

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

BOBBIE JO PEARSON,

Plaintiff,

v.

CHUGACH GOVERNMENT SERVICES,
INC., a foreign corporation,
and CHUGACH SUPPORT SERVICES,
INC., a foreign corporation,

Defendants.

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C.A. No.:

TRIAL BY JURY DEMANDED

COMPLAINT

1. Plaintiff Bobbie Jo Pearson is a resident of the State of Delaware, residing at 940 Killens Pond Road, Harrington, Delaware 19952.

2. Defendant Chugach Government Services, Inc., is an Alaska corporation doing business in the State of Delaware, whose registered agent for service of process in the State of Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. Defendant Chugach Support Services, Inc., is an Alaska corporation doing business in the State of Delaware, whose registered agent for service of process in the State of Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

4. Defendant is an employer within the State of Delaware and within the jurisdictional coverage of Title VII of the Civil Rights Act, the Americans with Disabilities Act (the "ADA"), and the Family and Medical Leave Act (the "FMLA").

5. Jurisdiction is conferred on this Court by 42 U.S.C.

§2000e-5(f)(3), by 42 U.S.C. §12117(a), by 29 U.S.C. §2617(a)(2), and by 28 U.S.C. §1343.

6. Venue for all causes of action stated herein lies in the District of Delaware, as the acts alleged as the bases for these claims took place within the boundaries of that District.

7. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964, under the ADA, and under the FMLA, to redress the wrongs done to her by the Defendants' discrimination against her on the basis of her sex and her disability and by Defendants' interference with Plaintiff's rights under the FMLA.

8. On or about June 16, 2008, Plaintiff timely submitted a complaint of discrimination on the basis of sex and disability to the Delaware Department of Labor and the Equal Employment Opportunity Commission (the "EEOC").

9. Plaintiff has received a Notice of Right to Sue for the above-referenced charge from the EEOC.

10. Plaintiff has timely filed this Complaint within ninety (90) days of her receipt of the Notice of Right to Sue.

11. At all times relevant to this Complaint, Plaintiff has had a "disability" as that term is defined by 42 U.S.C. §12102(1). Specifically, she has had a physical and/or mental impairment that substantially limits one or more of her major life activities, and/or she has had a record of such impairment, and/or she has been regarded by Defendants as having such an impairment.

12. Plaintiff, at all times relevant to this Complaint, was an "eligible employee" as that term is defined by the FMLA, 29 U.S.C. §2611(2)(A), in that she had been employed by Defendants

for at least 12 months, and for at least 1,250 hours of service during the previous 12-month period, prior to her exercise of her rights under the FMLA.

13. Plaintiff began her employment with Defendants on or about August 24, 2004, as an administrative assistant at Defendants' business location at Dover Air Force Base, Delaware, and she continued in that position until her termination by Defendants on or about April 29, 2008.

14. At all times relevant to this Complaint, Plaintiff was qualified for her job position and satisfactorily performed all duties of her job position.

15. Plaintiff is a female.

16. During the period of her employment, Plaintiff was subjected to a hostile work environment on the basis of sex and disability by her employers. Specifically, Plaintiff's immediate supervisor, Project Manager Richard Laird, as well as Assistant Project Manager Wayne Gordineer, employed sexually offensive language and told sexually offensive jokes, and made other sexually offensive remarks and remarks demeaning to women. Plaintiff complained about this activity to Mr. Laird and Mr. Gordineer, but to no avail.

17. Laird also displayed a large sexually offensive photograph on the wall of his office. Plaintiff complained repeatedly to Laird about this photograph, but he did not remove it.

18. Laird also made demeaning and derogatory remarks regarding Plaintiff's disability (bipolar disorder/depression) in

front of other employees and business associates in an effort to harass Plaintiff regarding her disability.

19. Plaintiff was the only female employee in Defendants' office location at Dover Air Force Base.

20. In February 2008, Plaintiff was required to take time off from work for a serious health condition unrelated to her disability. After Plaintiff returned to work in early March 2008, she was harassed and belittled by Laird and Gordineer, and the terms and conditions of her employment were otherwise negatively modified in retaliation for her exercise of her rights under the FMLA.

21. Plaintiff also suffered retaliation from Laird for her complaints to him regarding discrimination and harassment on the basis of her sex and disability. In particular, Laird issued unjustified disciplinary write-ups to Plaintiff, and treated her unfairly and differently from other individuals not in her protected classifications. These disciplinary write-ups were pretextual and intended to mask the true reason for the disciplinary actions, i.e., discrimination against Plaintiff on the basis of sex and disability, and retaliation for Plaintiff's complaints of discrimination and for her exercise of her rights under the FMLA.

22. On or about April 29, 2008, Laird terminated Plaintiff and informed her that the reason for her termination was that other employees were allegedly complaining about her work. This justification for her termination was also pretextual and intended to mask the true reasons for her termination, i.e., discrimination

against Plaintiff on the basis of her sex and disability and retaliation for Plaintiff's complaints of discrimination and for her exercise of her rights under the FMLA.

23. Laird further discriminated and retaliated against Plaintiff by falsely accusing her of not requesting permission for time off for a doctor's appointment.

24. Defendants are liable for the actions of their agents as set forth in this Complaint, including Laird and Gordineer, under the principles of agency and the doctrine of *respondeat Superior*, and pursuant to the corporate ratification of the agents' actions by Defendants.

25. The wrongful acts committed by Defendants and their agents, as stated hereinabove, were wilful, wanton, and committed in bad faith.

26. As a direct result of the discriminatory, retaliatory, and wrongful conduct of Defendants, Plaintiff has suffered damages, including, but not limited to, physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

COUNT I -- TITLE VII

27. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 26 hereinabove.

28. By committing the aforementioned acts, including the creation of a hostile work environment on the basis of sex, unjustly disciplining Plaintiff, and terminating her, Defendants discriminated against Plaintiff on the basis of her sex in violation of 42 U.S.C. §2000e *et. seq.*

29. Defendants by their wrongful actions also retaliated against Plaintiff in response to her complaints of sex discrimination in violation of 42 U.S.C. §2000e *et. seq.*

30. As a direct result of the discriminatory and retaliatory conduct of Defendants, Plaintiff has suffered damages, including, but not limited to, physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for:

- a. Back pay, including interest;
- b. Front pay;
- c. Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and all other non-pecuniary damages;
- d. Punitive damages;
- e. Pre-judgment and post-judgment interest;
- f. Attorney's fees and costs;
- g. Reinstatement, if feasible; and
- h. Any other relief that this Court deems just.

COUNT II -- VIOLATION OF ADA

31. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 30 hereinabove.

32. The actions of Defendants as described in this Complaint, including creating a hostile work environment on the basis of disability, unjustly disciplining Plaintiff, and terminating her, represent intentional discrimination against

Plaintiff on the basis of her disability in violation of the ADA.

33. Defendants' wrongful actions as described hereinabove also constituted retaliation against Plaintiff for her complaints of disability discrimination in violation of the ADA.

34. As a direct result of the discriminatory and retaliatory conduct of Defendants, Plaintiff has suffered damages, including but not limited to, physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for:

- a. Back pay, including interest;
- b. Front pay;
- c. Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and all other non-pecuniary damages;
- d. Punitive damages;
- e. Pre-judgment and post-judgment interest;
- f. Attorney's fees and costs;
- g. Reinstatement, if feasible; and
- h. Any other relief that this Court deems just.

COUNT III - FAMILY AND MEDICAL LEAVE ACT

35. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 34 hereinabove.

36. Defendants discriminated and retaliated against Plaintiff for her exercise of her rights under the FMLA by creating a hostile work environment, unjustly disciplining

Plaintiff, and terminating her.

37. By committing the aforementioned wrongful acts, Defendants have wrongfully interfered with, restrained, and denied Plaintiff's exercise of her rights under the FMLA.

38. The wrongful acts committed by Defendants, as stated hereinabove, were wilful, wanton, and committed in bad faith, and Defendants had no reasonable grounds for believing that their wrongful acts were not in violation of the FMLA.

39. As a direct result of the wrongful and discriminatory conduct of Defendants, Plaintiff has suffered lost wages and other damages.

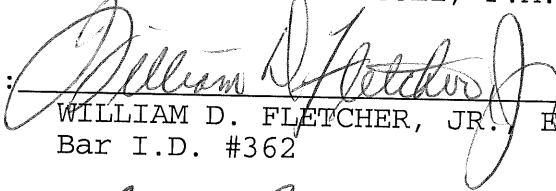
WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for:

- a. Any and all damages provided by 29 U.S.C. §2617(a)(1), including, but not limited to, lost wages, salary, employment benefits, back pay, front pay, interest, liquidated damages, and any and all other available pecuniary damages;
- b. Pre-judgment and post-judgment interest;
- c. Attorney's fees and costs;
- d. Reinstatement, if feasible; and
- e. Any other relief, whether legal or equitable, that this Court deems just and appropriate.

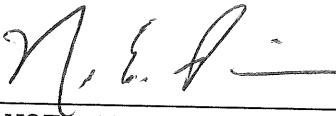
Respectfully submitted,

SCHMITTINGER AND RODRIGUEZ, P.A.

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DATED: 4/1/09
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