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Our File No. 30569

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>TRUDY NYCOLE ANDERSON (formerly Lunceford),</p> <p>Plaintiff,</p> <p>vs.</p> <p>LONE PEAK CONTROLS, INC., a Utah Corporation, D&amp;L ELECTRIC CONTROL COMPANY, a Utah corporation, and DEREK WRIGHT, individually,</p> <p>Defendants.</p>	<p><b>COMPLAINT AND JURY DEMAND</b></p> <p>Case No.</p>
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Plaintiff Trudy Nycole Anderson brings this Complaint under Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. §§ 2000e-2 et seq.), The Utah Antidiscrimination Act of 1965 as Amended, and the Utah common law, the Plaintiff alleges as follows:

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction under 28 U.S.C. § 1331 in light of the existence of a controversy arising under the laws of the United States. Venue for this action is proper in this Court based upon 28 U.S.C. § 1391(b).

### **PARTIES**

2. Ms. Anderson resides in Utah County, State of Utah. At all times relevant to this lawsuit, Plaintiff was a resident of Utah County, State of Utah. Plaintiff is a female and is a former employee of Defendants Lone Peak Controls, Inc. and D&L Electric Control Company.

3. Upon information and belief, Defendant Derek Wright (“Wright”) is a Utah County resident and the principal owner of Defendants Lone Peak Controls, Inc. and D&L Electric Control Company.

4. Defendant Lone Peak Controls was at all times relevant hereto a corporation under the laws of Utah, with its principal place of business in the State of Utah, and conducting business within Utah County, Utah.

5. D&L Electric Control Company was at all times relevant hereto a corporation under the laws of Utah, with its principal place of business in the State of Utah, and conducting business within Utah County, Utah.

6. Lone Peak Controls and D&L Electric Control Company were operated as a single enterprise with the same place of business, the operations of both businesses were closely interrelated

with employees who worked for both businesses and both businesses had common ownership and management. (Hereafter, the complaint refers to Defendant D&L Electric and Loan Peak Controls as “Lone Peak”).

### **GENERAL ALLEGATIONS**

7. Ms. Anderson incorporates by reference all other paragraphs of this complaint as if fully set forth here and further alleges as follows.

8. Plaintiff was employed by Defendant Lone Peak beginning on September 17, 2007 as the office manager. At all times relevant hereto, Plaintiff's job performance was more than satisfactory.

9. At all times, Defendant Wright was Ms. Anderson's direct supervisor.

10. At all times alleged, Wright was working in the course and scope of his employment as Ms. Anderson's direct supervisor.

11. From approximately the date of being hired to the time Ms. Anderson was terminated from her job on February 2, 2011, Ms. Anderson was sexually and verbally abused by Wright on several occasions while working for Defendant Lone Peak. In addition, Wright committed two separate batteries on Ms. Anderson. Wright's harassment included, but was not limited to the following:

a. Wright made frequent references to Ms. Anderson's body. Wright repeatedly asked Ms. Anderson about her breast size and talked about her breasts in front of other employees.

Wright asked repeatedly that Ms. Anderson show him her breasts. Wright asked Ms. Anderson if she shaved her pubic area.

b. Wright touched Ms. Anderson inappropriately. Wright hit her on the buttocks on at least two separate occasions without Ms. Anderson's permission and the touching was offensive and harmful. Wright gave Ms. Anderson unsolicited hugs and talked to her very closely, invading her personal space.

c. Wright frequently made inappropriate sexual remarks and did inappropriate sexual activities at work. In December 2010, when someone came into the office, Wright was asked what was going on, and he responded, "Just a whole lot of office sex." Wright repeatedly asked Ms. Anderson for a blow job and solicited sex from her. In January, 2011??, Ms. Anderson needed to go in for a mammogram. Wright told Ms. Anderson that he would give her a mammogram for free. Wright told Ms. Anderson in lurid detail how to make "sex cake." Wright's comments were very frequently sexually charged. Wright told Ms. Anderson what he liked sexually and asked Ms. Anderson what she liked sexually. Wright told Ms. Anderson that he was installing a shower so they could shower together.

d. Wright made a Monday through Friday schedule that included the following:

Monday:	Mini-skirt Monday, no panties allowed
Tuesday:	Tube-top Tuesday
Wednesday:	Wet T-shirt Wednesday
Thursday:	No bra Thursday
Friday:	Bikini top Friday

e. Wright viewed pornography at the office. Wright sent inappropriate pornographic emails and jokes to Ms. Anderson. After three or four months of working there, Wright brought Ms. Anderson a document to sign. The document said that Ms. Anderson would agree to allow him to sexually harass her in any way that he wanted to. Wright told Ms. Anderson to sign this under threat of losing her job. Wright often used intimidation. Wright later posted the agreement in the office, making frequent reference to it in conversations with others.

f. Wright asked Ms. Anderson to date him.

g. Wright tried to seduce Ms. Anderson. Wright purchased a spray that was meant to arouse women and sprayed it around the room. Wright tried to get Ms. Anderson to drink alcohol at the office with him to loosen her up. Wright also tried to get Ms. Anderson to drink KAVA at the office.

12. Defendants had actual and constructive knowledge of the conduct described above.

13. As a result of the frequent and severe harassment by Wright, which caused severe emotional distress, and Defendants' failure to provide any reasonable remedy for the problem with her work environment, Ms. Anderson was fired.

14. Ms. Anderson has lost wages since being given no choice but to quit from Defendant.

15. As a result of the stress and emotional trauma of this experience, Ms. Anderson has been losing sleep, seeking professional help and has ulcers.

16. Defendants knew that Ms. Anderson is a single mother of three, and was dependent upon her job as the sole source of her income.

**First Cause of Action**

(Sexual Harassment in violation of Title VII of the Civil Rights Act of 1964 and The Utah Antidiscrimination Act of 1965 against Defendants)

17. Ms. Anderson incorporates by reference all other paragraphs of this complaint as if fully set forth here and further alleges as follows.

18. As described above, Ms. Anderson was subjected to frequent, severe, physically threatening, and humiliating conduct by Defendants which substantially interfered with her work performance and her emotional well-being.

19. Defendants, through its agents or supervisors, including Wright, and each of the Defendants engaged in a pattern and practice of unlawful sex discrimination by subjecting Plaintiff to unwelcome sexual harassment, in violation of state and federal law.

20. Ms. Anderson informed Defendants, their agents or employees, of the harassment, requesting that it stop.

21. Defendants failed to take reasonable and necessary steps to promptly correct or prevent the frequent harassment by Wright towards Ms. Anderson. Instead, Defendants retaliated, terminating Ms. Anderson for requesting that the behavior stop.

22. If Defendants have a policy to prevent sexual harassment in the workplace, it was insufficient and/or not properly disseminated and used to prevent the frequent harassment of Ms. Anderson.

23. Plaintiff filed timely charges of sex discrimination with the Utah Antidiscrimination and Labor Division (“UALD”) as agent of the United States Equal Employment Opportunity Commission against Defendants. The UALD has issued a Right-to-Sue Notice authorizing this lawsuit. Plaintiff has exhausted her administrative remedies.

24. Ms. Anderson has suffered physical and emotional harm as a result Defendants’ above-described conduct. Ms. Anderson’s resulting losses include mental and emotional distress, lost wages, medical and psychological expenses, and other expenses. These losses are continuing.

25. Wherefore, Ms. Anderson prays for relief in an amount to be proven at trial.

26. In addition, Ms. Anderson has and will continue to incur compensable attorney fees to pursue this matter.

27. By reason of the willful and malicious conduct, and the knowing and reckless indifference exhibited by Defendants towards Ms. Anderson over the length of her employment with Defendant Lone Peak, Ms. Anderson is entitled to recover punitive damages against Defendants in an amount to be proven at trial.

**Second Cause of Action**  
(Battery as to Defendant Wright)

28. Ms. Anderson incorporates the allegations set forth in the preceding paragraphs by this reference as if restated herein.

29. Wright committed battery upon Ms. Anderson by intentionally causing harmful and offensive contact with Ms. Anderson as well as imminent apprehension of such contact, resulting in physical and emotional harm to Ms. Anderson.

30. As a direct and proximate result of the battery committed upon Ms. Anderson by Wright, Ms. Anderson has suffered and will continue to suffer injuries including, but not limited to, discomfort, medical and psychological expenses, lost wages, and has suffered severe emotional distress, trauma, fear, ridicule and scorn, all to her general damage in a sum to be proven at trial.

31. By reason of the acts of Wright while in the course and scope of his employment as the direct supervisor of Ms. Anderson, she is entitled to recover damages against the Defendants in an amount to be proven at trial.

32. By reason of the willful and malicious conduct, and the knowing and reckless indifference exhibited by Defendants towards Ms. Anderson over the length of her employment with Defendant Lone Peak, Ms. Anderson is entitled to recover punitive damages against Defendants in an amount to be proven at trial.



**Third Cause of Action**

(Negligent Infliction of Emotional distress against Defendant Wright)

33. Ms. Anderson incorporates by reference all other paragraphs of this complaint as if fully set forth here and further alleges as follows.

34. Wright's conduct described in this Complaint negligently caused Ms. Anderson emotional distress.

35. Wright should have realized that his conduct toward Ms. Anderson involved an unreasonable risk of causing the distress.

36. Wright, from facts known to him, should have realized that the distress, if it were caused, might result in illness or bodily harm for Ms. Anderson.

37. As a result of Wright's actions, Ms. Anderson has suffered serious emotional and physical harm manifested by objective symptomatology (including an ulcer).

38. As a result of Wright's actions, Ms. Anderson also suffered lost wages, medical, psychological and other expenses.

**Fourth Cause of Action**

(Intentional Infliction of Emotional Distress against Defendant Wright)

39. Ms. Anderson incorporates by reference all other paragraphs of this complaint as if fully set forth here and further alleges as follows.

40. Wright's outrageous conduct described in this Complaint offends generally accepted standards of decency and morality in the community.

41. Wright intended to cause, or he recklessly disregarded the probability of causing, Ms. Anderson severe emotional distress.

42. Ms. Anderson has suffered severe emotional distress that was proximately caused by Wright's conduct.

43. As a result of Wright's actions, Ms. Anderson suffered physical and emotional harm. Ms. Anderson also suffered lost wages, medical, psychological and other expenses.

44. By reason of the willful and malicious conduct, and the knowing and reckless indifference exhibited by Defendants towards Ms. Anderson over the length of her employment with Defendant Lone Peak, Ms. Anderson is entitled to recover punitive damages against Defendants in an amount to be proven at trial.

#### **JURY DEMAND**

Ms. Anderson hereby requests a trial by jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, Ms. Anderson prays for judgment against Defendants as follows:

1. For general compensatory damages including lost wages in a reasonable amount to be determined by the trier of fact.
2. For special damages as are shown at trial.
3. For liquidated damages as may be allowed by law.
4. For punitive damages, as may be allowed by law.

5. For Ms. Anderson's costs and reasonable attorney fees incurred herein.
6. For such other and further relief as the Court deems just and proper.

DATED this 4 day of August 2011.



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KENNETH PARKINSON, for:  
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