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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 USIZO4 PHXRCS

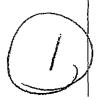
COMPLAINT AND JURY TRIAL DEMAND

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



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

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

PARTIES

- 3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).
- 4. At all relevant times, defendant HealthHelp, Inc. has continuously been a foreign corporation doing business in the State of Arizona and the City of Phoenix, and has continuously had at least fifteen employees.
- 5. At all relevant times, HealthHelp, Inc. has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

STATEMENT OF CLAIMS

- 6. More than thirty days prior to the institution of this lawsuit, Arlene Warren, Carolyn Johnson and Janice Hagy filed charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. Since at least May 2001, Defendant has engaged in unlawful retaliatory practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by terminating the employment of Ms. Warren, Ms. Johnson and Ms. Hagy because they opposed discriminatory practices. These practices included:
 - a. In May 2001, Ms. Hagy and Ms. Warren were told by the Executive

- Director of Corporate Development for HealthHelp, not to hire "Blacks or Jews" for a client in Oregon.
- b. When they informed Ms. Johnson, their supervisor, of the directive, she advised the Human Resources Director and Vice President of Human Resources, that neither she nor her staff would participate in a discriminatory practice that violates federal law.
- Health Help terminated all three employees, Arlene Warren,
 Carolyn Johnson and Janice Hagy, in June, 2001.
- 8. The effect of the practices complained of in paragraph 7 has been to deprive Ms. Warren, Ms. Johnson and Ms. Hagy of equal employment opportunities and otherwise adversely affect their status as employees in retaliation for opposing practices made unlawful by Title VII.
- 9. The unlawful employment practices complained of in paragraph 7 were intentional.
- 10. The unlawful employment practices complained of in paragraph 7 were done with malice or with reckless indifference to the federally protected rights of Ms. Warren, Ms. Johnson and Ms. Hagy.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining HealthHelp and its officers, successors, assigns and all persons in active concert or participation with Defendant from engaging in any employment practice which discriminates on the basis of race, religion or retaliation.
- B. Order HealthHelp to institute and carry out policies, practices and programs which provide equal employment opportunities for African Americans and Jews and those who oppose unlawful employment discrimination, and which

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rightful place reinstatement.

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27 28 E. Order HealthHelp to make whole Ms. Warren, Ms. Johnson and Ms. Hagy by providing compensation for past and future non-pecuniary losses

resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and

eradicate the effects of its past and present unlawful employment practices.

Hagy by providing appropriate backpay with prejudgment interest, in amounts to

Defendant's unlawful employment practices including, but not limited to their

Hagy by providing compensation for past and future pecuniary losses resulting

from the unlawful employment practices described above, including but not

limited to costs incurred for obtaining medical treatment and subsequent

be proved at trial, and other affirmative relief necessary to eradicate the effects of

Order HealthHelp to make whole Ms. Warren, Ms. Johnson and Ms.

Order HealthHelp to make whole Ms. Warren, Ms. Johnson and Ms.

humiliation in amounts to be determined at trial.

employment, in amounts to be determined at trial.

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

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

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DATED this 24 day of June, 2003.

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