FILED

18 SEP 28 PM 1:23

1 2

3

4

5 6

7

8

9

10 11

12

13

14

15

16

17 18

19

2021

22

23

2425

26

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 18 2 24418 85

CASE NUMBER: 18-2-24418-8 SEA

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING

JISA PIM, an individual,) Case No.:
Plaintiff,) COMPLAINT
vs.)
ST SECURITY BANK OF WASHINGTON, Washington corporation,))
Defendant.)

Plaintiff Lisa Pim, by and through counsel, complains and avers as follows:

I. PARTIES, JURISDICTION, AND VENUE

- 1.1 <u>Status of Plaintiff</u>. Plaintiff Lisa Pim is an individual residing in King County, Washington.
- 1.2 <u>Status of Defendant</u>. Defendant 1st Security Bank of Washington ("FSB") is a corporation organized and doing business in King County, Washington.
- 1.3 <u>Jurisdiction</u>. This court has subject matter jurisdiction over this action pursuant to RCW 2.08.010.
- 1.4 <u>Venue</u>. Venue is proper in King County, Washington. Defendant FSB transacts business in King County and has offices in King County. RCW 4.12.025(1).

II. FACTS

- 2.1 FSB hired Plaintiff in 2012 as a manager.
- 2.2 In 2017, Plaintiff stepped down from her manager position and took an associate position. FSB hired Mr. Ron Poborsky as Plaintiff's replacement for the manager position.

COMPLAINT - Page 1

ROCKE | LAW Group, PLLC 101 Yesler Way, Suite 603 Seattle, WA 98104 (206) 652-8670

- 2.3 FSB gave Mr. Poborsky more privileges and opportunities as a manager than it gave Plaintiff when she was in the same position.
- 2.4 When Plaintiff stepped down from her manager position, FSB agreed to pay her five percent commission on FSB's profits for her branch.
- 2.5 While Mr. Poborsky was Plaintiff's manager, he made inappropriate comments of a sexual nature. These included inappropriate, sexual comments about Plaintiff's body and clothing.
- 2.6 Mr. Donn Costa, Mr. Poborsky's manager and FSB's executive vice president, was aware of Mr. Poborsky's inappropriate, sexual comments.
- 2.7 Plaintiff complained to Mr. Costa about Mr. Poborsky's inappropriate, sexual comments. FSB took no corrective action regarding Mr. Poborsky's behavior.
- 2.8 At a function outside of business hours, Mr. Poborsky made a comment about Plaintiff's undergarments in front of her coworkers. Plaintiff, stunned, did not know how to respond. Mr. Poborsky then said, "I've never seen you speechless."
- 2.9 At this same function, Mr. Poborsky simulated oral sex while he was teaching women who worked for him at FSB how to smoke a cigar.
- 2.10 Later at this function, Mr. Poborsky told Plaintiff twice that she should take her dress off. Shocked and offended, Plaintiff slapped Mr. Poborsky.
- 2.11 The following week, FSB placed Plaintiff on unpaid leave. A few weeks later, FSB sent Plaintiff a letter terminating her employment. This letter alleged that Plaintiff's reaction to Mr. Poborsky's inappropriate comments was "unprovoked" and attempted to excuse his comments.
- 2.12 Before FSB informed Plaintiff that she was terminated, FSB began contacting Plaintiff's clients and told them that she was no longer employed by FSB.

24

25

26

III. CAUSES OF ACTION

A. Sexual Harassment - Hostile Work Environment

- 3.1 Plaintiff was subjected to unwelcome language based on her sex and conduct of a sexually harassing nature.
- 3.2 This hostile work environment was so severe and pervasive as to affect the terms and conditions of Plaintiff's employment.
- 3.3 FSB had actual or constructive knowledge of this hostile work environment yet took no corrective action.
- 3.4 As a result of the hostile work environment Plaintiff experienced, she has suffered damages in an amount to be proven at trial.

B. Sex Discrimination - Disparate Treatment

- 3.5 Plaintiff is a member of a protected class, i.e., female.
- 3.6 Plaintiff was satisfactorily performing her position with FSB.
- 3.7 When FSB replaced Plaintiff as manager with Mr. Poborsky, FSB gave Mr. Poborsky privileges and opportunities that it had denied Plaintiff.
- 3.8 FSB gave Mr. Poborsky more privileges and opportunities than Plaintiff because of her sex.
- 3.9 As a result of the hostile work environment Plaintiff experienced, she has suffered lost wages and other damages in an amount to be proven at trial.

C. Retaliation

- 3.10 Plaintiff engaged in a protected activity when she complained to FSB about the sexual harassment and disparate treatment to which she was subjected.
 - 3.11 FSB knew or had reason to know about Plaintiff's complaints.
 - 3.12 FSB terminated Plaintiff because she made these complaints.
- 3.13 As a result of FSB's retaliation, Plaintiff has suffered lost wages and other damages in an amount to be proven at trial.

26

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- (1) Injunctive relief, including the following:
 - a. Court-supervised improvements to the enforcement of Defendants' anti-discrimination policy and training of management and employees on that policy;
 - Reports to the court about claims of discrimination for two years following the entry of judgment; and
 - c. Changes to Defendants' policies regarding sexual harassment and discrimination;
- (2) Compensatory damages;
- (3) Lost wages;
- (4) Emotional damages;
- (5) Attorney's fees and costs; and
- (6) For such other and further relief as the Court may deem just and proper.

Dated this 28th day of September, 2018.

ROCKE LAW Group, PLLC

Peter Montine, WSBA #49815

Attorney for Plaintiff