IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	)	
Plaintiff,	)	**CASE NO. 05-0817-CV-W-GAF**
and	)	
TAMMI MASDEN	)	
Plaintiff-Intervenor,	)	**JURY TRIAL DEMANDED**
vs.	)	
ASSURED QUALITY TITLE, INC.	)	
Defendant.	)	

PLAINTIFF-INTERVENOR'S FIRST AMENDED COMPLAINT

I. Preliminary Statement

1. COMES NOW Plaintiff-Intervenor Tammi Masden, by and through her attorneys of record, and brings this cause of action against Defendant, hereinafter referred to as "Company." This action seeks declaratory, injunctive and equitable relief, compensatory and punitive damages, and costs and attorneys' fees for Defendant's conduct and actions taken against Plaintiff.

II. Jurisdiction

2. This action arises under Title VII of the Civil Rights Act of 1964 (hereinafter "Title VII"), 42 USC §2000e et seq.; the Civil Rights Act of 1991, 42 USC § 1981a and the Missouri Human Rights Act (MHRA), 213.010, et seq., R.S.MO.

3. Jurisdiction is invoked pursuant to 28 USC § 1343 (4), 42 USC § 2000-e-5(f) and 213.010, et seq., R.S.MO. A right-to-sue letter was issued by the Missouri Commission on

Human Rights (MCHR) on September 29, 2005. This letter is attached hereto as Exhibit 1. This letter, dated September 29, 2005, was based upon a charge affidavit timely filed with both the EEOC and the MCHR.

4. Declaratory, injunctive, and equitable relief is sought pursuant to 28 USC §§ 2201, 2202, 42 USC § 1981a and 213.010, et seq., R.S.MO.

5. Costs and attorney's fees may be awarded pursuant to 42 USC § 2000e-5(k); 42 USC § 1981a, Fed R Civ P 54, and 213.010, et seq., R.S.MO.

6. All conditions precedent to filing this action have been met.

III. Venue

7. This action properly lies in the Western District of Missouri, pursuant to 29 USC § 1391(b), because the claim arose in this judicial district, and pursuant to 42 USC § 2000e et seq.; 42 USC § 1981a and 213.010, et seq., R.S.MO, because the unlawful employment practice was committed in this judicial district.

IV. Parties

8. Plaintiff-Intervenor is a citizen and resident of the United States and Clay County, Missouri and is currently thirty-two (32) years old.

9. Defendant Company is an employer, engaged in an industry affecting commerce and, upon information and belief, employs more than 50 regular employees. Defendant was doing business in this judicial district at all times alleged herein. Defendant is an employer within the meaning of 42 USC § 2000e, et seq.; 42 USC § 1981a et seq and 213.010, et seq., R.S.MO.

V. Facts

10. Ms. Masden was formerly employed by Defendant for approximately 10 months.

11. Ms. Masden's employment began in January 2003.

12. Ms. Masden began working full-time for the Defendant as a recording processor.

13. During her employment with Defendant, Ms. Masden met Defendant's legitimate performance expectations.

14. During her employment with Defendant, Ms. Masden possessed the experience, qualifications and education to be qualified for the position she held.

15. In March of 2003, Ms. Masden became pregnant.

16. Defendant's treatment of Ms. Masden changed following its notification by Ms. Masden of her pregnancy.

17. Defendant informed Ms. Masden that her pregnancy and the need for her to attend appointments with her doctor were creating problems at work.

18. In October of 2003, Ms. Masden was taken to the hospital due to complications relating to her pregnancy.

19. Following her release from the hospital, Ms. Masden contacted Defendant about her job and was informed, on October 20, 2003, that she no longer had a position with the company.

20. Ms. Masden's discharge was due to her sex and pregnancy.

21. Ms. Masden has no plain, adequate, or complete remedy at law to redress the wrongs alleged and is now suffering and will continue to suffer irreparable injury from her treatment by Defendant, unless Defendant is enjoined by this Court.

22. Ms. Masden has suffered, is now suffering, and will continue to suffer emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses as a direct result of Defendant's actions.

23. Ms. Masden will suffer future pecuniary losses as a direct result of Defendant's actions.

24. Defendant engaged in discrimination against Ms. Masden with malice or in reckless indifference to Plaintiff-Intervenor's rights under Title VII and the MHRA.

VI. Causes of Action

COUNT I

GENDER DISCRIMINATION UNDER TITLE VII AND THE MHRA

25. Plaintiff-Intervenor incorporates as if realleged paragraphs 1 through 24.

26. Defendant's actions, as noted above, constituted gender discrimination against Plaintiff-Intervenor in violation of Title VII and the MHRA.

27. Defendant's actions, as noted above, were discriminatory, continuous, arbitrary and capricious and constituted a disparity in treatment toward Plaintiff-Intervenor and, as such, were unlawful employment practices in violation of Title VII and the MHRA.

28. At the time these actions were taken by Defendant, Defendant knew that their actions were unlawful.

29. Plaintiff-Intervenor has been damaged by Defendant's unlawful employment actions.

VII. Prayer for Relief

30. Wherefore, Plaintiff-Intervenor prays that this Court:

A. declare Defendant's conduct to be in violation of Plaintiff-Intervenor's rights;

B. enjoin Defendant from engaging in such conduct;

C. reinstate Plaintiff-Intervenor to her rightful position in Defendant's facility or, in lieu of such reinstatement, order such salary and benefits necessary to make Plaintiff-Intervenor whole for the period remaining until normal retirement;

D. award Plaintiff-Intervenor equitable relief of back salary and fringe benefits for the period beginning when Plaintiff-Intervenor was rightfully entitled to remain employed up to the present and prejudgment interest for that entire period, or front salary and benefits accrual;

E. award Plaintiff-Intervenor compensatory, punitive and liquidated damages;

F. award Plaintiff-Intervenor costs and attorney's fees; and

G. grant such other relief as it may deem just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff-Intervenor demands trial by jury on all issues as triable by a jury in this complaint.

DESIGNATION OF PLACE OF TRIAL

Plaintiff hereby designates Kansas City, Missouri as the place of trial.

Respectfully submitted,

/s/

Kevin A. Graham MO Bar No. 41709
FLOOK & GRAHAM, P.C.
11 East Kansas
Liberty, Missouri 64068
(816) 792-0500
FAX (816) 781-6843

ATTORNEY FOR PLAINTIFF-INTERVENOR

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was filed and sent electronically on this 8th day of February, 2006, to the following persons:

Rebecca S. Stith
EEOC
Robert A. Young Building
1222 Spruce Street, Room 8.100
St. Louis, MO 63103

ATTORNEY FOR PLAINTIFF

C. Brooks Wood
Kathleen Ryan
STINSON MORRISON HECKER LLP
1201 Walnut, 22nd floor
Kansas City, Missouri 64106

ATTORNEYS FOR DEFENDANT

/s/
Kevin A. Graham