

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

Civil Action No.

LISA MACKENDRICK,

Plaintiff,

v.

EAST GRAND FIRE PROTECTION DISTRICT #4, and
CHIEF TODD HOLZWARTH, Individually and in his Official Capacity,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff Lisa MacKendrick, through her attorneys, Diane S. King and Marianna McLean of the law firm King & Greisen, LLP, for her Complaint and Jury Demand against Defendants East Grand Fire Protection District #4 (“EGFPD” or “the District”) and Chief Todd Holzwarth alleges as follows:

INTRODUCTION

Repeated sex assaults on the District’s firefighter Lisa MacKendrick were unsurprising and predictable, given (1) the District’s notorious culture of fraternity-style partying among its male residents, (2) the “unisex” layout of the residence, and (3) an absence of any sex harassment training. The residents’ excessive drinking was well known to Chief Holzwarth and other higherups. The District condoned the residents’ partying and debauchery by refusing to regulate off-duty conduct at the residence – alcohol consumption was prohibited for only on-duty

firefighters. The almost-exclusively male residents took full advantage of the lax rules, appearing at the residence severely intoxicated and with intoxicated female guests.

While the excessive drinking greatly increased the chances of sex assaults, the residence's layout enabled it: the District's sleeping quarters consisted of one two-bed bedroom and a common area, depriving Ms. MacKendrick of privacy and safety and leaving her at the mercy of drunk residents. The District maintained this residence configuration throughout Ms. MacKendrick's nearly ten-year tenure. Predictably, Ms. MacKendrick was repeatedly sexually assaulted throughout the years – first by the District's volunteer coordinator Jed Henry and years later by two resident volunteers.

Although the District admits the sex assaults by two of its resident firefighters – Adam Kaufman and Marco Caceras – the District feigns surprise at their occurrence and claims to have “cleaned house” following an investigation into Ms. MacKendrick's complaints. In reality, the District's response was window dressing to appease Ms. MacKendrick: by the time of the investigation, Kaufman had left his position, but the Chief had attempted to guilt Ms. MacKendrick into permitting Caceras to stay. Although Caceras was *eventually* fired, the District persists in maintaining its unsafe “unisex” living quarters, despite the investigator's recommendations to reconfigure the residence. In this action, Ms. MacKendrick alleges a gender-based hostile work environment, constructive discharge, and a Constitutional violation.

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) the Colorado Anti-Discrimination Act, C.R.S. §§ 24-34-401, et seq. (“CADA”), and (4) 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 EGFPD with the Equal Employment Opportunity Commission (“EEOC”).

5. The EEOC granted Ms. MacKendrick a right to sue on September 28, 2022.

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

PARTIES

7. Plaintiff Lisa MacKendrick is a woman 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. Defendant EGFPD is located in Winter Park, Grand County, Colorado.

9. At all relevant times to this action, Defendant Todd Holzwarth was the Fire Chief at EGFPD and resided in Colorado.

10. At all times relevant to this action, Defendant EGFPD has been an employer

within the meaning of 42 U.S.C. § 2000e(b).

FACTUAL ALLEGATIONS

A. Ms. MacKendrick – a Long-Time Volunteer Firefighter – Has an Impeccable Record with the District.

11. MacKendrick began volunteering as a firefighter at the District in June of 2012.

12. Ms. MacKendrick’s responsibilities included responding to fire calls, detailing the fire truck, various equipment maintenance tasks and cleanup, residence cleaning and laundry, preparations for special events, and other various duties.

13. Ms. MacKendrick was obligated to volunteer for fifty shifts of six hours per every six months in the District.

14. In exchange, the District paid for Ms. MacKendrick’s health insurance and a pension for the volunteers with a ten- or twenty-year tenure.

15. Ms. MacKendrick performed her job duties without a single complaint from her colleagues, superiors, or the public.

16. Ms. MacKendrick enjoyed her work immensely and looked forward to her shifts.

17. In approximately May of 2017, Ms. MacKendrick moved out of the District, necessitating District-required overnight stays in the District’s residence during her shifts.

B. The Residence Was Not Configured to House Occupants of Both Sexes.

18. The EGFPD firefighter residence had been unisex for at least as long as Ms. MacKendrick stayed there for her shifts.

19. Although the District residence bedroom doors lock automatically, the District never gave Ms. MacKendrick a key.

20. After accidentally locking herself out on several occasions, Ms. MacKendrick started sleeping in the common area, where some of the assaults occurred.

21. Even if Ms. MacKendrick used the bedroom *and* had a key, she still would not have achieved the requisite privacy because the only bedroom contained two beds.

22. Therefore, as the only female at the residence, Ms. MacKendrick was forced to sleep in the common area or share a room with a male resident.

23. The lack of privacy always bothered Ms. MacKendrick and made her feel unsafe: *“people just think that they can come into my [bed]room at any given time; I’m not ok with that.”*

C. The District Residents Drank Excessively and Habitually Appeared at the Residence Heavily Intoxicated.

24. The District residents were habitually drunk, returning to the residence intoxicated late at night, frequently with intoxicated female guests.

25. The District knew about the residents’ over-imbibing, partly because the residents drank heavily at holiday parties and award ceremonies, with all the higherups witnessing the drinking and the resulting behavior.

26. Upon information and belief, the District never counseled, coached, or disciplined anyone who over-imbibed on numerous occasions.

27. The District requires only that “Members should not, while on-duty, indulge in hazing or bullying; offensive, obscene or uncivil language; verbal or physical altercations or threats thereof; or conduct which might cause injury to another person.”

28. Similarly, the sexual activity policy covers only on-duty conduct: “Members should not engage in any sexual activity while on-duty.”

D. Notorious Drunk and Sex Harasser Jed Henry Harasses Ms. MacKendrick Four Years before Caceras and Kaufman.

29. Four years prior to assaults by Caceras and Kaufman, Ms. MacKendrick was sexually harassed by the District's Volunteer Coordinator Jed Henry, a paid District employee who lived at the fire station.

30. Henry supervises approximately forty-two volunteers and is instrumental in recruiting and overseeing residents and other volunteers.

31. The District considers Henry's recommendations in hiring, firing, and disciplinary actions.

32. Henry had a pattern of heavy drinking.

33. On at least three late-night occasions, Henry called Ms. MacKendrick for a ride home when he was too intoxicated to drive himself. On two of those occasions, Henry tried to have sex with Ms. MacKendrick.

34. On one such occasion, around December 2016, Ms. MacKendrick found Henry on the bathroom floor vomiting. She helped him get up and drove him back to the station, where he needed Ms. MacKendrick's support to keep from falling.

35. Once in his room and safely in bed, Henry asked Ms. MacKendrick, "*Hey, you wanna bang it out?*" She replied, "no, Jed, I just picked you up in the bathroom where you had been puking for I don't know how long." Henry said, "I'll brush my teeth" and laughed. Ms. MacKendrick again said, "No thank you, even if you brush your teeth."

36. At that point, Henry got very loud; Ms. MacKendrick tried to quiet him. Henry promised to be quiet if Ms. MacKendrick got into bed with him. Ms. MacKendrick sat on the bed and waited for Henry to dose off, while Henry continued trying to talk to Ms. MacKendrick.

37. Ms. MacKendrick finally told him that this was no way to act as a paid staff member who is supposed to set an example to the residents. Henry responded with, “oh, just lie down with me” and reached for Ms. MacKendrick.

38. Ms. MacKendrick stood up, told him that she was merely there as a friend to get him home safely, that he was being an “asshole” and left.

39. At that time, Ms. MacKendrick decided not to formally complain as she spoken with Henry about his harassment and hoped Henry would not harass her again.

40. However, stories about Henry’s drunken escapades abounded throughout the District, causing many to say, “Henry is Henry.”

41. The Chief repeatedly witnessed Henry’s intoxication but did nothing about it.

42. Around May of 2021, after the investigation substantiated Ms. MacKendrick’s assault allegations, the Chief asked if Henry was Ms. MacKendrick’s prior harasser. When Ms. MacKendrick declined to answer, Holzwarth tellingly insisted, “I know that it was Henry.”

E. Ms. MacKendrick Is Sexually Harassed Again by Multiple Firefighters.

43. In mid-2020, Ms. MacKendrick needed to make up some volunteer hours and stayed at the District residence for three days at a stretch.

44. In that week, residents Kauffman and Caceras returned to the residence from outings late at night, heavily intoxicated, and accompanied by intoxicated women.

45. Following that week, in addition to having to tolerate intoxicated colleagues and their guests, Ms. MacKendrick experienced four discrete instances of harassment and assault by Kauffman and Caceras.

46. Around mid-2020, Ms. MacKendrick, while on call at the District residence, fell asleep on the couch in the common area.

47. Kauffman entered the residence late at night, inebriated, and asked Ms. MacKendrick why she was sleeping on the couch. Ms. MacKendrick answered that she was fine.

48. Rather than leave her alone, Kauffman lay down next to Ms. MacKendrick, “spooned” her, and kissed her ear. Kauffman then said, “you shouldn’t be sleeping on the couch; I’ll carry you into my bed.”

49. Kaufman continued in the same manner until Ms. MacKendrick shoved him so hard that the nearby TV nearly fell off the nightstand. Ms. MacKendrick said, “I’m fine, leave me alone.” Chastised, Kauffman eventually returned to his room.

50. Months later, Ms. MacKendrick was folding laundry because she generally enjoyed the activity; the laundry happened to be Kauffman’s. Kauffman returned to the residence intoxicated late at night and saw his folded laundry.

51. Kaufman then entered Ms. MacKendrick’s room without permission and said, “oh you’ve folded my laundry,” to which Ms. MacKendrick replied, “I fold everyone’s laundry.”

52. Kauffman then tried to get into bed with Ms. MacKendrick, who said “you don’t have to thank me for your laundry, you need to leave.” After a few minutes, Kauffman left.

53. Months after Kauffman moved out of the residence, Caceras texted Ms. MacKendrick, while she was in the residence, that he was “hungover” or “drunk.” Ms. MacKendrick offered to bring him ginger ale upon his arrival.

54. Ms. MacKendrick brought a can of ginger ale to Caceras’s room, where Caceras told her “I want to do terrible things to you,” “I really want to do terrible things to you.” Ms.

MacKendrick smacked him on the face. Caceras then repeated, “I still want to do terrible things to you,” grabbed Ms. MacKendrick around her waist and tried to pull her down. Ms.

MacKendrick smacked him again. The next morning, Caceras asked Ms. MacKendrick what happened; when Ms. MacKendrick enlightened him, he said, “I can’t believe I said that.”

55. Finally, during one of Ms. MacKendrick’s last shifts, Caceras had been drinking again and returned home with an intoxicated female companion. Ms. MacKendrick was getting ready for bed when Caceras entered her room and said, “I love it when you’re here, you bring so much for the District; can I have a hug?” Ms. MacKendrick declined but Caceras insisted. Eventually, Ms. MacKendrick succeeded in getting Caceras to leave her room.

56. The next morning Caceras asked Ms. MacKendrick if he was a “dick.” Dispirited, Ms. MacKendrick decided not to get into it and told Caceras that everything was “fine.”

F. Ms. MacKendrick Alerts a Board Member to the Assaults; the District’s Investigator Substantiates Ms. MacKendrick’s Allegations and Recommends Policy Changes.

57. The assaults caused Ms. MacKendrick to experience significant anxiety and dread about returning to the District residence.

58. During one shift, Ms. MacKendrick felt so uncomfortable at the residence that she started texting a friend about her discomfort and the reasons for it. As she later told the investigator, “I put up with things for a period of time, and then it’s like, OK, I’m done.”

59. Ms. MacKendrick had forgotten that her texting partner was a District board member who was alarmed by Ms. MacKendrick’s report and launched an investigation into her allegations.

60. The District hired an outside consultant, CPS HR Consulting (“CPS HR”), to investigate Ms. MacKendrick’s allegations. The assigned investigator, Deanna Heyn, interviewed Ms. MacKendrick twice, asking detailed and probing questions, such as:

- Ms. MacKendrick’s work history with the District and her schedule and work duties;
- the precise layout of the living quarters and whether a District resident could achieve privacy under the current configuration;
- the precise details of each harassment incident Ms. MacKendrick endured;
- Ms. MacKendrick’s actions during these incidents; and
- the identities of the perpetrators and possible witnesses.

61. Ms. MacKendrick answered every question honestly and openly, even though parts of the interview were exceedingly difficult and re-traumatizing.

62. The investigation concluded by:

- substantiating Ms. MacKendrick’s allegations against Caceras;
- noting that Ms. MacKendrick’s allegation against Kauffman “raise issues that would warrant potential personnel action if firefighter Kauffman were still a member of the district,” and
- recommending policy review regarding firefighters’ alcohol consumption, living quarters configuration, and appropriate training.

63. The Chief composed a memo to Ms. MacKendrick detailing the investigation results and recommendations.

G. Following the Investigation, the District Attempts to Save Caceras’s Job and Refuses to Reconfigure the Residence or Change Alcohol Policies.

64. Following the investigation, the Chief attempted to save Caceras’s job, texting Ms. MacKendrick, “I have reviewed with Marco. He understands the seriousness of his actions

and their impact to you. What would you like to see from Marco that would help. I do not think he is a bad person but he did bad things.”

65. While the Chief was negotiating for Caceras’s job, Caceras continued residing at the District, signing up for work shifts, and attending training sessions.

66. The Chief told Ms. MacKendrick that, although she could take a leave from the District, she must fulfill her training requirements on time, requiring her to work and train alongside Caceras.

67. The Chief terminated Caceras only after Mr. MacKendrick insisted upon it.

68. Besides terminating Caceras, the District did nothing to remediate the assaults on Ms. MacKendrick or prevent future assaults.

69. The District refused to reconfigure its headquarters to assure Ms. MacKendrick’s and other potential female firefighters’ future safety.

70. The District refused to change its off-duty alcohol policy.

71. Although the District announced upcoming sex harassment training, it is unclear whether such training actually took place or was adequate to prevent future harassment.

H. The Sex Assaults and the District’s Refusal to Assure Her Future Safety Cause Ms. MacKendrick Severe Harm and Prevent Her Continued Work as a Firefighter.

72. Because Ms. MacKendrick loved being a firefighter, she attempted to return to work following Caceras’s removal.

73. However, all of Ms. MacKendrick’s attempts to return to the residence triggered severe panic attacks and Post Traumatic Stress Disorder.

74. Ms. MacKendrick's inability to complete the required training resulted in her loss of the District's health benefits.

75. Ms. MacKendrick underwent mental health therapy to deal with this trauma. While she is heartbroken by the loss of her long-time relationship with the District, she remains emotionally and physically unable to return.

FIRST CLAIM FOR RELIEF

**(Violation of Fourteenth Amendment Pursuant to 42 U.S.C. §1983:
Sex-Based Hostile Work Environment– Against All Defendants)**

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

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

78. Defendants discriminated against Plaintiff based on sex under the color of State law in violation of the Equal Protection clause of the Fourteenth Amendment of the United States Constitution by creating an atmosphere where sex harassment and assault thrived through

- failing to provide adequate sex harassment training,
- tolerating excessive drinking at the residence,
- failing to adequately address Henry's prior behavior,
- expecting Ms. MacKendrick to work alongside her assailant after her allegations had been confirmed,
- failing to promulgate policies addressing excessive drinking off duty, and
- failing to configure the residence to protect everyone's safety.

79. Defendants' unlawful employment practices resulted from their custom of (1) having an almost all-male force, (2) tolerating sex harassment and assault, (3) not configuring its

residence to assure female residents' and volunteers' safety and privacy, and (4) failing to provide effective sex harassment training.

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

81. Defendants were aware of their duty not to discriminate on the basis of sex.

82. Defendants failed to take reasonable steps to prevent sex discrimination.

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

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

SECOND CLAIM FOR RELIEF
**(Constructive Discharge and Hostile Work Environment in Violation of Title VII and CADA
– Against EGFPD)**

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

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

87. Plaintiff was sexually harassed and assaulted by District residents.

88. As described in the above paragraphs, the District created the environment where sex harassment and assault flourished.

89. The District failed to adequately redress the assaults on Ms. MacKendrick by (1) attempting to avoid terminating Caceras, while at the same time requiring Ms. MacKendrick to work alongside him, (2) failing to reconfigure the residence, (3) failing to promulgate new policies addressing sexual harassment and regulating alcohol consumption at the residence, and (4) failing to provide adequate sex harassment training.

90. By failing to adequately address assault on Ms. MacKendrick, while requiring her to return to her duties, the District forced Ms. MacKendrick to constructively discharge.

91. Defendant's unlawful employment practices were intentional.

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

93. Defendant's unlawful employment practices caused Ms. MacKendrick great financial and emotional harm.

WHEREFORE, Ms. MacKendrick 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 27th day of December 2022.

King & Greisen, LLP
/s/ Diane S. King
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king@kinggreisen.com

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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

Lisa MacKendrick

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

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

Diane S. King & Marianna McLean, King & Greisen, LLP,
1670 York Street, Denver, CO 80206, 303-298-9878

DEFENDANTS

East Grand Fire Protection District #4
Chief Todd Holzwarth

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 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	PERSONAL INJURY <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 <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	CIVIL RIGHTS <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	PRISONER PETITIONS 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 § 2000 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: 12/27/2022 SIGNATURE OF ATTORNEY OF RECORD: /s/ Diane S. King

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.