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

21 U.S. EQUAL EMPLOYMENT
 22 OPPORTUNITY COMMISSION,

23 Plaintiff,

24 vs.

25 JUSTIN VINEYARDS & WINERY
 26 LLC, THE WONDERFUL
 27 COMPANY LLC, and DOES 1-10,
 28 inclusive,

Defendants.

Case No.: 2:22-cv-6039-PA (RAOx)

**DECLARATION OF TAYLOR
 MARKEY.**

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DECLARATION OF TAYLOR MARKEY

I, Taylor Markey, have personal knowledge of the facts set forth in this Declaration. I am competent to attest to these facts and would do so if called to testify.

1. I am the Assistant Regional Attorney of the Los Angeles District Office of the EEOC. I have been employed at the EEOC since August 2020 and have been involved in the investigation and subsequent litigation against Defendants since that time, including meet-and-confer discussions related to the instant motion.

2. On June 12, 2018, Charging Party Patricia Verduzco Avalos filed a charge against Defendant Justin Vineyards & Winery LLC (Charge No. 480-2018-03647). *See* Charge attached as Exhibit A.

3. During my employment with the EEOC, I was assigned as the lead attorney of this charge. I have also personally reviewed the investigative file for Charge No. 480-2018-03647. As such, I have knowledge and am familiar with the facts of this charge.

4. On January 11, 2022, the EEOC issued to Defendants Justin Vineyards & Winery LLC and The Wonderful Company LLC (“Defendants”) a Letter of Determination finding reasonable cause to believe that “Charging Party was sexually harassed due to her sex (female)” and “was retaliated against and/or constructively discharged, in violation of Title VII” and that “a class of similarly situated individuals worked at [Defendants]’ Paso Robles California locations between August 1, 2017 to present were sexually harassed because of their sex, subjected to retaliation for participating in protected activity, and/or constructively discharged.” The Determination invited the parties to participate in informal methods of conciliation with the EEOC. *See* Determination, attached as Exhibit B.

5. Between January 11, 2022 and June 24, 2022, the EEOC engaged in communications with Defendants to provide Defendants the opportunity to remedy

1 the discriminatory practices described in the Letter of Determination, including
2 sending Defendants a conciliation proposal.

3 6. It was concluded that further efforts in conciliation would not result in
4 the Commission being able to secure from Defendants a conciliation agreement
5 acceptable to the Commission, and on June 29, 2022, a notice was issued to
6 Defendants stating that such conciliation efforts as are required by law had occurred
7 and had been unsuccessful, and that the EEOC had determined that further
8 conciliation efforts would be futile or non-productive. *See* Notice of Conciliation
9 Failure, attached as Exhibit C.

10 Executed pursuant to 28 U.S. C. § 1746, this 29 day of December 2022.

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/s/ Taylor Markey
Taylor Markey
Assistant Regional Attorney
Los Angeles District Office

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EXHIBIT A

EXHIBIT A

EEOC Form 6 (1108)

<p style="text-align: center;">CHARGE OF DISCRIMINATION</p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC</p>
<p>California Department Of Fair Employment & Housing _____ and EEOC</p> <p style="font-size: x-small;">State or local Agency, if any</p>	

or about May 11, 2018, I was forced to take a leave of absence because of the unbearable hostile work environment.

II. No reason was given as to why I was sexually harassed and harassed based on my sex, female, and race (Mexican). No reason was given as to why I was subjected to different terms and conditions of employment.

III. I believe I was discriminated against on the basis of my sex, female, and race, Mexican, and in retaliation, in violation of Title VII of the Civil Rights Act of 1964, amended.

IV. I believe a class of female and/or Mexican employees have been discriminated against on the basis of their sex, female, and/or their race, Mexican, in violation of Title VII of the Civil Rights Act of 1964, as amended.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p>	<p>NOTARY - When necessary for State and Local Agency Requirements</p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small></p>
<p>12-06-18 <u>Patricia Varduzzo</u></p> <p style="font-size: x-small;">Date Charging Party Signature</p>	

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EXHIBIT B

EXHIBIT B



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Los Angeles District Office

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Charge No.: 480-2018-03647

Patricia Verduzco Avalos
208 Mohawk Court
Paso Robles, CA 93446

Charging Party

Justin Vineyards & Winery, LCC
2265 Wisteria Lane
Paso Robles, CA 93446

Respondents

The Wonderful Company, LLC
11444 W Olympic Blvd., 10th Floor
Los Angeles, CA 90064

LETTER OF DETERMINATION

I issue the following determination as to the merits of the charge.

Respondents are an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000-e et. seq. ("Title VII"). Timeliness and all requirements for coverage have been met.

Charging Party alleges that she was harassed and subjected to different terms and conditions of employment because of her race/national origin (Mexican), sexually harassed because of her sex (female), was retaliated against, and was constructively discharged, in violation of Title VII. Charging Party also alleges that a class of similarly situated female employees were subjected to sexual harassment because of their sex (female), that a class of similarly situated Mexican employees were harassed because of their race/national origin (Mexican), and that a class of employees who engaged in protected activity faced retaliation.

Respondents deny the allegations.

Examination of the evidence obtained in the Commission's investigation, including but not limited to, documents, testimony, and on-site inspection/interviews, supports a finding that there is reasonable cause to believe that Charging Party was sexually harassed due to her sex (female), was retaliated against and/or constructively discharged, in violation of Title VII. The Commission also finds that a class of similarly situated individuals who worked at Respondents'

Paso Robles California locations between August 1, 2017 to present were sexually harassed because of their sex, subjected to retaliation for participating in protected activity, and/or constructively discharged.

No finding is made regarding Charging Party's other allegations.

Respondents are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in EEOC investigations is also prohibited. These protections apply regardless of the EEOC's determination on the merits of the charge.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation (i.e., settlement). Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. If you wish to participate in conciliation, please email [Richie Quinteros richie.quinteros@eoc.gov], within 10 calendar days from the date of this Letter of Determination.

When the Respondents decline to enter into conciliation discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the Commission, the Commission shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved persons and the Commission. The confidentiality provisions of the statute and Commission Regulations apply to information discussed or given during conciliation.

On Behalf of the Commission:

Patricia Kane Digitally signed by Patricia Kane
Date: 2022.01.11 15:25:29 -08'00' (FOR)

Date

Christine Park-Gonzalez, Acting District Director
Los Angeles District Office

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EXHIBIT C

EXHIBIT C



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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The Wonderful Company, LLC
11444 W Olympic Blvd., 10th Floor
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Jenna Logoluso
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Danny Hanson
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Lisa Stilson
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Re: Patricia Verduzco Avalos v. JUSTIN VINEYARDS & WINERY LLC
EEOC Charge Number: 480-2018-03647

The Commission has determined that efforts to conciliate this charge as required Title VII of the Civil Rights Act of 1964 (Title VII) have been unsuccessful. This letter is the notice required by §1601.25 of the Commission's Regulations, which provides that the Commission shall notify a Respondent in writing when it determines that further conciliation efforts would be futile or non-productive. No further efforts to conciliate this case will be made.

Accordingly, this case will be reviewed to determine whether the EEOC will take further action against the above-named Respondent. A determination should be forthcoming in the near future.

On Behalf of the Commission:

Digitally Signed By:Christine Park-Gonzalez
06/29/2022

Christine Park-Gonzalez
Acting District Director