

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

CYNTHIA WINNER,

Plaintiff,

v.

JEFFERSON-COMO FIRE PROTECTION DISTRICT,
STEVEN D. BARGAS, Individually and in his Official Capacity, and
TRENT L. SMITH, Individually and in his Official Capacity,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff Cynthia (“Cindi”) Winner, through her attorneys, Diane S. King and Marianna McLean of the law firm King & Greisen, LLP, for her Complaint and Jury Demand against Defendants Jefferson-Como Fire Protection District (“JCFPD”), Steven Bargas, and Trent Smith, alleges as follows:

INTRODUCTION

Plaintiff Winner was devoted to her volunteer firefighting work and her community. Through her lengthy volunteer work, she hoped to secure a paid firefighter position. She began her long public service career by volunteering for four years with Park County Search and Rescue (“PCSAR”), then volunteering with the JCFPD for eight years as a firefighter. Ms. Winner’s JCFPD career was a resounding success: in her eight years with the JCFPD, she logged over 820 training hours, responded to over 175 calls, obtained and maintained multiple certifications, and passed every physical test she took.

Ms. Winner loved firefighter work so much that she endured years of sex-based harassment at JCFPD, where her male colleagues and Administrators called her names such as “token girl,” “joke,” and “stupid.” One of the Lieutenants repeatedly told Ms. Winner that “women have no business being in the fire service.” While Ms. Winner dreamed of becoming a paid firefighter and made her dream clear to all in charge, in her long volunteer career with JCFPD, she saw multiple paid positions given to male volunteers without any application process.

To increase her chances of being considered for a paid position, Ms. Winner submitted a resume and a heart-felt cover letter to those in charge in 2015, but to no avail. Finally, *six years later*, in June 2021, JCFPD actually posted three firefighter positions and developed a formal application process to which Ms. Winner could apply. Ms. Winner was fifty-two-years-old at the time. Her dreams were not to be, however: rather than hire the overwhelmingly qualified Ms. Winner, JCFPD hired the Chief’s twenty-one-year-old son, who did not possess a valid driver’s license and had long criminal record – both facts contravening the minimum job requirements. JCFPD even left one position open rather than hire a female firefighter. Three months later, in September 2021, JCFPD doubled down on its misogyny and ageism by raising the minimum qualification standards and putting Ms. Winner on inactive status the next month.

In this case, Ms. Winner alleges gender and age discrimination, as well as a violation of her Constitutional rights.

JURISDICTION AND VENUE

1. This action arises under the Constitution and laws of the United States of America, including Article III, Section 1 of the United States Constitution. This Court has

Jurisdiction pursuant to 28 U.S.C. §§ 451, 1331 & 1343, and 42 U.S.C. § 1988, as amended by the Civil Rights Attorney Fee Award Act of 1976.

2. Plaintiff brings this action pursuant to 42 U.S. Code § 1983, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., (“Title VII”), 42 U.S.C. § 2000e-5(f)(1); (3) Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621, *et. seq.*; (4) the Colorado Anti-Discrimination Act, C.R.S. §§ 24-34-401, et seq. (“CADA”), and (5) Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) and 42 U.S.C. § 2000e-5(f)(3), as all events giving rise to the claims asserted herein occurred in the District of Colorado of the United States of America.

4. Plaintiff has met all procedural prerequisites for filing this suit by timely filing a Charge of Discrimination alleging age and sex discrimination against JCFPD with the Colorado Civil Rights Division (“CCRD”).

5. The CCRD granted Ms. Winner a right to sue on November 22, 2022.

6. Ms. Winner has filed this Complaint within 90 days of receiving a Notice of Right to Sue from the CCRD.

PARTIES

7. Plaintiff Cynthia Winner is a woman over age 40 who currently is, and at all times relevant to this action has been, a citizen of the United States of America and a resident of the State of Colorado.

8. Ms. Winner applied for open firefighter positions with JCFPD.

9. Defendant JCFPD is located in Como, Park County, Colorado.

10. At all relevant times to this action, Defendant Trent Smith was the Fire Chief at JCFPD and resided in Colorado.

11. At all relevant times to this action, Defendant Steven Bargas was the Deputy Fire Chief and resided Colorado.

12. At all times relevant to this action, Defendant JCFPD has been an employer within the meaning of 42 U.S.C. § 2000e(b).

FACTUAL ALLEGATIONS

A. Plaintiff Cynthia Winner Has Extensive Firefighter Experience and Multiple Certifications.

13. Ms. Winner began volunteering with JCFPD in 2013 at age forty-four.

14. Prior to volunteering with the JCFPD, Ms. Winner volunteered for four years with PCSAR, a job requiring a similar skillset to that of firefighters. Ms. Winner's work with PCSAR required monthly trainings, various certifications, and physical fitness tests. Ms. Winner participated in medical calls, lengthy and difficult searches, and numerous recoveries, often in precarious outdoor conditions.

15. In eight years of volunteering with JCFPD, Ms. Winner logged 820+ training hours and over 175 calls.

16. While a volunteer firefighter with JCFPD, Ms. Winner worked to expand her skillset and knowledge by obtaining and maintaining the following certifications:

- First Aid / CPR / AED for First Responders Certification
- Firefighter 1 Certification
- Hazmat Ops Certification
- Emergency Medical Responder Certification

17. During her time with JCFPD, Ms. Winner regularly requested additional training to certify in Wildland Firefighting, EMT services, and Driver Operator.

18. Though Ms. Winner is small in stature (approximately five foot, six inches tall), given time to train, she passed every physical test she took.

19. Ms. Winner's JCFPD record contained no negative feedback or discipline.

20. Ms. Winner's certifications and experience, as well as her drive and dedication to serving her community, qualified her to work for JCFPD as a paid firefighter.

B. JCFPD Has a Poor History With Regard to its Treatment of Women.

21. JCFPD has a consistent and long track record of not hiring women.

22. Except for one female employee who resigned in 2004, **the only two women JCFPD hired into any position were female relatives of male employees:** bookkeeper Kim Bargas, Deputy Chief Bargas's wife, and Julianna Arellano, Deputy Chief Bargas's daughter.

23. Ms. Arellano worked for JCFPD as a firefighter for four months before quitting.

24. Over the years, JCFPD male volunteers, firefighters, and supervisors referred to Ms. Winner as the "token girl," a "liability," a "joke," and the "black sheep."

25. Ms. Winner's male peers said things like "Doesn't she ever shut up" when she participated in class.

26. **Bargas has called Ms. Winner "stupid," "a joke" and made other degrading comments about Ms. Winner.**

27. Whenever Ms. Winner participated in a call, management exclusively gave her menial tasks such as traffic duty pump duty, or rehab duty (getting food and water for the crew

on the fire line). Even if a male with less experience and qualifications was on the call, these tasks would go to Ms. Winner.

28. **One of the Lieutenants repeatedly told Ms. Winner that “women have no business being in the fire service.”**

29. Nevertheless, Ms. Winner was dedicated to her job and regularly requested additional training, such as to certify as a driver operator and an EMT.

30. When EMT training was offered in January of 2021, JCFPD falsely told Ms. Winner that only paid firefighters were eligible. However, Jesse Smith, Fire Chief Smith’s son, who had only volunteered with JCFPD for a few months, was allowed to take the course.

C. Historically, JCFPD Had Not Posted Open Firefighter Positions.

31. While Ms. Winner volunteered with JCFPD, **open positions were not posted internally or externally.**

32. **Instead, JCFPD leaders would simply announce that a paid position would be opening up and ask who was interested in it.**

33. Even though Ms. Winner consistently expressed her interest in becoming a paid firefighter this process almost always resulted in JCFPD’s hire of younger, less qualified male candidates (except for the Deputy Chief’s daughter who lasted only four months).

34. Until June 2021, rather than post open positions and hire firefighters through a transparent and fair application process, JCFPD simply *offered* younger male volunteers paid firefighter positions without an application, interview, or any tests:

- In 2015, JCFPA hired two males in their twenties with approximately one year of experience – Caleb Wilson and Cole Duncan.

- In 2017, JCFPD hired Dakota Kell (male, in his twenties), who had only two years of volunteer experience.
- In 2018, JCFPD hired Tyler Swirka, a younger male.
- In 2020, JCFPD handpicked Andrew Williams, a male in his thirties with only two years of volunteer experience.
- Ms. Winner learned of the 2020 vacancy only after it was filled – when she saw Williams with specialized gear for paid firefighters and asked him about it.

35. Had Ms. Winner known about the 2020 opening, she would have applied for it.

36. By failing to post these openings, JCFPD ensured that Ms. Winner would not have the opportunity to compete for a paid firefighter position.

D. June 2021: Ms. Winner Applies for One of Three Paid Firefighter Positions; JCFPD Hires an Unqualified Younger Male, a Similarly Qualified Male, and, Rather Than Hire Ms. Winner, Leaves Another Position Open.

37. In June of 2021, the District posted openings for three paid firefighter positions.

38. These positions were posted only internally to give the current JCFPD volunteers an opportunity to apply.

39. Ms. Winner was excited to apply and reiterated her interest in EMT training, expressed many times in the past.

40. Ms. Winner's multiple certifications, 820+ hours of training, and 175 calls far exceeded the minimum qualifications and experience listed in the job posting.

- a. *JCFPD Subjects Ms. Winner to a Longer and More Difficult Interview than the Male Candidates JCFPD Eventually Hired.*

41. All candidates, including Ms. Winner, interviewed with (1) Deputy Chief Bargas, (2) Captain Arellano (Bargas's son-in-law), and (3) retired volunteer Mark Kell.

42. While the first ten interview questions were the same for all candidates, each panel member could ask additional questions.

43. During this additional questioning, two interviewers grilled Ms. Winner – an eight-year JCFPD veteran – about her credentials, participation, and call volume.

44. Deputy Chief Bargas asked Ms. Winner about

- her absence at the 2021 live burn (Mr. Winner had fulfilled the tri-annual live burn requirement in 2018);
- her career call volume, including a decrease in her 2021 call volume which Bargas knew resulted from Ms. Winner’s family’s struggles with prostate cancer, COVID-19, and death in the family (JCFPD assured its volunteers that prioritizing their families’ health during the pandemic would not jeopardize their status);
- not attending the Wildland Firefighting certification class (Ms. Winner had initially signed up but was forced to cancel when her father-in-law’s health failed).

45. Captain Arellano asked why JCFPD should hire Ms. Winner without the Wildland Firefighting certification.

46. The position did not list a requirement or a preference for the Wildland Firefighting certificate.

47. Upon information and belief, in June 2021, Arellano did not possess the Wildland Firefighting certification.

48. Wildland Firefighting was the only certification that Jessee Smith, whom JCFPD hired, held at that time.

49. Regarding certifications, the job description stated only that a successful candidate “[s]hall obtain certifications as determined by the Fire Chief.”

50. The eventually hired two male candidates received softball interview questions:

- JCFPD asked Jessee Smith
 - if he expects special treatment because his father is the fire chief, and
 - if he can work forty-eight-hour shifts.

- JCFPD asked Don Reyes
 - if he could take orders from a younger or female superior,
 - how he would feel about not being a hired as a lieutenant, and
 - how long he would commit to JCFPD.

51. The question regarding Jesse Smith’s ability to work 48-hour shift matched a 48-hour-shift posting requirement and was therefore perfunctory.

- b. JCFPD Subjects Ms. Winner to an Unprecedented Modified Physical Test without Adequate Training; Male Candidates Received Longer Notice and Training Opportunity.

52. Only three days before the interview, JCFPD officially informed the applicants about a **newly added requirement** to its job posting – a “modified” Candidate Physical Ability Test (“CPAT”).

53. The original job posting required candidates to be in good health, “able to lift 75 pounds and perform a 3 mile walk with 45-pound pack within 48 minutes.”

54. Until the CPAT announcement, Ms. Winner prepared for the physical fitness test described in the job posting.

55. The CPAT manual requires test administrators to allow test takers to participate in at least two week-long training sessions and to perform two practice runs.

56. The CPAT manual specifically instructs trainees to “[p]rogress slowly to avoid injuries.”

57. The CPAT states, “[a]dhering strictly to the policies and procedures...ensures that [the] test...is consistent from one candidate to another and avoids any biases.”

58. Upon information and belief, JCFPD gave the male applicants more notice and opportunity to practice the CPAT than Ms. Winner.

59. By modifying the CPAT and not allowing sufficient practice time for only the female candidate, JCFPD introduced biases and disparate outcomes.

60. CPAT modifications caused Ms. Winner's back injury during the Forcible Entry station, which JCFPD had modified.

61. On approximately July 3, 2021, JCFPD notified Ms. Winner that she was not selected for any of the three open positions.

62. Of the three open firefighter positions, the first position was filled by a male candidate with similar credentials and experience to Ms. Winner (Reyes).

63. JCFPD gave the second to Chief Smith's twenty-one-year-old son Jessee Smith who lacked the minimum qualifications such as a valid driver's license and a clean background check.

64. Upon information and belief, Jessee Smith's criminal background includes 19 criminal actions, in which Smith was the Defendant.

65. Additionally, Smith lacked any relevant certifications, had only one year of service as a volunteer firefighter, and participated in four calls, compared to Ms. Winner's over 175.

66. The third position remained vacant.

67. After learning that she would not be hired into a paid firefighting position, Ms. Winner asked Chief Smith for feedback on why she was not selected.

68. Chief Smith told Ms. Winner that she was not hired because of her “performance” during the interview process.

69. Ms. Winner’s rejection letter states that “the district has chosen to open the application process to both internal and external applicants to create an eligibility list for hiring purposes. You will be notified of application opening. We anticipate seeing your application for this process.”

E. JCFPD Opens the Third Position to the Public and Increases the Requirements to Screen Out Ms. Winner.

70. In September 2021, JCFPD posted a paid firefighter position to the public.

71. Ms. Winner notified Chief Smith of her interest in the position with JCFPD.

72. Ms. Winner was not interviewed for the position.

73. JCFPD raised the minimum qualifications/certifications requirements from the June posting, adding:

- Firefighter 1, Haz-Mat Ops, S130/190, and EMT B preferred, and
- Must pass department physical test.

74. The EMT preference is only one level higher than Ms. Winner’s certifications.

75. JCFPD denied Ms. Winner (but not Jessee Smith) the opportunity to train for EMT certification earlier that year.

76. Although the Chief’s son, Jessee Smith, had received the EMT training in early 2021 (despite JCFPD’s stated policy that only paid firefighters were eligible for the training), he did not possess EMT certification at the time of his hire.

77. The newly required S130/190 certification is the Wildland Firefighting certification that Captain Arellano did not possess as of June 2021.

F. JCFPD Relegates Ms. Winner to Inactive Status.

78. In October of 2021, Ms. Winner requested a temporary leave of absence.

79. In response to her request, JCFPD **placed her on inactive status – something it has never done to male volunteers in similar situations.**

80. JCFPD said that inactive status was appropriate for Ms. Winner because she missed three training sessions between August and October 2021; however, JCFPD cancelled the August training, and Ms. Winner and her family were ill with COVID-19 and therefore unable to attend trainings in September and October.

81. In its October 14, 2021, letter regarding returning to active status, JCFPD inserted a training make-up date of October 31, 2021, an arbitrary deadline it knew was impossible to meet in only seventeen days.

82. Inactive status disadvantaged Ms. Winner by making her ineligible for any paid job positions. What is more, inactive status makes it nearly impossible for Ms. Winner to maintain her certifications because she is no longer affiliated with a fire department.

83. If Ms. Winner's certifications lapse, she will have to spend at least a year retraining at the fire academy and retaking entry level firefighter certification classes.

FIRST CLAIM FOR RELIEF
(Violation of Fourteenth Amendment Pursuant to 42 U.S.C. §1983:
Sex-Based Failure to Hire – Against All Defendants)

84. Plaintiff hereby incorporates by reference all allegations set forth above.

85. Plaintiff is a female and therefore belongs to a protected class.

86. Defendants discriminated against Plaintiff based on sex under Colorado state law in violation of the Equal Protection clause of the Fourteenth Amendment of the United States Constitution by failing to hire Plaintiff for paid firefighter positions in 2020 and 2021.

87. Due to her eight-year experience as a volunteer firefighter, multiple long-held certifications, over 820 hours of training, 175 over calls, and overall stellar record, Plaintiff was qualified for firefighter positions in 2020 and 2021.

88. JCFPD discriminated against Plaintiff based on sex under color of state law in violation of the Equal Protection clause of the Fourteenth Amendment of the United States Constitution by

- offering two paid firefighter positions in December 2020 to male volunteers without requiring them to apply, interview, or test;
- adding a physical test without sufficient notice to Plaintiff but giving such notice to the male candidates in June 2021, preventing Plaintiff from passing the test;
- hiring an unqualified candidate instead of Ms. Winner in June 2021;
- leaving a position open rather than hire Ms. Winner in June 2021;
- raising minimum requirements to screen out Ms. Winner in September 2021; and
- relegating Ms. Winner to inactive status in October 2021.

89. The September 2021 increase in minimum qualifications was not accompanied by departmental deliberations or justified in any other way.

90. Upon information and belief, in September 2021, Defendants hired another male applicant, passing Ms. Winner over again.

91. Defendants' unlawful employment practices were intentional and based on Plaintiff's sex.

92. Before June 2021, Defendants' unlawful hiring practices resulted from their custom of (1) not hiring female firefighters, (2) not posting available firefighter positions, and (3) offering open positions to men without an open selection process.

93. Starting in June 2021, Defendants' unlawful employment practices resulted from their custom of raising minimum job requirements to screen out female applicants.

94. Defendants were aware of their duty not to discriminate on the basis of sex in hiring.

95. Defendant, however, failed to take reasonable steps to ensure that there was no sex discrimination in the hiring process.

96. Defendants created a policy or custom under which sex discrimination in its hiring practices occurred, and/or allowed the continuation of the unconstitutional practice or custom to continue.

97. Defendants were deliberately indifferent or knowingly failed in supervising their subordinate employees who directly engaged in the unconstitutional conduct.

98. Defendants' behavior was the proximate cause by which Plaintiff suffered her damages.

SECOND CLAIM FOR RELIEF

(Sex Discrimination in Violation of Title VII and CADA – Against JCFPD)

99. Plaintiff hereby incorporates by reference all allegations set forth above.

100. Plaintiff is a female and therefore belongs to a protected class.

101. Plaintiff was highly qualified for the job for which she applied, and she held a spotless eight-year record as a volunteer firefighter.

102. JCFPD's failure to hire Plaintiff in June and September of 2021 for paid firefighter positions constituted adverse employment actions based on Plaintiff's sex.

103. Prior to June 2021, JCFPD's practice of not posting job openings and offering jobs to men constituted a pattern or practice of sex discrimination.

104. Starting in June 2021, JCFPD's practice of increasing minimum qualifications to screen out female applicants constituted a pattern or practice of sex discrimination.

105. Defendant's unlawful employment practices were intentional.

106. Defendant engaged in these unlawful employment practices with malice or with reckless indifference to Ms. Winner's federal and state protected civil rights.

107. Defendant's unlawful employment practices caused Ms. Winner great financial and emotional harm.

THIRD CLAIM FOR RELIEF
(Age Discrimination in Violation of ADEA and CADA – Against JCFPD)

108. Plaintiff hereby incorporates by reference all allegations set forth above.

109. Plaintiff is over age forty and therefore belongs to a protected class.

110. Plaintiff was qualified for the firefighter jobs posted in June and September 2021.

111. JCFPD's failure to hire Plaintiff in June and September of 2021 for paid firefighter positions constituted adverse employment actions based on Plaintiff's age.

112. Prior to June 2021, JCFPD's practice of not posting job openings and offering jobs to younger applicants constituted a pattern or practice of age discrimination.

113. Starting in June 2021, JCFPD's practice of increasing minimum qualifications to

screen out older applicants constituted a pattern or practice of age discrimination.

114. Defendant's unlawful employment practices were intentional.

115. Defendant engaged in this unlawful employment practices with malice or with reckless indifference to Ms. Winner's federal and state protected civil rights.

116. Defendant's unlawful employment practices caused Ms. Winner great financial and emotional harm.

WHEREFORE, Ms. Winner respectfully requests that this Court enter judgment in her favor on her claim and award her the following relief:

- a. Compensatory damages, including, but no limited to, those for past and future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, and other nonpecuniary losses;
- b. Punitive damages as allowed by law in an amount to be determined at trial;
- c. Actual economic damages and consequential damages arising out of Defendants' conduct;
- d. Declaratory relief and other appropriate equitable relief;
- e. Pre-judgment and post-judgment interest at the highest lawful rate;
- f. Reasonable attorney's fees and costs, including expert witness costs, as otherwise allowed by law;
- g. Any and all relief as allowed by law or as justice requires.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

Respectfully submitted this 19th day of December 2022.

King & Greisen, LLP
/s/ Diane S. King
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JS 44 (Rev. 10/20) District of Colorado

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Cynthia Winner

(b) County of Residence of First Listed Plaintiff Summit County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Diane S. King & Mariana McLean, King & Greisen, LLP,
1670 York Street, Denver, CO 80206

DEFENDANTS

Jefferson-Como Fire Protection District, Steven D. Bargas,
and Trent L. Smith

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Section 1983, 42 U.S.C. Section 2000e-5(f)(1),

AP Docket

Brief description of cause:
Employment Discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

12/19/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Diane S. King

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____