services Company/Blue Dot  
13 Services Company, knew that Ms Valdez, and other employees, had  
14 repeatedly and routinely sexually harassed and made sexually derogatory  
15 and inflammatory statements to the intervenor, and had distributed  
16 interoffice e-mails that contained sexually explicit materials to the  
17 intervenor and other staff members. Last, Washington Energy Services  
18 Company/Blue Dot Services Company, its administrators, and managerial  
19 staff, failed to discipline or take the necessary steps to terminate Ms.  
20 Valdez and other employees, whom they knew violated state and federal  
21 laws against discrimination in the workplace.

22 b ) When the intervenor reported the discriminatory practices  
23 of Kim Valdez and other employees to management and their  
24 administrators, Washington Energy Services Company/Blue Dot Services

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1 Company refused to remove Ms. Valdez and other employees from their  
2 positions. In addition, Washington Energy Services Company/Blue Dot  
3 Services Company, its administrators, and managerial staff, did  
4 absolutely nothing to halt the sexual harassment and racial and sexually  
5 discriminatory behavior of Ms. Valdez and others. The statements and  
6 acts by Ms. Valdez and others, created a hostile work environment for  
7 the intervenor and fueled an atmosphere for other employees to act in a  
8 like manner.

9 c.) In retaliation for reporting the discriminatory actions  
10 of Ms. Valdez to the Federal Equal Opportunity Commission, Washington  
11 Energy Services Company/Blue Dot Services Company, its administrators,  
12 and managerial and supervisory staff, suspended the intervenor without  
13 pay, and then ultimately fired the intervenor without just cause. In  
14 addition, Washington Energy Services Company/Blue Dot Services Company,  
15 its administrators, and managerial and supervisory staff, permanently  
16 besmirched the intervenor's reputation, work history, and official work  
17 records.

18 d.) The intervenor was also the recipient of other disparate  
19 treatment by Washington Energy Services Company/Blue Dot Services  
20 Company, when the intervenor was told that he was not allowed to wear  
21 hoop earrings while his caucasian co-workers were allowed to do so.  
22 Further, the intervenor was not promoted or given increased  
23 responsibility because he was an African American, and also because he  
24 refused to have sex with his supervisor, Kim Valdez. No other employees

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1 were treated in a like manner as this African American intervenor.

2 e ) Further, the intervenor was singled out and watched over  
3 by his supervisor, because of his race and gender. None of the  
4 intervenor's Caucasian peers and co-workers were held to the same  
5 standards, and none of the intervenor's Caucasian co-workers were  
6 treated in the same manner.

7  
8 I.

9 JURISDICTION

10  
11 4.) This action arises under the Washington Laws Against  
12 Discrimination, RCW §49.60, et seq., and 42 U.S.C. §2000(e), et seq. The  
13 jurisdiction of this Court is invoked by the intervenor, Cleveland K.  
14 Gamble, pursuant to 28 U.S.C. §§ 1331, 1343(3) and 1343(4), which  
15 confers original jurisdiction upon this Court in a civil action to  
16 recover damages, or to secure equitable relief (i) under any Act of  
17 Congress providing for the protection of civil rights; (ii) under the  
18 Declaratory Judgement Statute, 22 U.S.C. § 2201; (iii) under 42 U.S.C.  
19 §§ 1981 and 1983; and (iv) under 42 U.S.C. §§2002, et seq. This Court  
20 also has pendant/supplemental jurisdiction over the state law claims  
21 based on 28 U.S.C. §1367(a) because the intervenor's claims arise from  
22 the same operative facts, and involve similar issues of law as the  
23 intervenor's federal claims.

24  
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1 II.

2 VENUE

3  
4 5.) Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b),  
5 in as much as the defendants have offices, conduct business, and can be  
6 found in the Western District of Washington, and the cause of action has  
7 arisen and occurred in the Western District of Washington.

8  
9 III.

10 PARTIES

11  
12 6.) The intervenor, Cleveland Karl Gamble, is an adult citizen who  
13 resides in King County, Washington. The intervenor was an employee of  
14 the defendant, Washington Energy Services Company/Blue Dot Services  
15 Company, located in Seattle, Washington.

16 7.) Defendant, Washington Energy Services Company/Blue Dot  
17 Services Company, are Corporations and doing business in Seattle, which  
18 is located in King County, Washington. At all relevant times, the  
19 defendants have continuously been employers engaged in industry  
20 affecting commerce within the meaning §§ 701(b), (g) and (h) of Title  
21 VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

1 IV.

2 PLAINTIFF'S ALLEGATION

3  
4 8.) Paragraphs 1 - 7 above are incorporated herein by reference.

5 9.) The intervenor and the plaintiff are jointly suing on their  
6 own behalf.

7 10.) There are questions of law and fact that affect the plaintiff  
8 and the individual intervenor. Among the questions of law and fact are:

9 a. whether the federal and state civil rights laws were  
10 violated by the defendants' acts as alleged herein;

11 b. whether the defendants sexually harassed and maintained  
12 racial and sexually discriminatory policies and practices as alleged  
13 herein;

14 c. whether the defendants' racial and sexually  
15 discriminatory policies and practices caused a disparate impact and/or  
16 treatment of the intervenor as alleged herein;

17 d. whether the defendants sexually harassed, retaliated  
18 against and intimidated the intervenor, such that defendants' racial and  
19 sexually discriminatory policies and practices caused the disparate  
20 impact and/or treatment of the intervenor as alleged herein;

21 e. whether the intervenor is entitled to back pay, benefits  
22 or lost wages, and if so, what is the proper measure of relief;

23 f. whether the intervenor sustained damages, and if so, what  
24 is the proper measure of damages;

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1 g. whether the defendants' racial and sexually  
2 discriminatory policies and practices should be eliminated, and, if so,  
3 what is the proper procedure for replacing the defendant's policies and  
4 practices with those that are racial and sexually neutral in impact and  
5 effect; and

6 h. whether defendants' employment and policies and practices  
7 are inadequate or subjective.

8  
9 v.

10 STATEMENT OF CLAIM

11  
12 11.) Since at least 1998, Washington Energy Services Company and  
13 Blue Dot Services Company, have engaged in a pattern, and maintained a  
14 policy and practice of sexual harassment and racial and gender  
15 discrimination. As part of its pattern and practice, Washington Energy  
16 Services Company, Blue Dot Services Company, and its agents have  
17 discriminated against the intervenor, who is a well-qualified African  
18 American Employee by: (1) failing to protect the African American  
19 intervenor from his racist supervisor, who sexually harassed and  
20 discriminated against the intervenor because of his gender and race,  
21 even though Washington Energy Services Company/Blue Dot Services  
22 Company, and its managerial staff members knew and had reasonable cause  
23 to know that a hostile work environment existed; (2) by denying the  
24 intervenor the opportunity for promotion or pay raises because of his

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1 gender and also because he is an African American; (3) in the terms and  
2 conditions of employment, by failing to discipline the Caucasian co-  
3 workers and his supervisor, Kim Valdez, and others, for sexually  
4 harassing the intervenor and for acting in a blatant and overtly sexist  
5 and racist manner, even though Washington Energy Services Company/Blue  
6 Dot Services Company was informed of incidents of sexual harassment and  
7 racial and gender discrimination by the intervenor; (4) by retaliating  
8 against the intervenor for asserting his civil rights through  
9 intimidation, physical assault, suspension, and a poor performance  
10 evaluation after the intervenor reported the discriminatory acts and  
11 practices of his supervisor and co-workers to management; and (5) by  
12 engaging in wholly disparate treatment of the intervenor based upon his  
13 gender and his race, and by creating and permitting a racial and  
14 sexually hostile work environment to exist.

15 12.) Washington Energy Services Company/Blue Dot Services Company  
16 maintained a pattern and practice of race and sexual discrimination in  
17 the terms and conditions of its employment by preventing the African  
18 American intervenor from obtaining the experience and opportunities  
19 necessary to become qualified for promotion and subsequent pay raises.  
20 For instance, Washington Energy Services Company/Blue Dot Services  
21 Company:

22 a. relegated the intervenor to jobs with less responsibility,  
23 and prospects for promotion, than those jobs that are held by equally  
24 qualified Caucasians, because the intervenor refused and rebuffed his

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1 Caucasian supervisor's sexual advancements.

2 b. denied the intervenor the opportunity, accorded to equally  
3 or less qualified Caucasians, to handle special assignments, thus  
4 limiting the opportunity for the intervenor to acquire professional  
5 contacts, develop necessary skills, and achieve the level of recognition  
6 necessary for promotional prospects.

7 c. maintained a racial and sexually pervasive atmosphere  
8 perpetuating discriminatory treatment of the African American  
9 intervenor As an example, the intervenor was subjected to racist acts  
10 and statements by his co-workers, the intervenor was constantly sexually  
11 harassed, groped and touched by his supervisor, Kim Valdez and other co-  
12 workers The intervenor's supervisor, Kim Valdez, intentionally  
13 undermined the working reputation of the intervenor and the intervenor's  
14 work relationship with staff and management, solely because the  
15 intervenor refused to have sex with Ms. Valdez. Absolutely nothing was  
16 done by Washington Energy Services Company/Blue Dot Services Company to  
17 stop the racial and sexually discriminatory practices of Ms Valdez  
18 against the intervenor. There were no measures in place to investigate  
19 the ill-treatment of the intervenor or to halt the sexual harassment or  
20 the racial and sexually discriminatory practices of Ms. Valdez and  
21 others, once it was discovered.

22 13.) Washington Energy Services Company/Blue Dot Services Company  
23 also maintained a pattern of retaliation designed to intimidate the  
24 intervenor, and to further deter him from objecting to defendant's

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1 racial and sexually discriminatory policies, practices, and procedures

2 For example:

3 a. The intervenor was retaliated against, disparately  
4 treated, and punished by the defendants and their supervisorial and  
5 management staff, because the intervenor complained about the sexual  
6 harassment and the racial discriminatory policies practices in the  
7 workplace. The intervenor received a poor and highly inflammatory  
8 evaluation after reporting the discriminatory practices of his  
9 supervisor and co-worker. As an ultimate result of the retaliation, the  
10 intervenor was wrongfully terminated from his employment with the  
11 defendants.

12 b. After complaining to management about the sexual  
13 harassment and the discriminatory treatment the intervenor was receiving  
14 in the workplace, the intervenor was singled out and held to a standard  
15 that none of his Caucasian peers were held to. The African American  
16 intervenor was told to dress in a certain fashion and instructed that he  
17 was not to wear certain apparel in the workplace. However, the  
18 intervenors Caucasian co-workers were allowed to wear the same apparel  
19 in the workplace that the intervenor was forbidden to wear.

20 c. After the intervenor reported the sexual harassment and  
21 the discriminatory treatment that he was receiving to the U. S. Equal  
22 Employment Opportunity Commission and to his managers, the intervenor  
23 was physically assaulted by management staff and then wrongfully  
24 terminated from his employment.

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1 14.) Washington Energy Services Company/Blue Dot Services Company  
2 and its agents willfully and recklessly discriminated against this  
3 African American intervenor.

4 15.) Paragraphs 1 - 14 describe a pattern and practice of race and  
5 sexual discrimination utilized by the defendants, Washington Energy  
6 Services Company/Blue Dot Services Company, which constitutes a  
7 violation of Washington State Civil Rights Law, RCW §§ 49.60.030 (a) and  
8 49.60.180 (3).

9  
10 VI.

11 OPERATIVE FACTS

12  
13 16.) Paragraphs 1 - 15 above are incorporated herein by reference.

14 17.) Cleveland K. Gamble is a 46 year old African American male who  
15 worked for Washington Energy Services Company/Blue Dot Services Company  
16 from September of 1998 to July of 2000. Mr. Gamble was employed as an  
17 Inbound Call Center employee.

18 18.) Almost as soon as the intervenor became employed by the  
19 defendants, the intervenor began to experience sexual harassment and  
20 racial and sexually discriminatory treatment in the general workplace by  
21 the intervenor's supervisor, Kim Valdez, and other co-workers.

22 19.) The intervenor became the object of racial and sexually  
23 discriminatory practices.

24 20.) In a conspiratorial effort to undermine the will, reputation,

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1 and the working relationships of the intervenor, after the intervenor  
2 complained to management about the discriminatory acts and practices of  
3 his supervisor and others, the intervenor was retaliated against and  
4 singled out for punishment by the defendants and their managerial staff.

5 21.) In addition to undermining the intervenor's work relations  
6 with his co-workers, management for the defendants began a campaign of  
7 belittling the intervenor because of his race and gender. On numerous  
8 occasions, The intervenor's supervisor and others frequently made racial  
9 and sexually derogatory comments to the intervenor.

10 22.) Although Washington Energy Services Company/Blue Dot Services  
11 Company, its managerial and supervisory staff members were made aware  
12 of the statements of their employee and agents by the intervenor, the  
13 defendants failed to discipline the parties who engaged in the  
14 discriminatory treatment of the intervenor. Furthermore, after learning  
15 that their agents and employees created a hostile work environment based  
16 on the plaintiff's race and gender, the defendants continued to employ  
17 those engaged in the discriminatory behavior.

18 23.) The defendants maintained a pervasive racial and sexually  
19 discriminatory environment and atmosphere that perpetuated the  
20 discriminatory treatment of the intervenor. The intervenor was subjected  
21 to racist and sexist treatment by his immediate supervisor, and the  
22 defendants failed to reprimand or take any disciplinary action against  
23 that supervisor, and others, for their racist and sexist acts against  
24 the intervenor.

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VII.

FIRST CAUSE OF ACTION

DISCRIMINATION ON THE BASIS OF RACE

IN VIOLATION OF 42 U.S.C. §2000 (e) et seq. (TITLE VII) AND TITLE 49 OF  
THE REVISED CODE OF WASHINGTON §§49.60.030 and 49.60.180.

24.) The intervenor repeats, re-alleges, and hereby incorporates by reference each and every allegation in paragraphs 1 through 23 as set forth herein in full, and the intervenor further alleges as follows:

25.) Defendants have intentionally discriminated against the intervenor on the basis of his race and gender in violation of Section 2000 (e) et seq. of the Civil Rights Act of 1964 and Washington State Civil Rights Law, Title 49 of the Revised Code of Washington §§49.60.030 (a) and 49.60.180 (3), by denying the intervenor equal terms and conditions of employment, such as by having inadequate and subjective disciplinary policies, by denying the African American intervenor the opportunities necessary for promotion and pay raises because of his race and gender, by unlawfully retaliating against the intervenor for asserting his civil rights, and by maintaining a racially and sexually pervasive atmosphere perpetuating discriminatory treatment of the African American intervenor.

VIII.

SECOND CAUSE OF ACTION

OUTRAGE

26.) The intervenor repeats, re-alleges, and hereby incorporates by reference each and every allegation in paragraphs 1 through 25 as set forth herein in full, and the intervenor further alleges as follows:

27.) The defendants intentionally engaged in extreme and outrageous conduct that would shock the conscience of a civilized society. And the defendants are liable to the intervenor for denying him equal terms and conditions of employment, such as by having inadequate and subjective disciplinary policies, by denying the intervenor the opportunities necessary for promotion and pay raises because of his race and gender, by unlawfully retaliating against the intervenor for asserting his civil rights, by maintaining a racially pervasive atmosphere perpetuating discriminatory treatment of the intervenor.

28.) The defendants further intended to cause the intervenor to suffer severe emotional distress and/or the defendants were reckless as to such consequences the intervenor would suffer as a result of their extreme and outrageous conduct.

29.) The intervenor was the object of the extreme and outrageous conduct and as a result of the tortious acts of the defendant, the intervenor suffered damages.

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IX.

THIRD CAUSE OF ACTION

PURE NEGLIGENCE and NEGLIGENT SUPERVISION AND RETENTION

30 ) The intervenor repeats, re-alleges, and hereby incorporates by reference each and every allegation in paragraphs 1 through 29 as set forth herein in full and the intervenor further alleges as follows

31.) The defendants, are subject to liability to the intervenor for negligently failing to supervise, and investigate the sexist and racist activities their managers, supervisors and general staff. The defendants, are also liable to the intervenor for negligently retaining Ms. Valdez and others, after the defendants learned of their racial and sexually discriminatory acts and practices. The defendants, should have promptly discharged Ms. Valdez, and strongly disciplined others for their discriminatory practices, activities and statements.

32.) The above-named defendants owed a professional and reasonable duty of care to the intervenor, and breached that standard of conduct for the protection of the intervenor against an unreasonable risk of injury, by willfully denying the intervenor equal terms and conditions of employment, such as by having inadequate and subjective disciplinary policies, by denying the intervenor the opportunities necessary for promotion and pay raises because of his race and gender, by unlawfully retaliating against the intervenor for asserting his civil rights, by maintaining a pervasive atmosphere that perpetuated the discriminatory

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1 treatment of the African American intervenor.

2 33.) And as an actual, proximate, and direct result of the  
3 defendant's breach of their professional and reasonable duty of care,  
4 the intervenor suffered injury. Such injury to the intervenor, resulted  
5 in economic harm and damages to the intervenor's person.

7 X.

8 FOURTH CAUSE OF ACTION

9 VICARIOUS LIABILITY UNDER THE DOCTRINE OF RESPONDEAT SUPERIOR

10  
11 34.) The intervenor repeats, re-alleges, and hereby incorporates by  
12 reference each and every allegation in paragraphs 1 through 33 as set  
13 forth herein in full, and the intervenor further alleges as follows:

14 35.) The defendants, and their supervisors, Kim Valdez and Craig  
15 Olsen had a master/servant relationship. While conducting their official  
16 duties, both Ms. Valdez and Mr. Olsen engaged in tortious conduct when  
17 they, and others, racially and sexually discriminated against the  
18 intervenor by denying him equal terms and conditions of employment, such  
19 as by having inadequate and subjective disciplinary policies, by denying  
20 the African American intervenor the opportunities necessary for  
21 promotion and pay raises because of his race and gender, by unlawfully  
22 retaliating against the intervenor for asserting his civil rights, and  
23 by maintaining a racially and sexually pervasive atmosphere that  
24 perpetuated the discriminatory treatment of the intervenor and by

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1 wrongfully terminating the well qualified African American intervenor.

2 36.) The defendants are also vicariously liable for the tortious  
3 acts committed by their employees in the normal course of business.

4  
5 **XI.**

6 **FIFTH CAUSE OF ACTION**

7 **CONSPIRACY TO VIOLATE THE CIVIL RIGHTS OF ANOTHER ON THE BASIS OF RACE**  
8 **IN VIOLATION OF 42 U.S.C. § 2000 (e) et seq. of TITLE VII**

9  
10 37.) The intervenor repeats, re-alleges, and hereby incorporates by  
11 reference each and every allegation in paragraphs 1 through 36 as set  
12 forth herein in full, and the intervenor further alleges as follows:

13 38.) The defendants and their managerial and supervisory staff  
14 set forth a conspiracy to violate the civil rights of the intervenor.  
15 Specifically, Kim Valdez, Craig Olsen and other co-workers conspired to  
16 terminate the intervenor or force him to resign from his employment with  
17 the defendants because he asserted his civil rights. This behavior is in  
18 violation of 42 U.S.C. section 2000 (e) et seq. (Title VII), and it  
19 caused the intervenor to suffer emotional distress.

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XII.

SIXTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

39.) The intervenor repeats, re-alleges, and hereby incorporates by reference each and every allegation in paragraphs 1 through 38 as set forth herein in full, and the intervenor further alleges as follows.

40.) The defendants negligently engaged in extreme and outrageous conduct that would shock the conscience of a civilized society.

41.) The defendants are liable to the intervenor for denying the him equal terms and conditions of employment, such as by having inadequate and subjective disciplinary policies, by denying the African American intervenor the opportunities necessary for promotion and pay raises because of his race and gender, by unlawfully retaliating against the plaintiff for asserting her civil rights, by maintaining a racially pervasive atmosphere perpetuating discriminatory treatment of the African American intervenor, and by blatantly discriminating against the intervenor by negligently creating a racially and sexually hostile work environment and/or negligently permitting such a racially and sexually hostile work environment to exist, and by wrongfully terminating the well qualified African American intervenor because he asserted his civil rights.

42.) Further, the defendants negligently caused the intervenor to suffer severe emotional distress and/or the defendants were reckless as

1 to the consequences the intervenor would suffer as a result of their  
2 extreme and outrageously negligent conduct.

3 43.) The intervenor was the object of the extreme and outrageous  
4 negligent conduct, and as a result of the tortious acts of the  
5 defendants, the intervenor suffered damages.

6  
7 **XIII.**

8 **CAUSATION AND DAMAGES**

9  
10 44.) The intervenor repeats, re-alleges, and hereby incorporates by  
11 reference each and every allegation in paragraphs 1 through 43 as set  
12 forth herein in full, and the intervenor further alleges as follows:

13 45.) Equitable relief such as back pay or prospective relief are  
14 inappropriate here. Rather, the intervenor is entitled to punitive  
15 damages, reasonable attorneys fees, and the broadest of monetary damage  
16 remedies, (See, Civil Rights Remedies Equalization Amendment of 1986 at  
17 42 U.S.C. § 2000d-7(a)(2).

18 46.) As a direct and proximate cause of the defendant's above-  
19 described tortious conduct, their violations of protected civil rights,  
20 and violations of statutory and common law, the intervenor has suffered  
21 substantial special and general damages of a kind that would be normally  
22 foreseeable;

23 47.) As a direct and proximate result of the above-described acts  
24 of the defendants, the intervenor, Cleveland K. Gamble, has suffered

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1 severe emotional distress, inconvenience, pain and suffering,  
2 humiliation, anxiety, loss of enjoyment of life, loss of self-respect  
3 and other non-pecuniary losses as previously alleged herein, and the  
4 intervenor will continue to suffer these losses into the foreseeable  
5 future.

6 48.) As a direct and proximate result of the above-described acts  
7 of the defendants, the intervenor has suffered damage and harm to his  
8 employment and his employment potential, destruction of his trust in the  
9 community and society in general, and harm and loss to his past and  
10 future economic and/or earning capacity.

11  
12 **XIV.**

13 **JURY DEMAND**

14 49.) A jury trial is requested on all issues of fact and damages in  
15 this action.

16  
17 **XV.**

18 **PRAYER FOR RELIEF**

19  
20 **WHEREFORE**, the intervenor respectfully request that this Court  
21 grant the following relief:

22 1. Enter a judgement that the acts and practices of the defendants  
23 complained of herein are in violation of the laws of the United States  
24 and the State of Washington;

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1 2. Award the intervenor compensation for all past, present, and  
2 future lost wages; including without limitation, lost fringe benefits  
3 and back pay, and any lost benefits that would have otherwise been  
4 included in the plaintiff's 401 (k) pension plan;

5 3. Award the intervenor compensation for all past, present, and  
6 future medical and related health care expenses;

7 4. Award the intervenor compensatory damages for all past, present,  
8 and future pain and suffering and other general and non-pecuniary  
9 damages as herein before alleged;

10 5 Award the intervenor compensatory damages for all past,  
11 present, and future loss of enjoyment of life;

12 6. Award the intervenor compensatory damages for pecuniary losses  
13 including lost earning capacity, past and future, and lost employment  
14 opportunities;

15 7. Award the intervenor punitive damages;

16 8. Award the intervenor the costs of this action, including the  
17 fees and costs of experts, together with reasonable attorney's fees and  
18 costs

19 9. Award the intervenor total damages in the sum of \$16.5 million  
20 dollars.

21 10. Grant an Order restraining Washington Energy Services  
22 Company/Blue Dot Services Company from retaliating against any the  
23 witnesses who participated in this litigation, and also bar any other  
24 kind of racial or sexually discriminatory practices that are taking

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1 place within Washington Energy Services Company/Blue Dot Services  
2 Company.

3 11. Grant the intervenor such additional and further relief as this  
4 Court deems necessary, just, and equitable after a full presentation of  
5 the evidence.

6  
7 Respectfully submitted by Michael Diliza Nkosi, Counselor at Law.  
8 At Bremerton, Washington, this 17th day of August, 2001.

9 

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