

**THE HONORABLE RICARDO S. MARTINEZ**

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

JENNIFER STRANGE, MAGEN MORRIS,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

LES SCHWAB TIRE CENTERS OF  
OREGON, INC., et al.,

Defendants.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff,

v.

LES SCHWAB TIRE CENTERS OF  
WASHINGTON, INC., LES SCHWAB  
WAREHOUSE CENTER, INC., LES  
SCHWAB TIRE CENTERS OF BOISE,  
INC., LES SCHWAB TIRE CENTERS OF  
CALIFORNIA, INC., LES SCHWAB TIRE  
CENTERS OF IDAHO, INC., LES  
SCHWAB TIRE CENTERS OF  
MONTANA, INC., LES SCHWAB TIRE  
CENTERS OF PORTLAND, INC., LES  
SCHWAB TIRE CENTERS OF NEVADA,  
INC., LES SCHWAB TIRE CENTERS OF  
UTAH, INC.,

Defendants.

CIVIL ACTION NO. 06-045-RSM

PLAINTIFF EEOC'S FIRST AMENDED  
COMPLAINT

JURY TRIAL DEMAND

**[PROPOSED] PLAINTIFF EEOC'S FIRST AMENDED COMPLAINT**

Page 1 of 6

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Seattle Field Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6883  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

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NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief to Magen Morris, Jennifer Strange and similarly situated individuals who were adversely affected by such practices. The Equal Employment Opportunity Commission ("the EEOC" or "the Commission") alleges that defendants Les Schwab Tire Centers of Washington, Inc. Les Schwab Warehouse Center, Inc., Les Schwab Tire Centers of Boise, Inc., Les Schwab Tire Centers of California, Inc., Les Schwab Tire Centers of Idaho, Inc., Les Schwab Tire Centers of Montana, Inc., Les Schwab Tire Centers of Portland, Inc., Les Schwab Tire Centers of Nevada, Inc., and Les Schwab Tire Centers of Utah, Inc. (collectively referred to herein as "Les Schwab" or "defendants") violated Title VII by discriminating against Ms. Morris, Ms. Strange and similarly situated individuals on the basis of sex when defendants failed to provide training opportunities to them and when it failed to promote them to management positions on the basis of sex. The EEOC also alleges that Les Schwab violated Title VII when it failed to hire female applicants for positions in the sale/service departments of Les Schwab Tire Center facilities on the basis of sex.

JURISDICTION AND VENUE

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

1 2. The employment practices alleged to be unlawful were committed within the jurisdiction  
2 of the United States District Court for the Western District of Washington and within the  
3 jurisdictions of United States District Courts in all states in which defendants conduct  
4 business.

5 PARTIES

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

10 4. At all relevant times, defendants have continuously been employers engaged in an  
11 industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title  
12 VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

13 5. At all relevant times, defendants have been corporations continuously doing business in  
14 the states of Washington, Oregon, California, Idaho, Montana, Utah, and Nevada and  
15 have continuously had at least 15 employees.

16 STATEMENT OF CLAIMS

17 6. More than thirty days prior to the institution of this lawsuit, Magen Morris and Jennifer  
18 Strange filed charges of discrimination with the EEOC alleging violations of Title VII by  
19 Les Schwab. All conditions precedent to the institution of this lawsuit have been  
20 fulfilled.

21 7. Since at least January 1, 2004, defendants have engaged in unlawful employment  
22 practices at their facilities in Washington state and all other states in which they conduct  
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1 business in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). These  
2 practices include discriminating against Ms. Morris, Ms. Strange and similarly situated  
3 females based on sex, when they failed to train them for management positions and when  
4 they failed to promote them into management positions. Further, defendants  
5 discriminated against female applicants for sales/service positions when they failed to  
6 hire them because of sex.

7  
8 8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms.  
9 Morris, Ms. Strange, and similarly situated individuals of equal employment  
10 opportunities and otherwise adversely affect their status as applicants or employees  
11 because of the discrimination that occurred.

12 9. The unlawful employment practices complained of in paragraph 7 above were  
13 intentional.

14 10. The unlawful employment practices complained of in paragraph 7 above were done with  
15 malice or with reckless indifference to the federally protected rights of Ms. Morris, Ms.  
16 Strange and similarly situated individuals.

17  
18 PRAYER FOR RELIEF

19 Wherefore, the Commission respectfully requests that this Court:

20 A. Grant a permanent injunction enjoining defendants and their officers, agents, successors,  
21 assigns, and all persons in active concert or participation with them, from engaging in  
22 discrimination against any of their employees.  
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- 1 B. Order defendants to institute and carry out policies, practices, and programs which  
2 prevent their employees from being subjected to discrimination and which eradicate the  
3 effects of past and present unlawful employment practices.
- 4 C. Order defendants to make whole Ms. Morris, Ms. Strange, and similarly situated  
5 individuals by providing appropriate back pay with prejudgment interest, in amounts to  
6 be determined at trial, and other affirmative relief necessary to eradicate the effects of  
7 their unlawful employment practices described above.
- 8  
9 D. Order defendants to make whole Ms. Morris, Ms. Strange, and similarly situated  
10 individuals by providing compensation for past and future pecuniary losses resulting  
11 from the unlawful employment practices described in paragraph 7 above, including  
12 without limitation past and future out-of-pocket expenses, in amounts to be determined at  
13 trial.
- 14  
15 E. Order defendants to make whole Ms. Morris, Ms. Strange, and similarly situated  
16 individuals by providing compensation for past and future non-pecuniary losses resulting  
17 from the unlawful practices complained of in paragraph 7 above, including without  
18 limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to  
19 determined at trial.
- 20  
21 F. Order defendants to pay Ms. Morris, Ms. Strange and similarly situated individuals  
22 punitive damages for their malicious and reckless conduct described in paragraph 7  
23 above, in amounts to be determined at trial.
- 24  
25 G. Grant such further relief as the Court deems necessary and proper in the public interest.
- H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

DATED this 15th Day of February 2007.

WILLIAM R. TAMAYO  
Regional Attorney

RONALD COOPER  
General Counsel

JOHN F. STANLEY  
Senior Trial Attorney

JAMES LEE  
Deputy General Counsel

LISA COX  
Trial Attorney

GWENDOLYN Y. REAMS  
Associate General Counsel

BY: /s/William R. Tamayo  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
San Francisco District Office  
350 The Embarcadero, Ste. 500  
San Francisco, California 94105-1260  
Telephone (415) 625-5645  
Facsimile (415) 625-5657

Office of the General Counsel  
1801 "L" Street NW  
Washington, D.C. 20507

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Seattle Field Office  
909 1<sup>st</sup> Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6896  
Facsimile (206) 220-6911  
JOHN.STANLEY@EEOC.GOV

Attorneys for Plaintiff