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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.  
 26  
 27  
 28

) 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 18. On January 11, 2022, the Commission issued Letters of Determination  
2 to Defendants, finding reasonable cause to believe that Defendants violated Title  
3 VII with respect to a class of aggrieved individuals. The Commission further invited  
4 Defendants to join with it in informal methods of conciliation in a collective effort  
5 towards a just resolution.

6 19. The Commission engaged in communications with Defendants to  
7 provide Defendants the opportunity to remedy the discriminatory practices  
8 described in the Letters of Determination on terms acceptable to the Commission.  
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10 20. The Commission was unable to secure from Defendants a conciliation  
11 agreement acceptable to the Commission.

12 21. On June 29, 2022, the Commission issued Notices of Failure of  
13 Conciliation to Defendants.

14 22. All conditions precedent to the institution of this lawsuit have been  
15 fulfilled.  
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### 17 **FACTUAL SUMMARY**

18 23. Since at least August 2017, Defendants have engaged in unlawful  
19 employment practices in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C.  
20 §§ 2000e-2(a), 2000e-3(a) by subjecting a class of aggrieved individuals to sexual  
21 harassment, retaliation, and/or constructive discharge. The unlawful employment  
22 practices include but are not limited to those practices identified herein.  
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24 24. Since at least August 2017, Defendants have engaged in unlawful  
25 employment practices in violation of §§ 703(a)(1) and 704(a) of Title VII, 42  
26 U.S.C. §§ 2000e-2(a)(1) and 2000e-3(a), by subjecting a class of aggrieved  
27 employees to ongoing, unwelcome, severe or pervasive sexual harassment, and  
28 creating and maintaining an offensive, abusive, intimidating and hostile work  
environment because of sex (female).

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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20  
21 By:



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