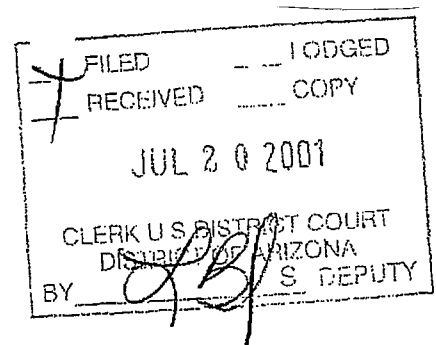




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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

CIV '01 1352 PHX EHC

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

COAST ENERGY MANAGEMENT,

Defendant.

COMPLAINT AND
JURY TRIAL DEMAND

NATURE OF THE ACTION

1. This is an action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended by 42 U.S.C. § 1981a, to correct and provide adequate relief for unlawful sex discrimination directed toward Martha Alvarez Rodriguez, Laura Monje, Agnes Spencer, and Elizabeth Teran, and a class of female employees, as well as retaliation directed toward Ms. Alvarez Rodriguez.

2. Ms. Alvarez Rodriguez, Ms. Monje, Ms. Spencer, Ms. Teran, and other female employees of Defendant, Coast Energy Management, Incorporated, were subjected to unlawful sexual harassment that altered the terms and conditions of their employment and created a hostile work environment. As a result of the sexual harassment, the conditions of the employment of Ms. Spencer and other female employees were made so intolerable that

1 they were forced to resign from their respective positions. In addition, Ms. Alvarez
2 Rodriguez was retaliated against when she opposed the harassment.

3 JURISDICTION AND VENUE

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

8 4. The employment practices alleged to be unlawful were committed within the
9 jurisdiction of the United States District Court for the District of Arizona.

10 PARTIES

11 5. Plaintiff, Equal Employment Opportunity Commission (the "Commission"),
12 is the agency of the United States of America charged with the administration, interpretation
13 and enforcement of Title VII and is expressly authorized to bring this action by sections
14 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1), (3), 2000e-6.

15 6. At all relevant times, Defendant, Coast Energy Management, Incorporated,
16 ("CEM"), has continuously been an Arizona corporation doing business in the State of
17 Arizona, and has continuously had at least fifteen employees.

18 7. At all relevant times, CEM has continuously been an employer engaged in an
19 industry affecting commerce within the meaning of section 701(b), (g) and (h) of Title VII,
20 42 U.S.C. §§ 2000e(b), (g) and (h).

21 STATEMENT OF CLAIMS

22 8. More than thirty days prior to the institution of this lawsuit, Martha Alvarez
23 Rodriguez, Laura Monje, Agnes Spencer, and Elizabeth Teran filed charges with the
24 Commission alleging violations of Title VII by Defendants. All conditions precedent to the
25 institution of this lawsuit have been fulfilled.

26 First Claim: Sexual Harassment

27 9. Since at least February 22, 1997, CEM, acting through a high-level male
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1 management official, has engaged in unlawful employment practices at its manufacturing
2 facility in Chandler, Arizona, in violation of section 703(a) of Title VII, 42 U.S.C. § 2000e-
3 2(a), by subjecting Ms. Alvarez Rodriguez, Ms. Monje, Ms. Spencer, Ms. Teran and a class
4 of female employees to sexual harassment that altered their terms and conditions of
5 employment and created a hostile work environment.

6 10. The unlawful sexual harassment was partially physical in nature.

7 11. The physical sexual harassment included, but was not limited to, the following
8 acts by the high-level male management official:

9 (a) pulling female employees into his lap and holding them down so they
10 could not get up;

11 (b) touching female employees' breasts, or staring at their breasts;

12 (c) putting his hands up the skirts of female employees, or attempting to
13 do so;

14 (d) kissing female employees, or trying to kiss them;

15 (e) grabbing female employees and holding them in tight squeezes;

16 (f) slapping female employees on the rear end, or grabbing their rear end;

17 (g) grabbing female employees by the shoulders;

18 (h) attempting to put his hands inside female employees' shirts.

19 12. The unlawful sexual harassment was partially verbal in nature.

20 13. The verbal sexual harassment included, but was not limited to, the following
21 remarks by the high-level male management official:

22 (a) "give me your ass and you can leave early";

23 (b) requests to be kissed.

24 14. Although CEM had notice of sexual harassment, it failed to exercise reasonable
25 care to prevent and/or correct promptly any sexually harassing behavior.

26 **Second Claim: Constructive Discharge**

27 15. The unlawful employment practices described above caused Ms. Spencer and
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1 other female employees to be constructively discharged in violation of section 703(a) of
2 Title VII, 42 U.S.C. § 2000e-2(a).

3 **Third Claim: Retaliation**

4 16. In February, 1999, CEM engaged in unlawful retaliatory practices in violation
5 of section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), by terminating Ms. Alvarez
6 Rodriguez for complaining to the high-level male management official about his unlawful
7 sexual harassment.

8 17. The effect of the practices complained of in paragraphs 9-16 above has been
9 to deprive Ms. Alvarez Rodriguez, Ms. Monje, Ms. Spencer, Ms. Teran and a class of female
10 employees of equal employment opportunities and otherwise adversely affect their status as
11 employees because of their sex.

12 **Allegations Pertaining to Punitive Damages**

13 18. The unlawful employment practices described above were intentional.

14 19. The unlawful employment practices described above were done with malice
15 or with reckless indifference to the federally protected rights of Ms. Alvarez Rodriguez, Ms.
16 Monje, Ms. Spencer, Ms. Teran and a class of female employees.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, the Commission respectfully requests that this Court:

19 A. Grant a permanent injunction enjoining CEM and all officers, successors,
20 assigns, and all persons in active concert or participation with CEM from engaging in any
21 employment practice which discriminates on the basis of sex or constitute retaliation.

22 B. Order CEM to institute and carry out policies, practices and programs which
23 provide equal employment opportunities for women and those who oppose unlawful
24 employment discrimination, and which eradicate the effects of its past and present unlawful
25 employment practices.

26 C. Order CEM to make whole Ms. Alvarez Rodriguez, Ms. Monje, Ms. Spencer,
27 Ms. Teran and a class of female employees by providing appropriate back pay with
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1 prejudgment interest, in amounts to be proven at trial, and other affirmative relief necessary
2 to eradicate the effects of CEM's unlawful employment practices including, but not limited
3 to, their rightful place reinstatement or front pay.

4 D. Order CEM to make whole Ms. Alvarez Rodriguez, Ms. Monje, Ms. Spencer,
5 Ms. Teran and a class of female employees by providing compensation for past and future
6 pecuniary losses resulting from the unlawful employment practices described above,
7 including but not limited to costs incurred for obtaining medical treatment and subsequent
8 employment, in amounts to be determined at trial.

9 E. Order CEM to make whole Ms. Alvarez Rodriguez, Ms. Monje, Ms. Spencer, Ms.
10 Teran and a class of female employees by providing compensation for past and future non-
11 pecuniary losses resulting from the unlawful practices complained of above, including
12 emotional pain, suffering, loss of enjoyment of life, and humiliation in amounts to be
13 determined at trial.

14 F. Order CEM to pay Ms. Alvarez Rodriguez, Ms. Monje, Ms. Spencer, Ms.
15 Teran and a class of female employees punitive damages for its malicious and/or reckless
16 conduct, in amounts to be determined at trial.

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

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

20 **JURY TRIAL DEMAND**

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

22 DATED this 20th day of July, 2001.

23 Respectfully submitted,

24 GWENDOLYN YOUNG REAMS
25 Acting Deputy General Counsel

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