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19 **UNITED STATES DISTRICT COURT**
 20 **CENTRAL DISTRICT OF CALIFORNIA**

21 U.S. EQUAL EMPLOYMENT
 22 OPPORTUNITY COMMISSION,

23 Plaintiff,

24 vs.

25 PACIFIC CULINARY GROUP, INC.;
 26 AND CB FOODS, INC., DOES 1-10,
 27 INCLUSIVE,

28 Defendants.

Case No.:

COMPLAINT - TITLE VII

- **Civil Rights**
- **Employment Discrimination –
Sexual Harassment, Retaliation, and
Constructive Discharge**

42 U.S.C. §§ 2000e, *et seq.*

JURY TRIAL DEMAND

1 **NATURE OF THE ACTION**

2 This is an action brought by Plaintiff United States Equal Employment
3 Opportunity Commission (the “Commission”) under Title VII of the Civil Rights Act of
4 1964, as amended (hereinafter “Title VII”), and Title I of the Civil Rights Act of 1991 to
5 correct unlawful employment practices on the basis of sex (female and male) and to
6 provide appropriate relief for a class of aggrieved individuals who were adversely
7 affected by such practices. As alleged with greater particularity in this Complaint, the
8 Commission alleges that Pacific Culinary Group, Inc. (“Pacific Culinary”), CB Foods,
9 Inc. (“CB Foods”), and Does 1-10 (collectively “Defendants”) subjected a class of
10 aggrieved individuals, both female and male, to severe or pervasive sexual harassment
11 and/or hostile work environment on the basis of sex (female and male); to retaliation;
12 and/or to constructive discharge.

13 **JURISDICTION AND VENUE**

14 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
15 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section
16 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 as amended (“Title VII”),
17 42 U.S.C. §§ 2000e-5(f)(1) and (3) and Section 102 of the Civil Rights Act of 1991, 42
18 U.S.C. § 1981a.

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

22 **PARTIES**

23 **Plaintiff EEOC**

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

- 1 b. Share the same business location at 566 Monterey Pass Road,
- 2 Monterey Park, California;
- 3 c. Share centralized control of labor operations through CEO Bingham
- 4 Lee who controls the hiring, discipline, and the working conditions of
- 5 employees;
- 6 d. Share common employment documents such as employment
- 7 applications, termination forms, leave request forms, confidentiality
- 8 agreements, and common employment policies;
- 9 e. Share interrelated operations as Defendant CB Foods obtained orders
- 10 for Asian food products which are manufactured and distributed by
- 11 Defendant Pacific Culinary to the customers / clients; and
- 12 f. Share the same legal counsel on information and belief.

13 13. Defendants CB Foods and Pacific Culinary acted as employers over the
14 employment terms and conditions of the aggrieved individuals in a variety of ways,
15 including but not limited to the following:

- 16 a. Bingham Lee, the CEO of Defendant CB Foods, controls the hiring,
- 17 discipline, and employment terms and conditions of the employees of
- 18 Pacific Culinary;
- 19 b. Defendant CB Foods Chief Operating Officer exercised supervisory
- 20 authority and responsibilities over the employees of Defendant Pacific
- 21 Culinary; and
- 22 c. Defendant CB Foods' harassment policy and reporting procedure
- 23 were used by Defendant Pacific Culinary.

24 14. All of the acts and failures to act alleged herein were duly performed and
25 attributable to all Defendants, each acting as a successor, agent, alter ego, employee,
26 indirect employer, joint employer, integrated enterprise and/or under the direction and
27 control of the others, except as specifically alleged otherwise. Said acts and failures to act
28 were within the scope of such agency and/or employment, and each Defendant

1 participated in, approved and/or ratified the unlawful acts and omissions by the other
2 Defendants complained of herein. Whenever and wherever reference is made in this
3 Complaint to any act by a Defendant or Defendants, such allegations and reference shall
4 also be deemed to mean the acts and failures to act of each Defendant acting individually,
5 jointly, and/or severally.

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

13 **ADMINISTRATIVE PROCEDURES**

14 16. More than thirty days prior to the institution of this lawsuit, the Charging
15 Parties filed charges of discrimination with the Commission alleging violations of Title
16 VII by Defendant Pacific Culinary.

17 17. On June 15 and 16, 2022, the Commission issued Letters of Determination
18 to Defendants Pacific Culinary and Defendant CB Foods finding reasonable cause to
19 believe that Defendants violated Title VII. The Commission invited Defendants to join
20 with the Commission in informal methods of conciliation to endeavor to eliminate the
21 unlawful employment practices and provide appropriate relief.

22 18. The Commission engaged in communications with Defendants to provide
23 them with the opportunity to remedy the discriminatory practices described in the Letter
24 of Determination.

25 19. The Commission was unable to secure from Defendants a conciliation
26 agreement acceptable to the Commission.

27 20. On or about December 23, 2022, the Commission issued to Defendants a
28 Notice of Failure of Conciliation.

1 21. All conditions precedent to the institution of this lawsuit have been fulfilled.

2 **STATEMENT OF CLAIMS**

3 **SEXUAL HARASSMENT**

4 22. Since at least 2020, Defendants have engaged in unlawful employment
5 practices in violation of §§ 703(a)(1) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) by
6 subjecting a class of female and male aggrieved individuals to ongoing sexual harassment
7 by a supervisor and/or third party and/or coworker that was severe or pervasive; and
8 creating and maintaining an offensive, abusive, and intimidating hostile work
9 environment because of sex (female and male).

10 23. The class of aggrieved individuals is comprised of employees working since
11 at least January 2020 in a variety of positions, including but not limited to production
12 workers and office workers.

13 24. Since at least January 2020, the aggrieved individuals were subjected to
14 frequent and ongoing physical and/or verbal sexual harassment by a male individual who
15 was Defendants' Chief Operating Officer.

16 25. At all relevant times, he had supervisory authority or responsibilities over
17 Defendants' employees, including hiring and discipline.

18 26. His sexual harassment of aggrieved individuals included but was not limited
19 to the following:

- 20 a. Fondling or attempting to fondle the aggrieved individuals' breasts;
21 b. kissing or attempting to kiss the aggrieved individuals;
22 c. hugging the aggrieved individuals' shoulders or bodies or squeezing
23 them tightly;
24 d. touching or attempting to touch or grab the aggrieved individuals'
25 bodies and private areas;
26 e. leering at and ogling the breasts and bodies of the aggrieved
27 individuals;
28

- 1 f. making sexual comments to the aggrieved individuals expressing his
- 2 desire for their breasts, buttocks, and other body parts and asking
- 3 about their sexual preferences and sexual activities;
- 4 g. Pointing to his groin, joking about his erection and big penis, and/or
- 5 expressing his desire to have his penis sucked to and in front of the
- 6 aggrieved individuals; and
- 7 h. making sexually suggestive gestures about the size of the aggrieved
- 8 individuals' breasts.

9 27. The sexual harassment was unwelcomed and sufficiently severe or pervasive
10 to alter the terms and conditions of the aggrieved individuals' employment;

11 28. For some aggrieved individuals, the harassment culminated in tangible
12 employment actions, including but not limited to unjustified discipline and termination.

13 29. His physical and verbal sexual harassment of aggrieved individuals was
14 ubiquitous, open, and frequent in nature.

15 30. Since at least 2020, Defendants knew or should have known of the sexually
16 hostile work environment. Defendants received multiple complaints of sexual
17 harassment, including but not limited to charges filed by the Charging Parties with the
18 EEOC.

19 31. Defendants failed to take effective corrective and preventative measures .

20 32. Because of Defendants' failure to take effective corrective and preventative
21 measures, the sexual harassment continued unabated.

22 33. The effect of the practices as detailed above has been to deprive the
23 aggrieved individuals of equal employment opportunities and otherwise adversely affect
24 their status as employees because of their sex (female and male).

25 34. The unlawful employment practices as detailed above were intentional and
26 caused the aggrieved individuals to suffer pain and suffering.

27
28

1 35. The unlawful employment practices as detailed above were done with
2 malice or with reckless indifference to the federally protected rights of the aggrieved
3 individuals.

4 **RETALIATION**

5 36. Since at least 2020, Defendants engaged in unlawful employment practices
6 in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by subjected a class of
7 aggrieved individuals to retaliation and/or retaliatory harassment.

8 37. The aggrieved individuals objected to, resisted, or reported the sexual
9 harassment and advances detailed above.

10 38. Following the aggrieved individuals' objections to, resistance, and/or reports
11 of the sexual harassment and advances, they were subjected to retaliation by, among
12 other things, further harassment and/or by being disciplined / terminated for pretextual
13 reasons.

14 39. The effect of the practices as detailed above has been to deprive the
15 aggrieved individuals of equal employment opportunities and otherwise adversely affect
16 their status as employees because they engaged in protected activity in opposition to
17 unlawful employment practices.

18 40. The unlawful employment practices as detailed above were intentional and
19 caused the aggrieved individuals to suffer pain and suffering.

20 41. The unlawful employment practices as detailed above were done with
21 malice or with reckless indifference to the federally protected rights of the aggrieved
22 individuals.

23 **CONSTRUCTIVE DISCHARGE**

24 42. Since at least 2020, Defendants have engaged in unlawful employment
25 practices as detailed above in violation of §§ 703(a)(1) and 704(a) of Title VII, 42 U.S.C.
26 §§ 2000e-2(a)(1) and 2000e-3(a) by subjecting a class of aggrieved individuals to sexual
27 harassment sexually hostile work environment and/or retaliation.

28

1 43. Because of the unlawful employment practices detailed above, the aggrieved
2 individuals were subjected to intolerable working conditions which forced them to resign
3 from their employment.

4 44. The effect of the practices as detailed above has been to deprive the
5 aggrieved individuals of equal employment opportunities and otherwise adversely affect
6 their status as employees because of their sex (female and male) and/or because of their
7 engagement in protected activity in opposition to unlawful employment practices.

8 45. The unlawful employment practices as detailed above were intentional and
9 caused the aggrieved individuals to suffer pain and suffering.

10 46. The unlawful employment practices as detailed above were done with
11 malice or with reckless indifference to the federally protected rights of the aggrieved
12 individuals.

13 **PRAYER FOR RELIEF**

14 Wherefore, the Commission respectfully requests that this Court:

15 A. Grant a permanent injunction enjoining Defendants, its officers, successors,
16 assigns, and all persons in active concert or participation with it, from engaging in any
17 employment practices in violation of Sections 703(a) and 704(a) of Title VII.

18 B. Order Defendants to institute and carry out policies, practices, and programs
19 which provide equal employment opportunities for employees; and which eradicate the
20 effects of its past and present unlawful employment practices and ensure that it does not
21 engage in further unlawful practices in violation of Sections 703(a) and 704(a) of Title
22 VII.

23 C. Order Defendants to make the aggrieved individuals whole by providing
24 compensation for past and future pecuniary losses resulting from the unlawful practices
25 described above, in amounts to be determined at trial.

26 D. Order Defendants to make the aggrieved individuals whole by providing
27 compensation for past and future non-pecuniary losses, pursuant to Title VII, resulting
28 from the unlawful practices described above, including but not limited to emotional pain,

1 suffering, inconvenience, mental anguish, humiliation, and loss of enjoyment of life, in
2 amounts to be determined at trial.

3 E. Order Defendants to pay the aggrieved individuals punitive damages,
4 pursuant to Title VII, for its malicious or reckless conduct as described above, in amounts
5 to be determined at trial.

6 F. Order Defendants to make the aggrieved individuals whole by providing
7 appropriate backpay with interest, in amounts to be determined at trial, and other
8 affirmative relief necessary to eradicate the effects of its unlawful employment practices.

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

11 H. Award the Commission the costs of this action.

12 **JURY TRIAL DEMAND**

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

15 Dated: April 21, 2023

Respectfully Submitted,

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17 Acting General Counsel

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