

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KATHARINE BUSH,
2212 Great Falls Street
Falls Church, VA 22048,

MELIA WILDER (NEE STOPA),
14611 Willow Creek Drive
Centreville, VA 20120

and

SHELLY GOOREVICH
250 South Reynolds Street
Apartment 308
Alexandria, VA 22304

Plaintiffs,

v.

RUTH'S CHRIS STEAK HOUSE, INC.
400 International Parkway
Suite 325
Heathrow, FL 32746

and

RUTH'S HOSPITALITY GROUP, INC.
400 International Parkway
Suite 325
Heathrow, FL 32746

Defendants.

Case: 1:10-cv-01721
Assigned To : Walton, Reggie D
Assign. Date : 10/8/2010
Description: Employ Discrim.

**JURY
ACTION**

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs KATHARINE BUSH (“Bush”), MELIA WILDER (NEE STOPA) (“Wilder”), and SHELLY GOOREVICH (“Goorevich”) (collectively “Plaintiffs”), allege and state as follows:

INTRODUCTION

1. Plaintiffs are women who were employed by Ruth’s Chris Steak House, Inc. (“RCSH”) and/or Ruth’s Hospitality Group, Inc. (“RHG”) (referred to collectively herein as “RCSH”), a large chain of upscale steak houses in the United States and internationally. RCSH was founded in the mid-1960’s by an entrepreneurial woman, Ruth Fertel (1927-2002), who having founded and grown a leading restaurant chain, personally broke many barriers and the glass ceiling for women in the restaurant industry. Notwithstanding this history, in recent years the Company has developed a culture in which conduct demeaning and hostile to women is widely practiced and accepted and a pattern and practice of discrimination against female employees in the terms and conditions of employment, including, *inter alia*, discriminatory compensation, termination, and retaliation.

2. Plaintiffs each performed their job with high levels of skill, dedication, and success. Nonetheless, they were each discriminated against by RCSH because of their gender with respect to the terms and conditions of their employment, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e, *et seq.*, and as to Plaintiffs Bush and Wilder, the District of Columbia Human Rights Act of 1977, D.C. Code § 2-1401, *et seq.*

3. RCSH’s violations are systemic and constitute a pattern and practice of illegal conduct over many years that continues to the present.

4. As a result of these practices, the statistical evidence available to Plaintiffs as of December of 2007, showed the following gender breakdown in employment at certain leadership positions at the Company:

Executive level – 14% women (1/7)

Corporate Vice President – 14% women (3/22)

General Manager – 8% women (5/61)

Chef – 3% women (2/61)

5. Ascension to Senior Management is primarily viable through the Operations sector, but women were systemically channeled out of Operations. As of December 2007, there were very few women in feeder positions:

Senior Manager/Assistant General Manager: 9% women (2/23)

Manager: 21% women (23/109)

Assistant/Sous Chef: 2% women (1/53)

7. The 2009 Annual Report shows that the Management Team at RCSH is comprised of all males and the seven-person Board of Directors has just one woman Director.

8. Data available as of December of 2007 showed that only 8% of employees eligible for stock options were females.

9. The practices that RCSH engages in that discriminate on the basis of sex are summarized as:

a. Discrimination in Compensation: RCSH leaders, who are predominantly male, are given a great deal of discretion in determining salaries, raises, and bonuses. As a result of RCSH's excessively subjective compensation practices, women who are equally or more qualified than male employees who perform the same

jobs are frequently compensated at a lower rate than comparable males. For example, Ms. Bush was a highly successful employee who had significantly greater experience than Eric Ostrow, a male, and had served as a sales manager at least as long as Mr. Ostrow. When Mr. Ostrow and Ms. Bush both held the position of Sales Manager, RCSH consistently paid Mr. Ostrow a higher salary. In each year, from 2004 to 2005, RCSH paid Mr. Ostrow a base salary that was over \$10,000 higher than Ms. Bush's base salary. In January of 2006, Ms. Bush and Mr. Ostrow, were both promoted to the position of National Sales Manager. Despite her greater experience and being promoted to the same position at approximately the same time, RCSH gave Mr. Ostrow a compensation package that included a 3% local sales commission and an assistant, compensated at approximate \$40,000 per year, who would further increase his commission-based compensation. Thus, despite the fact that RCSH gave Ms. Bush a higher base salary than Mr. Ostrow (\$13,000 more in base salary), Mr. Ostrow's total salary for 2006 was more than \$20,000 higher than Ms. Bush's.

b. Discrimination in Promotion: RCSH does not provide all of its employees with fair and equal opportunities for career advancement. Prior to May of 2008, the Company did not employ any proactive job posting policy. Although the Company maintained an internal internet portal for job postings, the Company did not post available positions on a regular and uniform basis. Many available jobs were never posted, and others were posted even though a person has already been hand-picked for the position. On or about May of 2008, the Company purportedly instituted a formal job posting policy. However, that policy contains many subjective elements and managers and other supervisory employees are given great discretion as to whether positions are

posted. As a result of such practices, numerous available positions within the Company are filled via an informal, “tap on the shoulder” process in which predominately male managers cherry-pick other male employees. This informal process lacks open competition between all qualified candidates and the selection process is highly subjective and open to manipulation.

c. *“Glass Ceiling”*: Female employees at RCSH are faced with a “glass ceiling” on their paths to career advancement. Few women advance to senior levels in the Company, although women are more highly represented in the lower ranks of the workforce. Currently, no women serve on the senior Management Team, the group charged with running the operations of the Company and developing its business strategy. Since the Company’s founder, Ruth Fertel, ceased running the Company, very few women have served on the Management Team.

d. *“Glass Walls”*: In addition to erecting barriers to vertical advancement in the Company, female employees at RCSH are segregated into less lucrative and prestigious departments within the Company. For example, very few women are in the traditional “feeder” positions in the Operations department which generally lead to promotion to upper management. Women are underrepresented in the positions of Assistant General Manager/Senior Manager, Sous/Assistant Chef, and Manager. Similarly, there is a dearth of female employees in the positions of General Manager and Chef, the next rung on the employment ladder. On the contrary, women are more highly represented in other less lucrative and less powerful departments within the Company, such as Human Resources.

e. Failure to Monitor or Remedy Discrimination: RCSH's senior management, including its Human Resources Department, has failed to monitor the Company's promotion and compensation practices for a discriminatory effect. In light of this failure, female employees are subjected to ongoing harm.

f. RCSH's Male Dominated Culture Demeans Women: The work environment at RCSH is one that is demeaning to women, reflects a culture of male domination and female subjugation, and is a causative factor in the discrimination against women in compensation, promotion, and termination. Female employees at RCSH are frequently subjected to sexually hostile and demeaning treatment. This includes, but is not limited to, unwelcome sexually charged "jokes" and commentary, name-calling and physical touching. Senior management has both participated in creating this environment and been aware of many instances of it. Nonetheless, RCSH's management has not taken reasonable steps to change the environment. Thus, RCSH essentially endorses this hostile environment for women employees. For example, on or about May of 2006, Plaintiff Bush was on a phone call with RCSH Regional Vice President Joe O'Donnell. Due to poor reception, Ms. Bush was having difficulty hearing O'Donnell. She told him that she could not hear him because he was "coming in and out." In response, Mr. O'Donnell told Ms. Bush that she "w[asn't] complaining last night." Plaintiff Goorevich was told, by a male RCSH employee who regularly harassed her, that she was his "cum bucket."

g. Women are Disciplined More Harshly than Men: RCSH imposes harsher discipline, including the ultimate form of discipline, termination, on female employees than male employees. For instance, Plaintiff Bush was purportedly terminated

for using “profanity” in an e-mail; namely, the word “prick.” However, male employees—including top management at the Company—regularly use similar, and in most cases, more offensive and profane language. For instance, a RCSH corporate Vice President sent an e-mail to all of the company management telling them to have an “ass-kicking Valentine’s Day.” Another male employee, Mohammad Fakhara, has been nicknamed “Mo-Fucker” by his co-workers and is regularly called this profane name by his colleagues and superiors alike. Another male leader—a former Regional Vice President—instructed his employees to hire some “T&A [tits and ass]” to work as bartenders at a Company restaurant location. Plaintiffs Bush and Wilder witnessed various conversations amongst male leaders in which they discussed which female employee of the Company would “give the best blow job.” In short, extreme public vulgarity is condoned by RCSH leaders—and used by the leaders themselves—so long as the vulgarity is used by male, not female, employees. Furthermore, male employees who have committed much more egregious violations have not been terminated from their employment. Male managers, including top leadership, have regularly been extremely intoxicated at Company functions, carried on sexual affairs with female subordinates, and have stolen from the Company, but have not been terminated.

JURISDICTION AND VENUE

10. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343(4), which confers original jurisdiction upon this Court in a civil action to recover damages or to secure equitable relief or other relief under any Act of Congress providing for protection of civil rights; pursuant to 28 U.S.C. § 1331, which confers original jurisdiction upon this Court in a civil action arising under the Constitution or laws of the United States; and pursuant to 28 U.S.C. § 1337,

which confers original jurisdiction upon this court in a civil action arising under any Act of Congress regulating commerce.

11. This court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the claims brought pursuant to state and local laws prohibiting gender discrimination in employment.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because Defendants have locations, and conduct business, in the District of Columbia. Many of the acts complained of occurred in the District of Columbia and give rise to the claims alleged.

PARTIES

13. Katharine Bush is a female adult citizen, and is a resident of Falls Church, Virginia. Ms. Bush was employed by RCSH from September 1998 to March 2007 at one of its locations in the District of Columbia.

14. Melia Wilder is a female adult citizen, and is a resident of Centreville, Virginia. Ms. Wilder was employed by RCSH from October 2002 to March 2007 at one of its locations in the District of Columbia as well as its Fairfax, Virginia location.

15. Shelly Goorevich is a female adult citizen, and is a resident of Alexandria, Virginia. Ms. Goorevich was employed by RCSH from February 2001 to August 2009 at its Arlington, Virginia location.

16. RCSH was founded in 1965 in New Orleans, Louisiana by Ruth Fertel, a single mother at the time, who mortgaged her home to buy the Company's first steakhouse restaurant. RCSH began to expand in 1972, when Ms. Fertel opened a second restaurant in Metairie, Louisiana.

17. RCSH opened its first franchise in 1976. Many additional restaurants were opened as the Company grew and, in August of 2005, the RCSH went public, selling shares of its common stock on the Nasdaq Global Select Market.

18. In February of 2008, RCSH acquired Mitchell's Fish Market, which operated restaurants under the names Mitchell's Fish Market and Columbus Fish Market. At that same time, RCSH also acquired restaurants operating under the names Cameron's Steakhouse and Mitchell's Steakhouse from Cameron Mitchell Restaurants, LLC.

19. In May of 2008, RCSH changed its name from Ruth's Chris Steak House, Inc. to Ruth's Hospitality Group, Inc. The Company now considers RHG to be the parent company of RCSH.

20. As of December of 2009, there were 130 Ruth's Chris Steak House restaurants located throughout the country and the world. Of those restaurants, about half are owned by RHG and the other half are owned by franchisees, including franchisee-owned restaurants in Aruba, Canada, China (Hong Kong), Mexico, Japan, Taiwan, and the United Arab Emirates.

21. RHG employs approximately 5,600 people. Of those employees, approximately 475 are salaried employees and the remainder are hourly personnel.

22. For 2009, RHG reported revenues of over \$330 million, net income of approximately \$2.4 million, and assets of approximately \$254 million.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

23. Plaintiffs have each filed timely charges of discrimination with the Equal Employment Opportunity Commission ("EEOC") and applicable state and/or local agencies alleging, among other things, gender discrimination against RCSH with respect to the

compensation, promotion, harassment, and termination of female employees in violation of Title VII and applicable state and/or local civil rights laws.

24. Plaintiff Bush filed a charge of sex discrimination with the EEOC and the District of Columbia Human Rights Commission on July 3, 2007. She received her Right to Sue notice on July 13, 2010. Plaintiff Bush has exhausted all administrative remedies.

25. Plaintiff Wilder filed a charge of sex discrimination with the EEOC and the District of Columbia Human Rights Commission on July 3, 2007. She received her Right to Sue notice on July 19, 2010. Plaintiff Wilder has exhausted all administrative remedies.

26. Plaintiff Goorevich filed a charge of sex discrimination with the EEOC and the Arlington County Human Rights Commission on October 30, 2008. She received her Right to Sue notice on July 19, 2010. Plaintiff Goorevich has exhausted all administrative remedies.

FACTUAL ALLEGATIONS

27. Plaintiffs incorporate by reference the allegations in paragraphs 1-26 above.

28. Since at least September of 2006, RCSH has denied equal employment opportunities to its female employees. RCSH has engaged in a pattern and practice of gender discrimination with respect to the compensation, promotion, and termination of female employees from its lower-level management and chef positions to higher level positions with more authority and higher compensation. RCSH's pattern and practice of gender discrimination extends to other terms and conditions of employment of its female employees, including, but not limited to the provision of staff support and mentoring and networking opportunities made available through male-only company-approved retreats with Company leaders.

29. Female salaried employees at RCSH are discriminated against on the basis of gender with respect to career advancement in the Company.

30. By entrusting RCSH corporate leaders, virtually all of whom are men, with excessive discretion in promotion decisions, RCSH maintains a system whereby the corporate leaders apply their own personal preferences and biases in making promotion decisions.

31. Promotions are made on a “tap on the shoulder” basis and are generally given to male employees who are members of the “old boys’ network.”

32. For example, the Company underwent reorganization in 2003. The result of that reorganization was to channel women out of upper level positions. Female representation in upper management in Operations decreased from 25% (pre-reorganization) to 17% (at reorganization) to 0% in 2007.

33. As part of the reorganization, female employees were moved out of Operations: After the 2003 reorganization, the only remaining female Regional Vice President, Lanette Jarvis, was demoted and moved out of Operations. Jarvis was replaced by Susan Lumb, but in late 2005, she too was moved out of Operations into Education—leaving zero high-ranking females in Operations at that time.

34. Such subjective decision-making is made possible, in part, by RCSH’s lack of a proactive job posting policy or practice.

35. Although the Company maintained a website which allowed for job posting, many job openings were never posted or advertised in any way. As such, Plaintiffs often only learned of available positions once they had already been filled by male employees.

36. RCSH also employs testing procedures as part of its hiring and promotion processes. Specifically, the Company uses testing created by Batrus Hollweg, as well as other testing materials available on the internet.

37. The Company maintains such test results in the personnel files of its employees and takes such test scores into account in making its hiring and promotion decisions.

38. For example, during the interview process, current and/or prospective employees must complete a Batrus Hollweg "assessment" test. The employee's advancement in the hiring and/or promotion process may be continued or discontinued based on the results of such assessment.

39. The Batrus Hollweg testing potentially contributes to barriers to advancement for female employees at the company.

40. Advancement by female employees at the Company is also curtailed by numerous subjective aspects of the decision-making process.

41. For instance, male superiors can unilaterally truncate such advancement.

42. Hourly employees seeking to advance to salaried management positions must first be chosen as a "certified coach" by their general managers, who are predominantly male. Once selected as a "coach" and given permission by their General Manager, they must also receive permission to seek promotion from the Regional Vice President ("RVP"), a position also predominantly held by men. And, even assuming they receive this permission, the RVP or other superior may later discontinue the application process at more than one juncture.

43. For female employees seeking higher level management or corporate positions, such as RVP, there is virtually no process or procedure and selections are made almost entirely on a subjective basis.

44. Furthermore, female employees of RCSH are excluded from networking opportunities available only to men. Such networking opportunities are crucial in advancing one's chances for promotion.

45. For example, for several years while the Plaintiffs were employed with the Company, male RCSH corporate leaders (Regional Vice Presidents, Corporate Vice Presidents, and Executives) have attended a corporate retreat sponsored by either RCSH or one of its vendors. These corporate retreats have taken place in Scotland, England, and Ireland.

46. In addition to networking, the retreats are an opportunity for Company leaders to conduct business discussions amongst themselves and with vendors, as well as to socialize with one another and with vendor representatives and executives. These retreats are opportunities for employees to build relationships with co-workers, superiors and vendors, which are essential to career advancement at RCSH.

47. Women have been entirely excluded from these retreats. In fact, male corporate leaders often refer to the retreat as the "guys' trip."

48. As a result of exclusion from these Company retreats, female employees are denied the same opportunity provided to male employees to develop and build career advancing relationships within the Company.

49. Female salaried employees have also experienced discrimination with respect to compensation in the form of salary, bonuses, and stock options.

50. Initially, the channeling of females into lower paying departments has resulted in females receiving less pay than comparable males.

51. RCSH has established and maintains a compensation system wherein male corporate leaders are given undue discretion in making compensation decisions. This has the result of denying women compensation equal to that of comparable male employees.

52. RCSH also fosters and promotes a work environment that is inhospitable for women. Gender based hostility pervades almost every aspect of the business, including hiring, promotion, compensation, discipline and termination.

53. Female employees are treated in a demeaning and discriminatory manner by male RCSH leaders and fellow employees. Female employees are frequently the target of sexual stereotypical and derogatory remarks and jokes. Female employees at RCSH have been groped, sexually propositioned, and harassed by male RCSH employees.

54. Finally, female employees at RCSH are discriminated against on the basis of sex with respect to terminations. Females are terminated from the Company for conduct which when engaged in by males, does not result in termination.

55. RCSH has failed to undertake adequate measures to stop the perpetuation of these discriminatory policies and practices at the Company.

Katharine Bush

56. Katharine Bush began working at RCSH in September of 1998, as a bookkeeper. At that time, Ms. Bush was paid at a rate of \$13 to \$16 per hour.

57. Ms. Bush began her job at RCSH without any fear, anticipation, or anxiety regarding discrimination. Instead, she reasonably expected that her participation in the RCSH workforce would provide numerous opportunities for advancement, and she worked hard to take full advantage of those opportunities.

58. Early on in her career at RCSH, in the late 1990's, Ms. Bush complained to HR about sex-based hostile actions by another employee, when a Chef screamed at her and threw something at her. She was pulled aside by her General Manager and told, in effect, "you are a

big girl,” you can handle this without complaining. Ms. Bush learned from this experience that this was the accepted environment at RCSH and that she was expected to live with it.

59. In 2000, Ms. Bush was promoted to the position of Sales Manager. Ms. Bush performed well in her new position, taking on team leadership positions and training newer employees. Ms. Bush also assisted the Company’s IT department in creating its RacS software system.

60. RCSH named Ms. Bush a “team leader” in late 2001. In that role, she worked with other Sales Managers to develop marketing plans, review financial information, and support sales.

61. Despite such increased responsibilities, Ms. Bush officially remained a Sales Manager and did not receive any additional compensation or employment benefits in exchange for her added responsibilities.

62. In 2004, Ms. Bush’s superior, Gil Fornaris, commended her for her good work. During this same time period, Ms. Bush informed her superiors of her interest in a promotion and increased compensation.

63. Ms. Bush’s superiors at RCSH, however, did not promote Ms. Bush or provide her with increased compensation. Instead, they gave her the title of “Regional Sales Manager” and the added responsibility of managing four additional markets and supervising four sales managers, but provided no additional compensation or benefits despite the added responsibilities.

64. At or around this time, in the year 2004, Ms. Bush’s base salary was approximately \$10,000 to \$12,000 less than the base salary of one of her male co-workers, Eric Ostrow.

65. Mr. Ostrow, who also worked as a Sales Manager, had less experience than Ms. Bush.

66. RCSH also paid Mr. Ostrow more than Ms. Bush in 2005. In that year, Mr. Ostrow was paid a base salary that was approximately \$10,000 higher than Ms. Bush's base salary.

67. In December of 2005, RCSH discontinued the Director of National Sales position and Ms. Bush volunteered to take on additional work that had previously been delegated to that position.

68. In January of 2006, RCSH promoted Ms. Bush to the position of National Sales Manager. At the same time, RCSH also promoted Eric Ostrow to the National Sales Manager position.

69. Despite having been given the same position, RCSH paid Mr. Ostrow a commission on local sales which it did not provide to Ms. Bush. Upon information and belief, that local sales commission amounted to on or about \$45,000. RCSH also provided an administrative assistant to support Mr. Ostrow, but did not provide Ms. Bush with such an assistant.

70. As National Sales Manager, Ms. Bush continued to perform superbly. She implemented numerous national sales initiatives, including (but not limited to) a program for corporate business to business gift cards.

71. Indeed, throughout her tenure at RCSH, Ms. Bush excelled.

72. In Ms. Bush's last performance review prior to her termination, she was rated as "Exceeds Standards" in forty-four (44) out of fifty-nine (59) categories, or approximately 75% of the listed categories. Of the remaining 15 categories, Ms. Bush received a rating of "Meets

Standards” in thirteen categories and a rating of “Outstanding” (the highest possible rating) in two categories. Ms. Bush did not receive any negative ratings.

73. Just three months prior to her termination, Ms. Bush’s superior commended her for doing an “exceptional job” and for her ability to remain “focused, flexible, and supportive to achieve [her] goals.” Ms. Bush’s superior also made note of her “great resilience” and “out of the box thinking” which resulted in “ways to expand beyond expectations.”

74. Ms. Bush also consistently outperformed her sales goals.

75. In 2006, Ms. Bush exceeded her sales goal by 20%, generating approximately \$200,000 in additional sales revenues.

76. As a result of her banner year in 2006, RCSH increased Ms. Bush’s sales goal in 2007 by approximately 400%.

77. Notwithstanding this substantial increase, Ms. Bush was on track to meet this sales goal at the time of her firing.

78. Despite Ms. Bush’s excellent performance at the Company, she was never offered or informed of several promotional opportunities provided to less qualified male employees.

79. Ms. Bush expressed her interest in being promoted to her superior, Gil Fornaris.

80. Ms. Bush often learned of available promotions after the position had already been filled by a male candidate, leaving her with no opportunity to apply for the positions.

81. Upon information and belief, in mid-September of 2006, then RCSH Regional Vice President Kevin Armantrout was named Regional Vice President of Franchise Relations. This position was not advertised and Ms. Bush was not informed of or offered the opportunity to compete for the position.

82. Ms. Bush would have been interested in, and qualified for, the Regional Vice President of Franchise Relations position that was filled by Armantrout, a male employee who had joined the Company several years after Ms. Bush.

83. After Armantrout became Regional Vice President of Franchise Relations, his former position—Regional Vice President of the Northern California region, was open. Yet again, this position was not advertised by the Company. And, despite being qualified for the position, Ms. Bush was not informed of, allowed to compete for, or offered the position.

84. Ms. Bush would have been interested in, and qualified for, the Regional Vice President of the Northern California region position. However, RCSH hired a male, John Maloney, who had never previously worked for the Company.

85. On or about September of 2006, the Company also hired a male employee, Pete Tambini, as Regional Vice President of the Southeast region. Mr. Tambini was equally or less qualified for that position than Ms. Bush.

86. Ms. Bush would have been interested in, and qualified for, the Regional Vice President of the Southeast region position.

87. However, the Company did not advertise the open position and Ms. Bush was not informed of, allowed to compete for, or offered the position.

88. In addition to being denied promotion, Ms. Bush was regularly subjected to sexual remarks and gender-based hostile conduct.

89. For example, on or about May of 2006, Ms. Bush was on a phone call with a RCSH Regional Vice President. Due to poor reception, Ms. Bush was having difficulty hearing him. Ms. Bush told the RVP that she could not hear him because he was “coming in and out.” In response, he told Ms. Bush that she “w[asn’t] complaining last night.”

90. On or about March 16, 2007, RCSH terminated Ms. Bush's employment with the Company.

91. Ms. Bush's superiors informed her that she was being terminated because of her use of "gross profanity" in an internal e-mail.

92. Specifically, in an e-mail to her co-worker, Eric Ostrow, Ms. Bush referred to a RCSH franchise employee as a "prick" because, as noted in the same e-mail, the employee had not responded to Ms. Bush's numerous requests for information and cooperation. Due to the franchise employee's non-responsiveness, Ms. Bush was concerned that RCSH was at risk of losing a large sales account.

93. Mr. Ostrow forwarded Bush's e-mail message to the RCSH franchisee.

94. The franchisee subsequently sent an e-mail to then RCSH Executive Vice President Geoffrey Stiles, wherein she complained about Ms. Bush's e-mail.

95. In her letter to Stiles, the franchisee complained that Ms. Bush's statement was directed at "a company man, a Ruth's Chris company man" and that Bush herself did not have "congenial personality traits" but, instead, had a "counterproductive macho attitude."

96. Shortly thereafter, RCSH terminated Ms. Bush allegedly due to her "counter-culture behavior" which "negatively represented the Company and RCSH's core values."

97. RCSH's stated reasons for terminating Ms. Bush are false and pretextual.

98. Male RCSH employees, including leaders at the Company, regularly use much more offensive profanity without any punishment, let alone termination.

99. For example, approximately one month prior to Ms. Bush's termination, a RCSH Corporate Vice President sent an internal e-mail to Ms. Bush and others, including the Chief Operations Officer, wherein he refers to having an "ass-kicking Valentine's Day."

100. Moreover, male employees of RCSH are often given profane nicknames by coworkers and superiors, including names such as “Mo F__ker” and “The Magic Wand,” and commonly referred to by those names in the workplace. Despite knowledge of, and participation in, this behavior by RCSH senior management, no disciplinary action has been taken to stop this conduct, despite the fact that it violates stated company policy.

101. In terminating Ms. Bush, RCSH also treated her more harshly than a male employee of RCSH who was involved in an altercation with a franchisee.

102. Specifically, a male employee of RCSH was involved in a verbal altercation with a franchise manager regarding divergent company versus franchise policies. Although the franchise manager reported the corporate employee’s behavior to Geoffrey Stiles, RCSH Chief Operating Officer, the male employee was not terminated and the matter was eventually resolved.

103. As a result of RCSH’s discriminatory conduct, Ms. Bush suffered lost wages, loss of future earnings, and emotional distress.

Melia Wilder (née Stopa)

104. Melia Wilder, formerly Stopa, joined RCSH in October of 2002 as a bench General Manager working out of one of the Company’s District of Columbia locations.

105. After completing her training in the District, Ms. Wilder became the General Manager of the RCSH location in Fairfax, Virginia.

106. Ms. Wilder excelled in her position almost immediately.

107. In 2004, Ms. Wilder beat her performance goals by a wide margin, earning \$75,000 in bonuses and nearly doubling her earnings for the year. Shortly thereafter, the Company instituted a cap on yearly bonuses, limiting them to 25% of base salary.

108. In early 2005, after her banner year, Ms. Wilder contacted Geoffrey Stiles, Chief Operating Officer, expressed her interest in advancement within the Company, and sought his advice on the topic.

109. Ms. Wilder was not promoted in 2005. Instead, she was passed over for promotion in favor of less qualified males.

110. Despite her disappointment, Ms. Wilder continued to work hard at the Company and perform superbly.

111. Approximately a year later, in early 2006, Ms. Wilder again expressed her interest in promotion to Stiles. Ms. Wilder wrote Mr. Stiles an e-mail outlining her desire to be promoted to the position of Regional Vice President. Mr. Stiles responded to Ms. Wilder's letter by directing her to Susan Lumb, then Vice President of Education, in order to develop an "action plan." Although Ms. Wilder made numerous requests, no such "action plan" ever materialized.

112. Throughout 2006, Ms. Wilder continued to exceed expectations. She also took on additional responsibilities, training new managers and employees throughout the country.

113. In the spring of 2006, at a regional General Manager's meeting, Siobhan Delulio, the wife of Ms. Wilder's supervisor, told Ms. Wilder that she should not expect to be promoted because then RVP David Delulio, who was her husband and Ms. Wilder's boss, "didn't like women."

114. Ms. Wilder did not receive a promotion in 2006. Again, open positions were given to less qualified males.

115. Not only did RCSH deny Ms. Wilder promotion, it tolerated an environment that was hostile to women and one in which women were subjected to sexual harassment. Ms. Wilder experienced this while attending an annual conference for RCSH General Managers and

Chefs in Orlando, Florida in April of 2006. The Director of Operations for a RCSH franchisee, Gary Englade hugged, groped, and followed Ms. Wilder during conference activities. While on a boat ride with her colleagues, Englade pinned Ms. Wilder into her chair and repeatedly asked her why she “wouldn’t go out with him.” Later, when Ms. Wilder crossed paths with Englade, he grabbed her by her shoulders and began shaking her, demanding to know “why she would not go out with him.” Ms. Wilder refused his advances and complained to her superiors. Although Ms. Wilder was later told by her superior that Mr. Englade was instructed to cease his behavior, he was not formally punished.

116. In December of 2006, Ms. Wilder asked David Delulio about his wife’s comments and her opportunities for promotion. Delulio denied his wife’s statements and commended Ms. Wilder for her excellent performance.

117. Ms. Wilder took Delulio’s advice and continued to excel at her job. Indeed, in January of 2007, just two months prior to her termination, Gil Fornaris, a RCSH Vice President of Operations, who was dining at the Fairfax location that she managed, told her that “if [she] kept going like this, [she] was going to get promoted.”

118. Encouraged by these sentiments, Ms. Wilder spoke with several other RCSH colleagues about her goal of promotion to a RVP position.

119. Despite Ms. Wilder’s excellent performance at the Company, she was never offered or informed of several promotional opportunities provided to less qualified male employees.

120. Upon information and belief, in mid-September of 2006, then RCSH Regional Vice President Kevin Armantrout was named Regional Vice President of Franchise Relations.

This position was not advertised and Ms. Wilder was not informed of or offered the opportunity to compete for the position.

121. Ms. Wilder would have been interested in, and qualified for, the Regional Vice President of Franchise Relations position that was filled by Armantrout, a male employee.

122. After Armantrout became Regional Vice President of Franchise Relations, his former position—Regional Vice President of the Northern California region, was open. Yet again, this position was not advertised by the Company. And, despite being qualified for the position and having repeatedly expressed her interest in a promotion to RVP to her superiors, Ms. Wilder was not informed of or offered the position.

123. Ms. Wilder would have been interested in, and qualified for, the Regional Vice President of the Northern California region position. However, RCSH hired a male, John Maloney, who had never previously worked for the Company, to fill the position.

124. On or about September of 2006, the Company also hired a male employee, Pete Tambini, as Regional Vice President of the Southeast region. Mr. Tambini was equally or less qualified for that position than Ms. Wilder.

125. Ms. Wilder would have been interested in, and qualified for, the Regional Vice President of the Southeast region position.

126. However, the Company did not advertise the open position and Ms. Wilder was not informed of, allowed to compete for, or offered the position.

127. In March of 2007, Ms. Wilder was terminated in retaliation for her report of sexual harassment by then RCSH Regional Vice President Kevin Armantrout.

128. In the summer of 2006, Ms. Wilder received a report from one of her subordinates that she was being sexually harassed by Armantrout. Specifically, Ms. Wilder's

female subordinate had traveled to Virginia Beach, Virginia to assist in opening a new restaurant in that location. Armantrout was also working at that restaurant opening. While there, Armantrout repeatedly made sexual advances to the female manager and she reported his conduct to Ms. Wilder. Ms. Wilder immediately reported Armantrout's sexually offensive and discriminatory behavior to her superior, Delulio.

129. Ms. Wilder next saw Armantrout in March of 2007 at the Company leadership conference in Florida where she was terminated.

130. Prior to her report of sexual harassment against him, Mr. Armantrout had never shown specific animosity towards Ms. Wilder. However, at the leadership conference, he treated her coldly.

131. Viewing the conference as a learning opportunity and a forum where she could shine in front of RCSH leaders, Ms. Wilder actively participated in the conference. During a question-and-answer session with then CEO Craig Miller and COO Geoffrey Stiles, Ms. Wilder asked thoughtful questions and offered her insights on the Company's progress.

132. RCSH terminated Ms. Wilder the following day on the purported grounds that her "behavior at the meetings was unacceptable for a RCSH General Manager" and that she showed "diminished leadership" while attending the conference.

133. Specifically, RCSH alleged that, during the conference, Ms. Wilder placed liquor orders for her RCSH restaurant inventory via her cell phone, interrupting other attendees, and appeared bored and made negative remarks about her expectations for the conference.

134. Based solely on the report of Armantrout, RCSH also claimed that Ms. Wilder extended Armantrout, who was not even seated near Ms. Wilder, her middle finger.

135. RCSH's stated reasons for terminating Ms. Wilder are pretextual.

136. Ms. Wilder did not extend her middle finger, or make any profane or inappropriate gestures, to Mr. Armantrout.

137. Moreover, Ms. Wilder did not force any conference participants to wait for her while she conducted some brief company business. The company business she conducted was limited to a single liquor order for her restaurant and it was made during a break in the proceedings.

138. Furthermore, Ms. Wilder did not make any negative comments about the leadership conference and/or the training she received.

139. Rather, Mr. Armantrout made these false allegations against Ms. Wilder in retaliation for Ms. Wilder having reported him to RCSH leadership for sexual harassment.

140. Indeed, at approximately 12:30 a.m. on March 21, 2007, the date of Ms. Wilder's termination, Armantrout wrote an e-mail to Sarah Jackson, Vice President of Human Resources, Geoffrey Stiles, and Susan Lumb, in which he manufactured the aforementioned allegations against Ms. Wilder.

141. Ms. Wilder's actual actions—namely, asking thoughtful and probing questions of RCSH leaders and offering insightful comments regarding the Company's progress—would have been praised by RCSH leaders if received from a male manager. Instead, Ms. Wilder was promptly terminated.

142. Ms. Wilder was terminated by the Company in retaliation for her report of sexual harassment by Mr. Armantrout.

143. As a result of the discriminatory conduct by RCSH, Ms. Wilder suffered lost wages, loss of future earnings, and emotional and physical distress.

Shelly Goorevich

144. Shelly Goorevich joined RCSH in February of 2001 as a Sales Manager working at the Company's Arlington, Virginia location.

145. Ms. Goorevich was an outstanding performer at RCSH. For two consecutive years, in 2006 and 2007, Ms. Goorevich alone generated over one million dollars worth of annual sales for the company.

146. Despite her exceptional work performance, Ms. Goorevich earned several thousand dollars less in base salary than at least one of her male counterparts, Eric Ostrow. In 2004, Ms. Goorevich earned approximately \$39,500 in base salary. Ostrow, who also held the position of Sales Manager in 2004, was paid over \$53,000 in base salary. Similarly, in 2005, Ms. Goorevich was paid a base salary of approximately \$41,000, while Mr. Ostrow's base salary was approximately \$60,000. Furthermore, Mr. Ostrow was given an assistant, while Ms. Goorevich was not.

147. During the course of her employment, Ms. Goorevich was frequently subjected to offensive and sexually discriminatory conduct by her colleagues at the Company.

148. Ms. Goorevich first complained of sexual harassment to RCSH's Human Resources department in the fall of 2005.

149. At that time, the restaurant Chef and another male line chef regularly used profanity and made sexually derogatory comments and jokes. On one occasion, the line chef held a raw beef tenderloin in front of his groin, as if it were his penis, and waved it around while making elephant noises. Ms. Goorevich reported this incident to Human Resources, as well as the profanity, sexually derogatory jokes and comments, and sexually offensive behavior that was permeating the workplace. Upon information and belief, no one at the Company was terminated or severely punished as a result of the incident.

150. Furthermore, the use of highly sexualized profanity and “jokes” is commonplace at RCSH and is committed by employees at all levels of the corporate hierarchy. RCSH male staff members made countless sexual jokes and taunts and regularly used profanity without repercussion.

151. RCSH leaders encourage such sexually discriminatory and offensive conduct. Male RCSH leaders regularly make profane and sexually offensive remarks in the presence of and about female employees. Male RCSH managers and chefs often discuss which RCSH female employees are “hot.” On one occasion, Ms. Wilder witnessed a regional corporate leader, state, with regard to a female subordinate, that he “want[e]d to bang her so bad [he] could taste her.”

152. Additional, male RCSH leaders regularly engage in vulgar and sexually demeaning and offensive banter about or relating to women. In one instance, a male RCSH Regional Vice President, called another male colleague a “pussy” via a text message that was read in front of several RCSH employees, both male and female. In response, the colleague, who was RCSH’s Vice President of Marketing, exclaimed that “you can call me anything but you can’t call me a pussy.”

153. Male RCSH leaders often discuss which female RCSH employees would “give the best blow jobs.” And, on another occasion, two male bosses discussed a female employee’s “nice new titties.”

154. Furthermore, many of the “job qualifications” used to measure suitable female candidates for positions at RCSH are sexist.

155. For example, only attractive women are hired to work in the “front of the house” portion of each restaurant. At the restaurant where Ms. Goorevich worked, several

employees complained about the performance of a new female bartender. Doranne Hughes, the General Manager, responded that “she’s attractive and she has legs up to here” and, thus, the complaining employees were told to “suck it up.” “Cute” waitresses were also often assigned to serve regular customers.

156. Corporate leaders backed such sexist employment practices. One Regional Vice President, instructed his subordinates to “hire pretty girls to work your bar.” RCSH managers are authorized to offer higher wages to women who are considered more attractive. Another male RCSH leader, told a subordinate manager to “hire some T&A [tits & ass]” at the bar and at the host stand. He also told the manager that “the prettier they are, the more you can pay them” but not to tell the existing employees how much they are paid.

157. Another RCSH General Manager simply refused to work with “any fat or ugly chicks.” Specifically, he told his employees to “make sure you cut [or dismiss] all of the fat chicks. I don’t want to work with any fat or ugly chicks.”

158. Furthermore, it is common for male RCSH leaders to report having seduced young and/or new female employees at events such as new restaurant openings. Female employees have also reported groping of female hostesses and wait staff by male executives.

159. One of Ms. Goorevich’s co-workers, Brian Forster, a floor manager at RCSH, was especially hostile to Ms. Goorevich, regularly harassing her.

160. Forster’s ongoing harassment of Ms. Goorevich reached its most egregious level in September of 2008.

161. On or about September 12, 2008, Forster was relaxing in the restaurant office rather than performing his work duties. He told Ms. Goorevich that if she “narced [sic] on him

to Doranne [Hughes, the General Manager] about goofing off” that he would “fucking kill [her].” He then added “I love you and I’ll give you a big hug but I will fucking kill you.”

162. Mr. Forster’s harassment did not end with those threats. A few days later, on or about September 15, 2008, Mr. Forster told Ms. Goorevich that he was going to “whip out his cock and slap [Ms. Goorevich] across the face with it.” When Ms. Goorevich asked him to stop tormenting her in that way, Mr. Forster laughed at Ms. Goorevich. Forster laughed at her again when Ms. Goorevich’s reported his statements to her co-worker.

163. Later that day, Ms. Goorevich told Mr. Forster that she was very stressed and having trouble sleeping. In response, Forster told Ms. Goorevich to “masturbate” in order to fall asleep. One of Ms. Goorevich’s co-workers, heard Forster make this statement and both she and Ms. Goorevich told him to stop speaking to Ms. Goorevich in that manner.

164. Ms. Goorevich also told Forster that she was tired of being the “waste receptacle for [Forster’s] misplaced anger.” Forster replied by correcting her—he told her that she was not his “waste receptacle” but, instead, his “cum bucket.”

165. Just days later, on or about September 22, 2008, Mr. Forster’s tirade continued. On that date, Ms. Goorevich was expecting the delivery of a guest’s wedding cake. She informed Mr. Forster, the floor manager on duty, about the upcoming delivery. In response, Forster (who was watching a football game while at work), told Ms. Goorevich that he didn’t care about the cake because the game was on and that Ms. Goorevich could “shove the cake up [her] ass.”

166. On or about September 23, 2008, Ms. Goorevich reported Forster’s behavior to Doranne Hughes, the General Manager at her restaurant and Ms. Goorevich’s immediate supervisor. Hughes told Ms. Goorevich that she would take care of it. However, Hughes also

asked Ms. Goorevich if she thought that Forster was “just being a 25-year old guy thinking that he was being funny.” Ms. Goorevich responded that she didn’t know what Forster was thinking but that his behavior was disgusting and abusive and should stop.

167. For approximately 20 days, Ms. Goorevich waited for further information or a response from Ms. Hughes or the Human Resources department at RCSH regarding her complaint. She received nothing.

168. Thus, on October 13, 2008, Ms. Goorevich addressed an e-mail to Sarah Jackson, then Senior Vice President of Human Resources for RCSH. In her e-mail, Goorevich detailed the sexual harassment she suffered. Goorevich also sent the e-mail to Sandy Jones, Director of Human Resources.

169. Later that day, Ms. Goorevich received a call from Stephen Hong, a RCSH employee in the Human Resources department. Hong informed Ms. Goorevich that Human Resources had not been notified of her complaint (by Ms. Hughes or anyone else) prior to its receipt of Ms. Goorevich’s e-mail.

170. Later that day, Hughes summoned Ms. Goorevich her office. When she got there, Mr. Forster was already there. Ms. Goorevich was asked to “mediate” the issue with Mr. Forster. Ms. Goorevich was very uncomfortable being directly confronted by Forster. She relayed her feelings to Hughes, who asked Forster to step out.

171. After Forster left, Hughes told Ms. Goorevich that he had made several allegations concerning Goorevich’s treatment of him in response to her complaints of sexual harassment and that she (Hughes) wanted to discuss those allegations. Hughes stated that she did not want to speak for Forster and wanted to invite him back into the “mediation.” Thus, under pressure from Hughes, Goorevich agreed to do so.

172. During the “mediation,” Hughes repeatedly stated that she was upset by Goorevich’s complaints because they “made her look bad” and were “a bad reflection on her.” Furthermore, after Hughes told Goorevich that they were having the mediation to discuss both Goorevich and Forster’s “issues” with one another, Forster accused Goorevich of “undermining” him in front of hourly employees.

173. Forster admitted to harassing Ms. Goorevich, including (but not limited to) telling her that he was going to “slap” her in the face with his “cock.”

174. The following day, Ms. Goorevich contacted Hong and informed him of the “mediation” that occurred. She informed him of her severe discomfort at the way the “mediation” was conducted.

175. Later, Ms. Goorevich learned that Forster was terminated on or about October 21, 2008.

176. The following month, November of 2008, Ms. Goorevich’s supervisors, Doranne Hughes and David Delulio, met with Ms. Goorevich for a performance review.

177. For the first time in her history with the Company, Ms. Goorevich received a negative review. Ms. Goorevich’s received an overall score of 2.64, below the 3.0 score necessary in order to receive a raise. Ms. Goorevich received scores of 2.0 on items such as “[h]elps the GM set the tone for the culture of the restaurant” and “acts with integrity[.]” In her prior review, just eight months earlier, Ms. Goorevich received a score of 4.0 (“exceeds expectations”) and 5.0 (“outstanding” – the highest rating possible), respectively, on the same items. Indeed, her overall score on the March 2008 performance review was 3.57, well over the score needed to receive a raise.

178. As a result of her negative November 2008 performance review, Ms. Goorevich did not receive a raise for 2009.

179. Furthermore, after Ms. Goorevich complained of Mr. Forster's harassment, her supervisors and co-workers began to treat her with hostility. Ms. Goorevich was isolated by her boss, Doranne Hughes, as well as her co-workers. She was rarely spoken to, and only if absolutely necessary.

180. On one occasion, Ms. Goorevich slipped and fell at the restaurant and had to go to the emergency for treatment. She was diagnosed with a concussion and received pain medication. Per doctor's instruction, she was not able to work for three days and informed her office that she would be off due to her injury. When she returned to work, however, she was berated by Hughes for missing work and was written up for abandoning her shift.

181. As a result of the discriminatory behavior by RCSH, Ms. Goorevich suffered severe physical and emotional distress. Ms. Goorevich experienced severe anxiety, weight loss, and stomach problems. Ms. Goorevich sought medical and therapy services in order to deal with these issues.

182. Given the ongoing hostility she was experiencing at work, as well as the physical and emotional ramifications of such hostility, Ms. Goorevich's working conditions were intolerable and she felt that she no longer had any future with the Company. Thus, Ms. Goorevich had no option but to terminate her employment.

183. Ms. Goorevich was forced to resign her Sales Manager position with RCSH on or about August 4, 2009.

CAUSES OF ACTION

COUNT I

EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENDER
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.*
(On Behalf of All Plaintiffs)

184. Plaintiffs incorporate by reference the allegations in paragraphs 1-183 above.

185. Plaintiffs were female employees of RCSH and RHG within the meaning of 42 U.S.C. §2000(e) *et seq.* and are members of a protected class.

186. RCSH adopted and/or maintained and implemented employment practices by its predominately male leadership that are discriminatory, excessively subjective, and/or arbitrary with respect to compensation, promotion, and other terms and conditions of employment.

187. The discriminatory policies and/or practices of RCSH and RHG, as set forth herein, have denied Plaintiffs their right to equal employment opportunity in violation of 42 U.S.C. §2000(e) *et seq.*, in that qualified female employees have been denied promotions that were given to equally or less qualified males, received lower pay than equally or less qualified males for the same or essentially the same work, have been denied staff assistance provided to equally or less qualified males in the same position, and have been denied access to staff retreats made available to equally or less qualified males in the same position.

188. The pattern of assignment, promotion, access to opportunities, and compensation inequity on the basis of sex is not the result of random or non-discriminatory factors. Rather, it is the result of an on-going and continuous pattern and practice of intentional sex discrimination in assignments, pay, opportunities, and promotions, and reliance on policies and practices that have an adverse impact on female employees that cannot be justified by

business necessity, and for which alternative policies and practices with less discriminatory impact could be utilized that equally serve any asserted justification.

189. Defendants' discriminatory conduct caused Plaintiffs to suffer injury, including but not limited to loss of wages and other job benefits, and emotional distress.

190. Plaintiffs request relief as provided in the Prayer for Relief below.

COUNT II

EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENDER **District of Columbia Human Rights Act of 1977, D.C. Code §2-1401 *et seq.*** **(On Behalf of Plaintiffs Bush and Wilder)**

191. Plaintiffs Bush and Wilder incorporate by reference the allegations in paragraphs 1-190 above.

192. RCSH is an employer under the DCHRA § 2-1401.2(10).

193. Plaintiffs Bush and Wilder are women and members of a protected class.

194. RCSH adopted and/or maintained and implemented employment practices by its predominately male leadership that are discriminatory, excessively subjective, and/or arbitrary with respect to compensation, promotion, and other terms and conditions of employment.

195. The discriminatory policies and/or practices of RCSH and RHG, as set forth herein, have denied Plaintiffs Bush and Wilder their right to equal employment opportunity in violation of the D.C. Human Rights Act of 1977, in that qualified female employees have been denied promotions in favor of equally or less qualified males, have received lower pay than equally or less qualified males for the same or essentially the same work, have been denied staff assistance provided to equally or less qualified males in the same position, and have been denied access to staff retreats made available to equally or less qualified males in the same position.

196. The pattern of assignment, promotion, and compensation inequity on the basis of sex is not the result of random or non-discriminatory factors. Rather, it is the result of an on-going and continuous pattern and practice of intentional sex discrimination in assignments, pay, opportunities, and promotions, and reliance on policies and practices that have an adverse impact on female employees that cannot be justified by business necessity, and for which alternative policies and practices with less discriminatory impact could be utilized that equally serve any asserted justification.

197. Defendants' discriminatory conduct caused Plaintiffs Bush and Wilder to suffer injury, including but not limited to loss of wages and other job benefits, and emotional distress.

198. Plaintiffs Bush and Wilder requests relief as provided in the Prayer for Relief below.

COUNT III

EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENDER
Sexual Harassment – Hostile Work Environment
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.*
(On Behalf of Plaintiff Goorevich)

199. Plaintiff Goorevich incorporates by reference the allegations in paragraphs 1-198 above.

200. This is a claim against RCSH arising under Title VII, as amended, prohibiting sexual harassment in the workplace.

201. The conduct of RCSH alleged herein violates Title VII because Plaintiff Goorevich was required to work in a hostile work environment which was tainted by impermissible sex and gender discrimination, including but not limited to, being subjected to repeated sexual harassment and intimidation over a period of time by male corporate leaders and co-workers at RCSH.

202. Plaintiff Goorevich is a member of a protected group, women, and did not welcome the sexual misconduct and hostile work environment created by RCSH.

203. The work environment at RCSH that Plaintiff was subjected to is permeated with discriminatory conduct, ridicule, and insult, thereby unreasonably interfering with the work performance and work conditions of Plaintiff Goorevich and the other women at the Company.

204. RCSH was negligent both in discovering the sexual harassment suffered by Plaintiff Goorevich, as well as in remedying the harassment

205. As a result of these unlawful employment practices, Plaintiff Goorevich suffers severe emotional distress, mental anguish, embarrassment, humiliation, shame and trauma for which she claims damages.

206. Plaintiff Goorevich requests relief as hereafter described.

COUNT IV

EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENDER

Wrongful Discharge

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.*

(On Behalf of Plaintiffs Bush and Wilder)

207. Plaintiffs Katharine Bush and Melia Wilder incorporate by reference the allegations in paragraphs 1-206 above.

208. Plaintiffs Katharine Bush and Melia Wilder are women and as such are members of a group protected under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.* ("Title VII") from discrimination on the basis of sex.

209. Plaintiffs Bush and Wilder were qualified for their jobs and their job performance was more than satisfactory.

210. Plaintiffs Bush and Wilder were discharged from RCSH due to their sex.

211. Male employees were retained under similar circumstances.

212. Plaintiffs Bush and Wilder suffered injuries as a result, including but not limited to lost pay (past and future), embarrassment, humiliation, loss of self esteem, emotional distress, frustration, lost benefits and physical illness.

COUNT V

EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENDER

Wrongful Discharge

**District of Columbia Human Rights Act of 1977, D.C. Code §2-1401 *et seq.*
(On Behalf of Plaintiffs Bush and Wilder)**

213. Plaintiffs Bush and Wilder incorporate by reference the allegations in paragraphs 1-212 above.

214. RCSH is an employer under the DCHRA § 2-1401.2(10).

215. Plaintiffs Katharine Bush and Melia Wilder are women and, as such, are members of a group protected under the District of Columbia Human Rights Act from discrimination on the basis of sex.

216. Plaintiffs Bush and Wilder were qualified for their jobs and their job performance was more than satisfactory.

217. Plaintiffs Bush and Wilder were discharged from RCSH due to their sex.

218. Male employees were retained under similar circumstances.

219. Plaintiffs Bush and Wilder suffered injuries as a result, including but not limited to lost pay (past and future), lost benefits, emotional distress and physical illness.

220. Plaintiffs Bush and Wilder request relief as provided in the Prayer for Relief below.

COUNT VI

RETALIATION

**Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000(e)-3(a) *et seq.*
(On Behalf of Plaintiff Goorevich and Plaintiff Wilder)**

221. Plaintiffs Goorevich and Wilder incorporate by reference the allegations in paragraphs 1-221 above.
222. Plaintiff Goorevich engaged in activity protected under 42 U.S.C. § 2000e-3(a) when she complained to her employer about the sexual harassment she suffered from Brian Forster.
223. Defendants subjected Plaintiff Goorevich to adverse employment actions including, but not limited to, a negative performance review, the denial of a pay raise, and a disciplinary write-up.
224. RCSH subjected Plaintiff Goorevich to these adverse employment actions in retaliation against her because of her complaint of sexual harassment.
225. Plaintiff Goorevich suffered injuries as a direct and proximate result of Defendants' unlawful retaliatory conduct, including but not limited to loss of income, humiliation, loss of reputation, loss of income, emotional distress and physical illness.
226. Plaintiff Wilder engaged in activity protected under 42 U.S.C. § 2000e-3(a) when she complained to her employer about the sexual harassment perpetrated by RCSH Regional Vice President Kevin Armantrout.
227. Defendants subjected Plaintiff Wilder to adverse employment action—namely, termination—in retaliation against her because of her complaint of sexual harassment by Mr. Armantrout.

228. Plaintiff Wilder suffered injuries as a direct and proximate result of Defendants' unlawful retaliatory conduct, including but not limited to loss of income, humiliation, loss of reputation, loss of income, and emotional and physical distress.

229. Plaintiffs Goorevich and Wilder request relief as provided in the Prayer for Relief below.

COUNT VII

EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENDER

Constructive Discharge

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.* (On Behalf of Plaintiff Goorevich)

230. Plaintiff Shelly Goorevich incorporates by reference the allegations in paragraphs 1-229 above.

231. Plaintiff Goorevich repeatedly complained to her managers, RCSH human resources personnel and others about the sexual harassment she was experiencing.

232. Defendants retaliated against Plaintiff because of her protected activity.

233. Aggravating factors justified Plaintiff Goorevich's conclusion that she had no option but to end her employment.

234. Ms. Goorevich received a negative performance review for the first time in her history with the Company.

235. As a result of her negative November 2008 performance review, Ms. Goorevich did not receive a raise.

236. Ms. Goorevich was also treated with near-constant hostility by her supervisor, Doranne Hughes, as well as many of her co-workers. Ms. Goorevich was almost completely isolated by her boss and co-workers and was rarely spoken to, and only if absolutely necessary.

237. Ms. Goorevich was also subjected to ongoing mistreatment by her supervisor, Doranne Hughes.

238. As a result of the retaliatory treatment by RCSH, Ms. Goorevich suffered physical and emotional distress.

239. Given the ongoing hostility she experienced at work after her complaint of discrimination, as well as the physical and emotional ramifications of such hostility, Plaintiff's working conditions were intolerable.

240. RCSH's failure to ensure tolerable working conditions free of retaliation was intentional, malicious, deliberate, willful and oppressive, and was carried out with the intent to cause Ms. Goorevich to resign her position.

241. Because of her intolerable working conditions, Plaintiff Goorevich was forced to resign her Sales Manager position with RCSH on or about August 4, 2009.

242. Defendants' wrongful and illegal conduct caused Plaintiff Goorevich injury including, but not limited to, lost income (past and future), lost benefits, emotional distress and physical injury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. That the practices of the RCSH complained of herein be determined and adjudged to be in violation of the rights of the Plaintiffs under Title VII of the Civil Rights Act of 1964, the District of Columbia Human Rights Act, and common law prohibiting gender discrimination in employment;
2. That a permanent mandatory injunction be issued prohibiting RCSH and its officers agents, employees, and successors from engaging in the employment practices complained of herein and requiring the adoption of appropriate policies and programs consistent with RCSH's legal obligations to operate a work environment free from gender discrimination;

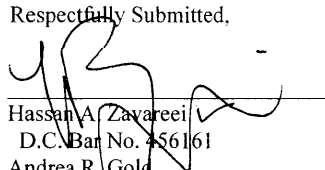
3. That judgment be entered in favor of Plaintiffs, and against Defendants, for back pay (including interest or an appropriate inflation factor), front pay, benefits and all other amounts owed to Plaintiffs;
4. That the Plaintiffs be awarded compensatory and punitive damages;
5. That the Plaintiffs be awarded pre and post judgment interest;
6. That the Plaintiffs be awarded such other and further legal and equitable relief as may be found appropriate and as the Court may deem just or equitable;
7. That the Court award Plaintiffs reasonable attorneys' fees and costs associated with the prosecution of this lawsuit;
8. That the Court retain jurisdiction over RCSH until such time as it is satisfied that it has remedied the practices complained of and is determined to be in full compliance with the law.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues triable of right by jury.

Dated: October 8, 2010

Respectfully Submitted,



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