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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 CV-N-04-0229-LRH-RAM

15 U.S. EQUAL EMPLOYMENT
16 OPPORTUNITY COMMISSION,

17 Plaintiff,

18 v.

19 SCOLARI WAREHOUSE
20 MARKETS, INCORPORATED, A
21 NEVADA CORPORATION, D/B/A
22 SCOLARI'S FOOD AND DRUG;
23 AND DOES 1-10 INCLUSIVE,

24 Defendants.

25 **COMPLAINT-CIVIL RIGHTS**
26 ☒ **SEX HARASSMENT**
27 ☒ **RETALIATION**

28 (42 U.S.C. §§ 2000e, et seq.;)

DEMAND FOR JURY TRIAL

NATURE OF THE ACTION

This is a sexual harassment and retaliation action brought by the United States Equal Employment Opportunity Commission, ("the Commission") under Title VII of the Civil Rights Act of 1964, as amended, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to the Charging Party, Jennifer Gould (" Ms. Gould") and a class of similarly situated individuals who were adversely affected by such practices. The Commission alleges Ms. Gould and other similarly situated individuals were sexually harassed

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1 or subjected to sex based harassment or subjected to during their employment
2 with Defendant, Scolari Warehouse Markets, Inc., A Nevada Corporation and
3 d/b/a Scolari Food & Drug Company ("Defendant Employers"). Charging Party,
4 Ms. Gould, and other similarly situated individuals were subjected to a hostile
5 work environment perpetuated by Defendant supervisor(s).

6 The Commission also alleges Ms. Gould and other similarly situated
7 individuals who had complained of the harassment by supervisors were subjected
8 to retaliation in the form of demotion, loss of wages, further harassment,
9 discipline or discharge.

10 JURISDICTION AND VENUE

11 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. sections
12 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted
13 pursuant to section §§706(f)(1)and (3) of Title VII of the Civil Rights Act of
14 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) and pursuant to § 102 of the
15 Civil Rights Act of 1991, 42 U.S.C. §§1981A.

16 2. The employment practices alleged herein to be unlawful were
17 committed within the jurisdiction of the United States District Court for the State
18 of Nevada.

19 3. Prior to institution of this lawsuit, the Commission's representatives
20 attempted to eliminate the unlawful employment practices alleged below and to
21 effect voluntary compliance with Title VII through informal methods of
22 conciliation, conference and persuasion within the meaning of section
23 §§706(f)(1) and (3) of Title VII, 42 U.S. C., §§2000e-5(f)(1) and (3). All
24 conditions precedent to the institution of this lawsuit have been fulfilled.

25 PARTIES

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

4 5. At all relevant times, "Defendant Employers," have continuously been
5 and are now doing business in the State of Nevada, County of Washoe, and City
6 of Reno, Nevada.

7 6. Plaintiff is ignorant of the true names and capacities of "Defendant
8 Employers," sued as DOES 1 through 10, inclusively, and therefore Plaintiff sue
9 said "Defendant Employers" by such fictitious names. Plaintiff reserves the right
10 to amend the complaint to name the DOE "Defendant Employers" individually or
11 corporately as they become known. Plaintiff alleges that each of the "Defendant
12 Employers" named as DOES was in some manner responsible for the acts and
13 omissions alleged herein and Plaintiff will amend the complaint to allege such
14 responsibility when same shall have been ascertained by Plaintiff.

15 7. It is further alleged on information and belief that the named and
16 unnamed defendants in the complaint are mere alter egos of the "Defendant
17 Employer". The remaining defendants are properly named in the complaint.

18 8. All of the acts and failures to act alleged herein were duly performed by
19 and attributable to "Defendant Employer", each acting as a successor, agent,
20 employee or under the direction and control of the others, except as specifically
21 alleged otherwise. Said acts and failures to act were within the scope of such
22 agency and/or employment, and each "Defendant Employer" participated in,
23 approved and/or ratified the unlawful acts and omissions by other "Defendant
24 Employer" complained of herein. Whenever and wherever reference to any act in
25 this Complaint to any act by a defendant employer or "Defendant Employer",
26 such allegations and reference shall also be deemed to mean the acts and failures
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1 to act of each "Defendant Employers" acting individually, jointly and/or
2 severally.

3 9. At all relevant times, "Defendant Employers" has continuously been
4 an employer engaged in an industry affecting commerce within the meaning of §§
5 701 (b), (g) and (h) of Title VII, 42 U.S.C., §§ 2000e-1(b), (g) and (h) and §§
6 11(b), (g), and (h).

7 STATEMENT OF CLAIMS

8 10. Since on or about October 2002, "Defendant Employers" has
9 engaged in unlawful employment practices at its facility in Reno, Nevada in
10 violation of §§706(f)(1) and (3) of Title VII, 42 U.S. C., §§2000e-5(f)(1) and (3).
11 The unlawful sexual harassment and sex based harassment in the form of verbal
12 harassment directed at Ms. Gould and other similarly situated individual women
13 impacted the terms and conditions of their employment and created a hostile
14 working environment at "Defendant Employers." These practices also included
15 the retaliation against and termination of Ms. Gould and other similarly situated
16 individuals for having complained about the work environment.

17 11. The impact of the aforementioned conduct deprived Ms. Gould and
18 other similarly situated individuals of equal employment opportunities and to
19 otherwise adversely impacted their employment status because of their sex and
20 also in retaliation for opposing discriminatory practices or engaging in a protected
21 activity that resulted in adverse employment action.

22 12. The unlawful employment practices complained of above were and
23 are willful within the meaning of §§706(f)(1) and (3) of Title VII, 42 U.S. C.,
24 §§2000e-5(f)(1) and (3).

25 13. The unlawful employment practices complained of above were
26 intentional and caused Ms. Gould and other similarly situated individuals to
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1 suffer emotional distress.

2 14. "Defendant Employers" has acted with malice or reckless indifference
3 to the federally protected rights of Ms. Gould and other similarly situated
4 individuals by subjecting them to harassment consisting of sexually charged
5 conduct, derogatory statements, obscene and vulgar language. Women were
6 openly asked by supervisor(s) to "show [them] their tits," and to "suck some
7 cock" as well as subjected to other derogatory and obscene statements. When
8 Charging party complained to "Defendant Employer" about the harassment she
9 and other similar situated individuals were being subjected to, she was
10 terminated. The Charging party and other similarly situated individuals were also
11 subject to retaliation for opposing discrimination or engaging in a protected
12 activity resulting in an adverse employment action that harmed them.

13 PRAYER FOR RELIEF

14 Wherefore, the Commission respectfully requests that this Court:

15 A. Grant a permanent injunction enjoining "Defendant Employer," its
16 officers, successors, assigns and all persons in active concert or participation with
17 them, from engaging in any employment practices that discriminate on the basis
18 of sex or from engaging in unlawful retaliation;

19 B. Grant a permanent injunction enjoining "Defendant Employer," their
20 officers, successors, assigns and all persons in active concert or participation with
21 them, from engaging in any employment practice which discriminates on the
22 basis of sex;

23 C. Order "Defendant Employer" to institute and carry out policies,
24 practices and programs which provide equal employment opportunities for
25 females which eradicate the effects of their past and present unlawful
26 employment practices;

1 D. Grant a judgment requiring "Defendant Employer" to pay Ms. Gould
2 and other similarly situated individuals appropriate back pay, front pay,
3 compensatory damages and benefits in an amount to be determined at trial
4 including prejudgment interest;

5 E. Order "Defendant Employer" to make Ms. Gould and other similarly
6 situated individuals whole by providing affirmative relief necessary to eradicate
7 the effects of its unlawful practices including, but not limited to, payment of
8 compensatory damages to Ms. Gould and other similarly situated individuals
9 and/or rightful place employment;

10 F. Order "Defendant Employer" to pay Ms. Gould and other similarly
11 situated individuals punitive damages in an amount to be determined at trial;

12 G. Award the Commission its costs in this action; and

13 H. Grant such further relief as the Court deems necessary and proper in
14 the public interest.

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1 JURY DEMAND

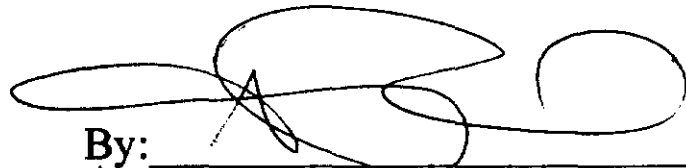
2 The Commission requests a jury trial on all questions of fact raised by its
3 Complaint.

4 Respectfully Submitted By:

5 U.S. EQUAL EMPLOYMENT
6 OPPORTUNITY COMMISSION
7 1801 "L" Street, N.W.
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8 Eric S. Dreiband
9 General Counsel
James Lee
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11 Associate General Counsel

12 May 5, 2004



By: Anna Y. Park, Regional Attorney
Gregory L. McClinton, Trial Attorney

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