

**FILED**

MAR 23 2017

SONYA KRASKI  
COUNTY CLERK  
SNOHOMISH CO. WASH.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SNOHOMISH**

STATE OF WASHINGTON,

Plaintiff,

v.

ELECTROIMPACT, INC., a Washington  
Corporation,

Defendant.

NO. 17 2 02704 31

COMPLAINT

The State of Washington, by and through its attorneys, Robert W. Ferguson, Attorney General, and Marsha J. Chien, Assistant Attorney General, files this action against Defendant Electroimpact, Inc. (“Electroimpact”) to enforce the Washington Law Against Discrimination (“WLAD”), RCW 49.60.030(1), 49.60.180, 49.60.210, and the Consumer Protection Act (“CPA”), RCW 19.86.020.

**I. INTRODUCTION**

**1.1** The State of Washington opened an investigation into Electroimpact’s employment practices in May 2016.

**1.2** This action arises out of the unfair, discriminatory, and retaliatory practices of Electroimpact, a Mukilteo-based aerospace automation company. Electroimpact refuses to hire Muslim applicants based on creed, subjects employees to a hostile work environment,







1           **4.14** In February 2015, for example, one employee e-mailed the listserv: “What’s the  
2 difference between a radical extremist Muslim, and a moderate Muslim? A radical extremist  
3 Muslim wants to cut your head off. A moderate Muslims wants a radical extremist Muslim to  
4 cut your head off.”

5           **4.15** Another employee e-mailed on the same e-mail chain: “How do you save half  
6 the Muslims? Kill the other half.”

7           **4.16** In April 2015, one employee proposed in a subject line: “new paint for EI box  
8 truck?” and then attached an image of a truck branded with “International Burn a Koran Day,  
9 9/11/2010.”

10          **4.17** Electroimpact’s managers are on the “Jokes” listserv. Electroimpact’s  
11 management encourages employees’ conduct on the listserv and often engages in similar  
12 conduct.

13          **4.18** On January 28, 2015, Electroimpact’s President, Dr. Zieve, sent an e-mail to the  
14 listserv with the subject line: “Obama will bring peace with Moslem world,” including a link to  
15 an article about ISIS threats, and then asked: “Is anybody getting mad yet?” One employee  
16 responded, “F—k yeah I’m mad. I’m pissed off that the country I love is being run by the hurt  
17 feelings department. I say, lets hunt those fuckers down and torture them at Gitmo then hunt  
18 some more f—kers down.”

19          **4.19** On December 3, 2015, Dr. Zieve, e-mailed the listserv regarding the mass  
20 killing in San Bernardino and stated in the subject line, “With the stupidity in the highest  
21 office” and in the e-mail body stated: “[W]e might as well lay down across railroad tracks. And  
22 they sue the states that refuse to take Syrian refugees.” When an employee noted that one of  
23 the San Bernardino attackers was born in the United States, Dr. Zieve responded to the listserv:  
24 “American born Muslims are almost as dangerous as the Syrian imports.”  
25  
26

1           **4.20** Separate from the “Jokes” listserv, Dr. Zieve encourages employees to engage  
2 in conduct that demeans Muslims or those perceived to be Muslim.

3           **4.21** On May 6, 2015, Dr. Zieve e-mailed an employee a smiley face emoji after the  
4 employee sent him an e-mail that stated: “The winning drawing at the ‘Draw Mohammad’ art  
5 contest in Garland, Texas” and attached an image of a chalk outline of a dead body.

6           **4.22** On June 4, 2015, Dr. Zieve e-mailed a group of employees an image that  
7 purports to identify the “13 Doctrines of Radical Islam and ISIS.” It purports to cite Qur’an’s  
8 passages that state: “You can rape, marry and divorce pre-pubescent girls,” “Kill Jews and  
9 Christians if they do not convert,” “Crucify and amputate non-Muslims,” “You will kill non-  
10 Muslims,” “You will behead non-Muslims,” and “You will kill and be killed for Al’liah.”

11           **4.22** On January 21, 2016, after an employee requested three more engineers, Dr.  
12 Zieve sent a link to an article about terror sweeps and then responded: “I can send you two Iraq  
13 refugees immediately. They will be a bit sleepy since they are up all night making bombs.  
14 They are hard workers.”

15           **4.23** Dr. Zieve likewise recruits employees to participate in a neighborhood group  
16 that opposes the construction of a mosque in Mukilteo and to attend events regarding perceived  
17 flaws within Islam.

18           **4.24** Several Electroimpact employees consider the above conduct unwelcome,  
19 discriminatory, harassing, and offensive. One employee informed human resources that he was  
20 “disgusted that [his] employer would ask [him] to watch a video titled ‘How to stop  
21 mosques.’”

22           **4.25** At least two other employees found Electroimpact’s practices sufficiently  
23 intolerable that resignation was the only fitting remedy and thus they have been constructively  
24 discharged.



1           **4.34** In a December 19, 2015 e-mail to the entire company, Dr. Zieve stated: “The  
2 future can only be secured by building families. I will not go south on the family benefits.  
3 Consider that an annuity. The birth rate is still low for a young group like we have. . . I believe  
4 the financial benefits are helping people to make the right decisions. Since the marriages  
5 underpin henceforth I will bring a \$1000 personal check to any marriage I attend. This is in  
6 addition to the \$1,000 you get in your paycheck.”

7           **4.35** In another e-mail to a work listserv, dated February 6, 2015, Dr. Zieve stated:  
8 “When [our sons and daughters] choose to not repopulate and allow our wonderful country to  
9 be backfilled with rubbish from the desperate and criminal populations of the third world[,] I  
10 find that to be disgusting and I find those persons to make these decisions to be repulsive and I  
11 don’t like them around me.”

12           **4.36** In a October 2, 2015, e-mail to the company, Dr. Zieve responded to an  
13 employee’s announcement that his wife gave birth to a girl by stating: “I note that 381,000  
14 terrorist savages have gotten into Europe so far this year and if we don’t make more babies the  
15 light will out on civilization” and included a link to an article about the meaning of God’s  
16 mandate that Adam and Eve be “fruitful and multiply.”

17           **4.37** In addition to providing “marriage bonuses,” Dr. Zieve sometimes pressured  
18 employees into getting married. In October 2015, for example, an employee working at the  
19 Mukilteo campus requested that Dr. Zieve approve renewal of his work visa. Dr. Zieve initially  
20 refused, stating, “Isn’t there an American girl you can marry?” After the employee indicated  
21 that the visa process through marriage is lengthy, Dr. Zieve replied, “So with whom do you  
22 want my kids to hang out with when they grow up? Syrian refugees?”

23           **4.38** The employee responded that Dr. Zieve’s “obsession with the age at which [he]  
24 marr[ies] and reproduce[s] already cost [him] tens of thousands of dollars in lost pay and  
25 profit sharing.” Although Dr. Zieve eventually agreed to renew the employee’s work visa, he  
26

1 warned the employee in an e-mail: “Last time I am doing this guaranteed. Get married. Join the  
2 human race.”

3 **4.39** Electroimpact engages in a pattern or practice of discriminating against  
4 employees based on marital status in violation of the WLAD. Electroimpact provides  
5 “marriage bonuses” to employees that marry, which discriminates against single employees.  
6 Further, Electroimpact threatens to discharge or bar single employees who have not yet  
7 married or refuse to marry.

8 **FOURTH CAUSE OF ACTION**  
9 **(Retaliation)**

10 **4.40** Under the WLAD, it is an unfair practice for any employer to discharge, expel,  
11 or otherwise discriminate against any person because he or she has opposed an employer’s  
12 discriminatory practice. RCW 49.60.210(1).

13 **4.41** As alleged above, Electroimpact maintains a “Jokes” listserv. Dr. Zieve  
14 encourages employees to use the “Jokes” listserv to share their opinions about Muslims. Many  
15 of the employees, including Dr. Zieve, circulate articles, comments, and jokes that are hostile,  
16 intimidating, and abusive towards Muslims.

17 **4.42** Some Electroimpact employees are retaliated against when they express  
18 opposition to Electroimpact’s discriminatory practices.

19 **4.43** On March 27, 2015, for example, Dr. Zieve e-mailed the company on one of the  
20 e-mail chains from the “Jokes” listserv. Dr. Zieve’s e-mail included an article suggesting that  
21 the suicidal Germanwings co-pilot was a “Muslim convert” and a “hero of the Islamic state.”

22 **4.44** In response, one employee who did not want to participate in discussions she  
23 viewed to be discriminatory expressed her disfavor in receiving the e-mail. She responded, “I  
24 am not on the jokes list and do not wish to be.”

25 **4.45** Immediately afterwards, Dr. Zieve both called and e-mailed the employee  
26 telling her that it was “time for [her] to leave [Electroimpact].” Over the phone, Dr. Zieve told

1 her that this was his company and that if she didn't agree with his beliefs, she had to leave.

2 Later, Dr. Zieve cornered her in a conference room and blamed women for "thinking that they  
3 know everything."

4 **4.46** Realizing that the company owner wanted her to leave, the employee was  
5 forced to find another job and quit several months later.

6 **4.47** On March 22, 2016, Dr. Zieve discriminated against another employee in a  
7 similar manner. After receiving an e-mail that seemingly derided Islam as the "religion of  
8 peace," the employee pleaded that the group "not do this" because "world cultures are too  
9 complicated to discuss in a jokes e-mail list." Within 15 minutes, Dr. Zieve informed the  
10 listserv that he had just looked up the employee's phone number and that the employee "[was]  
11 out of line."

12 **4.48** Both Electroimpact employees reasonably believed Dr. Zieve's anti-Muslim e-  
13 mails to be discriminatory.

14 **4.49** Dr. Zieve's response to both employees, i.e., threatening to fire them or publicly  
15 reprimanding them, would dissuade a reasonable person from engaging in protected activity.  
16 Dr. Zieve's actions constitute an adverse employment action.

17 **4.50** Dr. Zieve's response occurred within minutes of their protected activity  
18 establishing a causal link between the protected activity and the adverse action.

19 **4.51** As such, Electroimpact retaliates against employees who have opposed  
20 Electroimpact's discriminatory practices and hostile work environment in violation of the  
21 WLAD.

#### 22 **FIFTH CAUSE OF ACTION**

#### 23 **(Unfair or Deceptive Act or Practice in Trade or Commerce)**

24 **4.52** Under the CPA, it is unlawful to engage in unfair or deceptive acts or practices  
25 in the conduct of any trade or commerce. RCW 19.86.020.  
26



