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15 ATTORNEYS FOR PLAINTIFF

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

18 EQUAL EMPLOYMENT OPPORTUNITY  
19 COMMISSION,

20 Plaintiff,

21 v.

22 LES SCHWAB TIRE CENTERS OF  
23 WASHINGTON, INC., LES SCHWAB  
24 WAREHOUSE CENTER, INC.,

25 Defendants.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

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NATURE OF THE ACTION

1  
2 This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I  
3 of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appro-  
4 priate relief to Magen Morris, Jennifer Strange and similarly situated individuals who were  
5 adversely affected by such practices. The Equal Employment Opportunity Commission ("the  
6 EEOC") alleges that defendants Les Schwab Tire Centers of Washington, Inc. and Les Schwab  
7 Warehouse Center, Inc. (collectively referred to herein as "Les Schwab" or "defendants")  
8 violated Title VII by discriminating against Ms. Morris, Ms. Strange and similarly situated  
9 individuals on the basis of sex when defendants failed to provide training opportunities to them  
10 and when it failed to promote them to management positions on the basis of sex. The EEOC also  
11 alleges that Les Schwab violated Title VII when it failed to hire female applicants for positions  
12 in the sale/service departments of Les Schwab Tire Center facilities on the basis of sex.  
13

JURISDICTION AND VENUE

- 14
- 15 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and  
16 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of  
17 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e et seq.  
18 ("Title VII") and section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.  
19
  - 20 2. The employment practices alleged to be unlawful were committed within the jurisdiction  
21 of the United States District Court for the Western District of Washington.  
22

PARTIES

- 23
- 24 3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United  
25 States of America charged with the administration, interpretation and enforcement of

1 Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of  
2 Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

3 4. At all relevant times, defendants Les Schwab Tire Centers of Washington, Inc. and Les  
4 Schwab Warehouse Center, Inc. have continuously been employers engaged in an  
5 industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title  
6 VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

7 5. At all relevant times, defendants Les Schwab Tire Centers of Washington, Inc. Les  
8 Schwab Warehouse Center, Inc. have been corporations continuously doing business in  
9 the State of Washington and has continuously had at least 15 employees.

11 STATEMENT OF CLAIMS

12 6. More than thirty days prior to the institution of this lawsuit, Magen Morris and Jennifer  
13 Strange filed charges of discrimination with the Commission alleging violations of Title  
14 VII by Les Schwab. All conditions precedent to the institution of this lawsuit have been  
15 fulfilled.

16 7. Since at least January 1, 2004, defendants have engaged in unlawful employment  
17 practices at their facilities in Washington state and other states in which they conduct  
18 business in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). These  
19 practices include discriminating against Ms. Morris, Ms. Strange and similarly situated  
20 females based on sex, when they failed to train them for management positions and when  
21 they failed to promote them into management positions. Further, defendants  
22 discriminated against female applicants for sales/service positions when they failed to  
23 hire them because of sex.  
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1 8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms.  
2 Morris, Ms. Strange, and similarly situated individuals of equal employment  
3 opportunities and otherwise adversely affect their status as applicants or employees  
4 because of the discrimination that occurred.

5 9. The unlawful employment practices complained of in paragraph 7 above were  
6 intentional.

7 10. The unlawful employment practices complained of in paragraph 7 above were done with  
8 malice or with reckless indifference to the federally protected rights of Ms. Morris, Ms.  
9 Strange and similarly situated individuals.  
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11 PRAYER FOR RELIEF

12 Wherefore, the Commission respectfully requests that this Court:

13 A. Grant a permanent injunction enjoining defendants and their officers, agents, successors,  
14 assigns, and all persons in active concert or participation with them, from engaging in  
15 discrimination against any of their employees.  
16

17 B. Order defendants to institute and carry out policies, practices, and programs which  
18 prevent their employees from being subjected to discrimination and which eradicate the  
19 effects of past and present unlawful employment practices.

20 C. Order defendants to make whole Ms. Morris, Ms. Strange, and similarly situated  
21 individuals by providing appropriate back pay with prejudgment interest, in amounts to  
22 be determined at trial, and other affirmative relief necessary to eradicate the effects of  
23 their unlawful employment practices described above.  
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1 D. Order defendants to make whole Ms. Morris, Ms. Strange, and similarly situated  
2 individuals by providing compensation for past and future pecuniary losses resulting  
3 from the unlawful employment practices described in paragraph 7 above, including  
4 without limitation past and future out-of-pocket expenses, in amounts to be determined at  
5 trial.

6 E. Order defendants to make whole Ms. Morris, Ms. Strange, and similarly situated  
7 individuals by providing compensation for past and future non-pecuniary losses resulting  
8 from the unlawful practices complained of in paragraph 7 above, including without  
9 limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to  
10 determined at trial.

11 F. Order defendants to pay Ms. Morris, Ms. Strange and similarly situated individuals  
12 punitive damages for their malicious and reckless conduct described in paragraph 7  
13 above, in amounts to be determined at trial.

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

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

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JURY TRIAL DEMAND

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

DATED this 31st day of May, 2006.

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