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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Equal Employment  
Opportunity Commission,

Plaintiff,  
vs.

HealthHelp, Inc., a foreign  
corporation

Defendant.

CV '031204 PHX RGS

COMPLAINT AND JURY TRIAL  
DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of retaliation and to provide appropriate relief to Arlene Warren, Carolyn Johnson and Janice Hagy. Ms. Warren, Ms. Johnson and Ms. Hagy were retaliated against when they opposed discriminatory actions on the part of HealthHelp, Inc. ("HealthHelp") and were terminated.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as

1 amended, 42 U.S.C. § 2000e-5(f)(1) ("Title VII") and Section 102 of the Civil  
2 Rights Act of 1991, 42 U.S.C. §1981a.

3 2. The employment practices alleged to be unlawful were committed  
4 within the jurisdiction of the United States District Court for the District of Arizona.

### 5 **PARTIES**

6 3. Plaintiff, Equal Employment Opportunity Commission (the  
7 "Commission"), is the agency of the United States of America charged with the  
8 administration, interpretation and enforcement of Title VII and is expressly  
9 authorized to bring this action by Sections 706(f)(1) and (3) and 707 of Title VII,  
10 42 U.S.C. §2000e-5(f)(1) and (3).

11 4. At all relevant times, defendant HealthHelp , Inc. has continuously  
12 been a foreign corporation doing business in the State of Arizona and the City of  
13 Phoenix, and has continuously had at least fifteen employees.

14 5. At all relevant times, HealthHelp, Inc. has continuously been an  
15 employer engaged in an industry affecting commerce within the meaning of  
16 Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

### 17 **STATEMENT OF CLAIMS**

18 6. More than thirty days prior to the institution of this lawsuit, Arlene  
19 Warren, Carolyn Johnson and Janice Hagy filed charges with the Commission  
20 alleging violations of Title VII by Defendant. All conditions precedent to the  
21 institution of this lawsuit have been fulfilled.

22 7. Since at least May 2001, Defendant has engaged in unlawful  
23 retaliatory practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-  
24 3(a) by terminating the employment of Ms. Warren, Ms. Johnson and Ms. Hagy  
25 because they opposed discriminatory practices. These practices included:

26 a. In May 2001, Ms. Hagy and Ms. Warren were told by the Executive  
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1 Director of Corporate Development for HealthHelp, not to hire  
2 "Blacks or Jews" for a client in Oregon.

3 b. When they informed Ms. Johnson, their supervisor, of the directive,  
4 she advised the Human Resources Director and Vice President of  
5 Human Resources, that neither she nor her staff would participate in  
6 a discriminatory practice that violates federal law.

7 c. Health Help terminated all three employees, Arlene Warren,  
8 Carolyn Johnson and Janice Hagy, in June, 2001.

9 8. The effect of the practices complained of in paragraph 7 has been to  
10 deprive Ms. Warren, Ms. Johnson and Ms. Hagy of equal employment  
11 opportunities and otherwise adversely affect their status as employees in  
12 retaliation for opposing practices made unlawful by Title VII.

13 9. The unlawful employment practices complained of in paragraph 7  
14 were intentional.

15 10. The unlawful employment practices complained of in paragraph 7  
16 were done with malice or with reckless indifference to the federally protected  
17 rights of Ms. Warren, Ms. Johnson and Ms. Hagy.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, the Commission respectfully requests that this Court:

20 A. Grant a permanent injunction enjoining HealthHelp and its officers,  
21 successors, assigns and all persons in active concert or participation with  
22 Defendant from engaging in any employment practice which discriminates on the  
23 basis of race, religion or retaliation.

24 B. Order HealthHelp to institute and carry out policies, practices and  
25 programs which provide equal employment opportunities for African Americans  
26 and Jews and those who oppose unlawful employment discrimination, and which  
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1 eradicate the effects of its past and present unlawful employment practices.

2 C. Order HealthHelp to make whole Ms. Warren, Ms. Johnson and Ms.  
3 Hagy by providing appropriate backpay with prejudgment interest, in amounts to  
4 be proved at trial, and other affirmative relief necessary to eradicate the effects of  
5 Defendant's unlawful employment practices including, but not limited to, their  
6 rightful place reinstatement.

7 D. Order HealthHelp to make whole Ms. Warren, Ms. Johnson and Ms.  
8 Hagy by providing compensation for past and future pecuniary losses resulting  
9 from the unlawful employment practices described above, including but not  
10 limited to costs incurred for obtaining medical treatment and subsequent  
11 employment, in amounts to be determined at trial.

12 E. Order HealthHelp to make whole Ms. Warren, Ms. Johnson and Ms.  
13 Hagy by providing compensation for past and future non-pecuniary losses  
14 resulting from the unlawful practices complained of above, including emotional  
15 pain, suffering, inconvenience, mental anguish , loss of enjoyment of life, and  
16 humiliation in amounts to be determined at trial.

17 F. Order HealthHelp to pay Ms. Warren, Ms. Johnson and Ms. Hagy  
18 punitive damages for its malicious and/or reckless conduct, in amounts to be  
19 determined at trial.

20 G. Grant such further relief as the Court deems necessary and proper in  
21 the public interest.

22 H. Award the Commission its costs of this action.

23 **JURY TRIAL DEMAND**

24 The Commission requests a jury trial on all questions of fact raised by its  
25 complaint.

1 DATED this 24<sup>th</sup> day of June,  
2 2003.

3 GWENDOLYN YOUNG REAMS  
4 Associate General Counsel

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