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15 **UNITED STATES DISTRICT COURT**
 16 **CENTRAL DISTRICT OF CALIFORNIA**

17 U.S. EQUAL EMPLOYMENT
 18 OPPORTUNITY COMMISSION,

19
 20 Plaintiff,

21 vs.

22 JUSTIN VINEYARDS & WINERY
 23 LLC, THE WONDERFUL
 24 COMPANY LLC, and DOES 1-10,
 inclusive,

25 Defendants.
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) Case No.:

) **COMPLAINT – TITLE VII**

-) • **CIVIL RIGHTS**
-) • **EMPLOYMENT DISCRIMINATION**

) **JURY TRIAL DEMAND**

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NATURE OF THE ACTION

This is an action brought by Plaintiff United States Equal Employment Opportunity Commission (“Plaintiff” or the “Commission”) under Title VII of the Civil Rights Act of 1964, as amended (hereinafter “Title VII”) and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices based on sex (female) and to provide appropriate relief to a class of aggrieved individuals (the “Claimants”) who were adversely affected by such practices. As set forth with greater particularity below, Plaintiff alleges that Defendants Justin Vineyards & Winery LLC and The Wonderful Company LLC (collectively “Defendants”) unlawfully subjected a class of aggrieved individuals to sexual harassment, including a hostile work environment based on their sex (female), constructive discharge, and/or retaliation for opposing unlawful employment practices in violation of Title VII.

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JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345.

2. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

3. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Central District of California.

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PARTIES

4. Plaintiff is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly

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

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4 5. At all relevant time, Defendant Justin Vineyards & Winery LLC
5 (“Justin Vineyards”) has continuously been doing business in the State of California
6 and the County of San Luis Obispo.

7 6. At all relevant times, Justin Vineyards has continuously been a
8 corporation doing business in the State of California and has continuously had at
9 least 15 employees.

10 7. At all relevant times, Justin Vineyards has continuously been an
11 employer engaged in an industry affecting commerce under Section 701(b), (g) and
12 (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

13 8. In each calendar year from 2017 through the present, Justin Vineyards
14 has continuously employed at least 101 employees.

15 9. At all relevant times, Defendant The Wonderful Company LLC
16 (“Wonderful”) has continuously been doing business in the State of California and
17 the County of San Luis Obispo.

18 10. At all relevant times, Wonderful has continuously been a corporation
19 doing business in the State of California and has continuously had at least 15
20 employees.

21 11. In each calendar year from 2017 through the present, Wonderful has
22 continuously employed at least 501 employees.

23 12. At all relevant times, Justin Vineyards employed the Claimants.

24 13. At all relevant times, Wonderful has been a joint employer with Justin
25 Vineyards where both Defendants controlled the terms and conditions of
26 employment of the aggrieved individuals/Claimants.
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1 14. All acts and failures to act alleged herein were duly performed by and
2 attributable to all Defendants, each acting as a successor, agent, alter ego,
3 employee, indirect employer, joint employer, integrated enterprise, or under the
4 direction and control of the others, except as specifically alleged otherwise. Said
5 acts and failures to act were within the scope of such agency and/or employment,
6 and each Defendant participated in, approved, and/or ratified the unlawful acts and
7 omissions by the other Defendants complained of herein. Whenever and wherever
8 reference is made in this Complaint to any act by a Defendant or Defendants, such
9 allegations and reference shall also be deemed to mean the acts and failures to act of
10 each Defendant acting individually, jointly, and/or severally.

11 15. Plaintiff is ignorant of the true names and capacities of each defendant
12 sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues said
13 defendants by fictitious names. Plaintiff reserves the right to amend the complaint
14 to name each DOE defendant individually or corporately as it becomes known.
15 Plaintiff alleges that each DOE defendant was in some manner responsible for the
16 acts and omissions alleged herein and Plaintiff will amend the complaint to allege
17 such responsibility when the same shall have been ascertained by Plaintiff.
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19 ADMINISTRATIVE PROCEDURES

20 16. More than thirty days prior to the institution of this lawsuit, a Charging
21 Party, Patricia Verduzco Avalos, filed charge(s) of discrimination with the
22 Commission alleging violations of Title VII by Defendants.
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24 17. Defendants received a copy of the charge(s) of discrimination, and
25 participated in the Commission's investigation, including by communicating with
26 Commission enforcement staff and responding to requests from the Commission for
27 a position statement, information, and documents.
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1 25. During their employment, the class of aggrieved individuals were
2 subjected to frequent, ongoing, inappropriate, unwelcome, and offensive conduct of
3 a sexual nature by Defendants’ male supervisors. The supervisors’ conduct included
4 but was not limited to, unwanted sexual touching of the buttocks, waist and breasts,
5 rubbing of genitals on female subordinate employees, unwanted hugging and
6 kissing, forcible kissing on the mouth, grabbing on the hands, snapping of bra
7 straps, nibbling on the ear, biting on the shoulder, exposure of male employees’
8 private body parts, texting inappropriate photos, and stroking employees’ hair. The
9 supervisors’ conduct also included, but was not limited to, frequent sexual
10 comments, including comments about employees’ breasts and buttocks (such as
11 commenting on an employee’s nipples or stating “I want to smack that ass,” “that
12 ass looks great in those jeans,” or “your boobs look great in that top”),
13 undergarments and clothing (such as discussing what bra or panties an employee
14 might be wearing or texting an employee at 2 or 3 a.m. to ask what she was
15 wearing), appearances (such as “you look super hot” or calling an employee
16 “sexy”), and desire to engage in sexual activity with employees, as well as
17 inappropriate sexual comments and requests (such as a request to engage in a
18 threesome and stating a desire to get a divorce to be with an employee).

19 26. Since at least 2017, Defendants knew or should have known of the
20 hostile work environment at its worksites. The sexually charged and inappropriate
21 actions and comments by the male supervisors were ubiquitous, open, frequent, and
22 consistent in nature. Such behavior and comments were often within earshot or
23 plain sight of Defendants’ other managers and supervisors.

24 27. As early as 2017, members of the class of aggrieved employees
25 complained verbally and in writing to supervisors and management about the
26 harassment and hostile work environment they endured.
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1 28. Despite having actual and constructive notice of the harassment herein,
2 Defendants failed and refused to take prompt and appropriate action to stop the
3 harassment and the resulting hostile work environment.

4 29. Defendants did not properly handle the complaints made by aggrieved
5 employees. Defendants failed to properly investigate and respond to complaints,
6 discouraged additional complaints from being made, and failed to implement
7 necessary remedial measures to end the harassment. In response to some
8 complaints, Defendants' Human Resources made accusations against the accusers
9 or blamed victims for the harassment. Defendants' managers also disbelieved
10 complainants and discouraged employees from reporting to Human Resources.

11 30. As a result of Defendants' failures to take prompt and effective
12 remedial measures, the sexual harassment continued unabated. The harassment was
13 unwelcome and sufficiently severe or pervasive to alter the terms and conditions of
14 the aggrieved employees' employment and created a hostile work environment.

15 31. Defendants' unlawful practices also included subjecting aggrieved
16 employees to retaliation for complaining about the harassment and for engaging in
17 protected activity. For example:

18 a. Aggrieved employees engaged in protected activity by making
19 complaints to Defendants and faced retaliation, including but not limited to,
20 being assigned extra or double shifts, having their customer allergy requests
21 disregarded, being accused of wrongdoing, being investigated, and having
22 their supervisors yell, verbally berate them, laugh at them and slam doors.

23 b. Due to this ongoing retaliatory harassment and intimidation, the
24 sexually hostile work environment, and the failures by Defendants to take
25 remedial measures, other similarly aggrieved employees were constructively
26 discharged.
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1 E. Grant such further relief as the Court deems necessary and proper in
2 the public interest.

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4 F. Award the Commission the costs of this action.

5 **JURY TRIAL DEMAND**

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

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11 Dated: August 24, 2022

Respectfully Submitted,

12 GWENDOLYN YOUNG REAMS
13 Acting General Counsel

14 CHRISTOPHER LAGE
15 Deputy General Counsel

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21 By:



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