

1 Washington is located in Walla Walla County, Washington at 914 Emerald Road,
2 Burbank, Washington 99323.

3 4. On June 17, 2020, the State filed an administrative charge of employment
4 discrimination with the U.S. Equal Employment Opportunity Commission (EEOC). On
5 November 25, 2020, the EEOC issued a Notice of Right to Sue, attached hereto as Exhibit A.
6 This action was timely filed thereafter. The State has fulfilled all administrative prerequisites to
7 filing this action as required by 42 U.S.C. § 2000e-5.

8 5. The State has statutory authority to bring its Title VII and WLAD claims against
9 Defendant in this action pursuant to 42 U.S.C. § 2000e-5(f)(1) and RCW 43.10.030(1).

10 III. THE PARTIES

11 6. Plaintiff is the State of Washington.

12 7. The Attorney General is authorized to commence this action pursuant to
13 42 U.S.C. § 2000e-5(f)(1) and RCW 43.10.030(1).

14 8. Defendant Great Columbia Berry Farms is an agricultural company engaged in
15 commerce including the growing, harvesting, storing, and transporting of blueberries for
16 packaging and distribution. Great Columbia Berry Farms's principal office in Washington is
17 located at 914 Emerald Road, Burbank in Walla Walla County, Washington.

18 9. At all relevant times, Great Columbia Berry Farms has been a Washington limited
19 liability company doing business in Washington State and having fifteen (15) or more
20 employees.

21 10. At all relevant times, Great Columbia Berry Farms has been engaged in an
22 industry affecting commerce within the meaning of 42 U.S.C. §§ 2000e(g)–(h).

23 11. At all relevant times, Great Columbia Berry Farms has been an “employer” for
24 purposes of 42 U.S.C. § 2000e(b) and RCW 49.60.040(11).

25 IV. ALLEGATIONS

26 12. Great Columbia Berry Farms owns and operates a blueberry farm located at

1 914 Emerald Road in Burbank, Washington. During the blueberry harvest season, hundreds of
2 employees work to harvest blueberries by hand.

3 13. At all relevant times, Great Columbia Berry Farms employed Jose Luis Contreras
4 Ramirez as a supervisor/manager.

5 14. As a supervisor/manager, Jose Luis Contreras Ramirez oversaw operations at
6 Great Columbia Berry Farms's farms and had the authority to hire employees, make job
7 assignments, fire employees, and determine who would be offered work the following season.

8 15. As a supervisor/manager, Jose Luis Contreras Ramirez acted in the scope of his
9 duties and in the interest of Great Columbia Berry Farms.

10 16. From at least 2012 to at least October 2019, Great Columbia Berry Farms,
11 through its supervisor/manager, Jose Luis Contreras Ramirez, subjected female employees to
12 unlawful discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual
13 conduct that gave rise to a hostile work environment. The conduct included, but is not limited
14 to:

- 15 a. On at least two occasions, sexually assaulting a female employee;
- 16 b. Groping or touching female employees without their permission,
17 including on the neck, back, shoulders, and buttocks;
- 18 c. Exposing himself and requesting sexual favors;
- 19 d. Making sexually charged and unwelcome comments, including about
20 employees' appearance or bodies, including their buttocks and breasts;
- 21 e. Requesting to touch female employees' breasts and buttocks;
- 22 f. Requesting dates and sex; and
- 23 g. Requesting intimate photographs.

24 17. Great Columbia Berry Farms also took adverse employment action, including,
25 but not limited to, terminating the employment of, and assigning more difficult job duties to,
26 employees who rejected or opposed Jose Luis Contreras Ramirez's unwelcome sexual conduct,

1 in violation of 42 U.S.C. § 2000e-3(a) and RCW 49.60.210(1). These actions would dissuade a
2 reasonable person from engaging in protected activity.

3 18. Great Columbia Berry Farms knew or should have known that Jose Luis
4 Contreras Ramirez was engaging in the conduct alleged herein. Nonetheless, Great Columbia
5 Berry Farms failed to take reasonably prompt and adequate corrective action.

6 19. The conduct alleged herein was objectively and subjectively intolerable,
7 unwelcome, and resulted in at least two sexual assaults.

8 20. Washington residents who are employees, prospective employees, past
9 employees, and persons associated with them have been injured by Great Columbia Berry
10 Farms's discriminatory conduct. Such persons may have suffered pecuniary and nonpecuniary
11 injuries as a result of the unlawful conduct alleged herein.

12 **V. FIRST CAUSE OF ACTION**
13 **(Violation of Title VII – Sexual Harassment)**

14 21. The State realleges and incorporates by reference the allegations set forth in each
15 of the preceding paragraphs of this Complaint.

16 22. Through the actions of one of its supervisors/managers, Jose Luis Contreras
17 Ramirez, Great Columbia Berry Farms discriminated against female workers with respect to the
18 terms, conditions, or privileges of employment because of sex, in violation of 42 U.S.C. § 2000e-
19 2(a)(1).

20 **VI. SECOND CAUSE OF ACTION**
21 **(Violation of Title VII – Retaliation)**

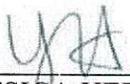
22 23. The State realleges and incorporates by reference the allegations set forth in each
23 of the preceding paragraphs of this Complaint.

24 24. Through its actions described above, Great Columbia Berry Farms discriminated
25 against employees for opposing unlawful or discriminatory employment practices, in violation
26 of 42 U.S.C. § 2000e-3(a).

1 e. Award such additional relief as the interests of justice may require.
2

3 DATED this 16th day of February, 2021.
4

5 ROBERT W. FERGUSON
6 Attorney General

7 
8 YESICA HERNANDEZ, WSBA #48399
9 Assistant Attorney General
10 Wing Luke Civil Rights Division
11 Washington State Attorney General's Office
12 800 Fifth Avenue, Suite 2000
13 Seattle, WA 98104
14 (206) 464-7744
15 Yesica.Hernandez@atg.wa.gov

16 Attorney for Plaintiff State of Washington
17
18
19
20
21
22
23
24
25
26

Exhibit A

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Washington State Attorney General's Office, Civil Rights Division, 800 5th Ave, Suite 2000, Seattle, WA 98104

From: Seattle Field Office, 909 First Avenue, Suite 400, Seattle, WA 98104-1061

On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))

Table with 3 columns: EEOC Charge No. (551-2020-02884), EEOC Representative (Gustavo Irizarry, Intake Supervisor), Telephone No. ((206) 220-6859)

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost.

- More than 180 days have passed since the filing of this charge.
Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
The EEOC is terminating its processing of this charge.
The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Signature of Nancy A. Sienko, Director

November 25, 2020

(Date Mailed)

Enclosures(s)

CC: Steve Erickson, CEO PAN AMERICAN BERRY GROWERS LLC
Kimberly Bowe, Principal PAN AMERICAN BERRY GROWERS LLC

Yesica Hernandez / Patricio Marquez
Washington State Attorney General's Office
Civil Rights Division
800 Fifth Ave., Ste. 2000
Seattle, WA 98104

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.