

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

PAMELA CAMPOS,

Plaintiff,

v.

ENVIRONMENTAL DEFENSE FUND, INCORPORATED, a New York nonprofit corporation,
Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff, Pamela Campos, by and through her attorneys, Sweeney & Bechtold, LLC, hereby submits her Complaint against the above-named Defendant as follows:

INTRODUCTION

1. This is an employment discrimination suit brought by a current employee of the Environmental Defense Fund, Incorporated (“EDF”) who has been discriminated and retaliated against in violation of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12101 et seq. (“ADA”) after disclosing her medical conditions and requesting reasonable accommodations. Since that time, EDF has failed to participate in the interactive process in good faith and has, instead, marginalized Plaintiff by, among other things, hindering her professional development and growth within the organization.

PARTIES

2. Plaintiff Pamela Campos is a resident of the State of Colorado.

3. Defendant EDF is a New York nonprofit corporation authorized to do business in Colorado.
4. EDF's principal office is located at 257 Park Avenue S in New York, New York 10010.
5. One of EDF's regional offices is located at 2060 Broadway Street, Suite 300 in Boulder, Colorado 80302.
6. EDF's registered agent in Colorado is located at 7700 E. Arapahoe Road, Suite 220 in Centennial, Colorado 80112.

JURISDICTION AND VENUE

7. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331, in that this action arises under federal law, specifically the ADA.
8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), as the unlawful employment practices alleged herein were committed within this judicial district.
9. At all relevant times, Defendant EDF was covered by the definition of "employer" set forth in 42 U.S.C. § 12111(5)(A) of the ADA.
10. The procedural prerequisites for the filing of this suit have been met. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and the EEOC issued a Notice of Right to Sue letter on July 28, 2016.

SPECIFIC ALLEGATIONS

11. In February 2008, Plaintiff was diagnosed with breast cancer. Since receiving cancer treatment, she has experienced fatigue that continues to the present.
12. Plaintiff was diagnosed with cancer-related fatigue (CRF) shortly after her cancer treatment concluded.

13. Plaintiff's fatigue is far more debilitating than simple tiredness, as it may come on suddenly, does not necessarily follow exertion, and is not cured by sleep or rest.

14. Fatigue significantly limits Plaintiff's participation in family, social, work, and professional activities, and requires her to carefully manage energy expenditures, including both physical and cognitive activities.

15. Plaintiff began working for EDF as an attorney in its Boulder office in September 2009.

16. Through approximately January 2016, Plaintiff was a member of EDF's Climate & Energy's Legal & Regulatory team, focused on climate and Clean Air Act matters, and reported directly to Vickie Patton.

17. At the time Plaintiff was hired, Patton's title was Deputy General Counsel. In 2010, Patton was named General Counsel.

18. Patton is and has been the sole executive-level employee responsible for Clean Air Act work, Supreme Court litigation, and professional development of attorneys within EDF.

19. In Plaintiff's 2010 annual review, which referred to work completed from September 2009 through March 2010, Patton rated her as "Exceeds Expectations" in every category and Patton told Plaintiff that she was "off the charts" in comparison to other employees within the organization.

20. As a result of this review, EDF raised Plaintiff's annual salary by \$10,000.

21. Plaintiff became pregnant in January 2010.

22. In July 2010, at the end of Plaintiff's seventh month of pregnancy, her fatigue dramatically worsened.

23. At that time, Plaintiff disclosed to Patton that she was experiencing medical complications and needed a leave from work.

24. Because of Plaintiff's medical condition, she was compelled to take medical leave from August 2010 through her daughter's birth on October 6, 2010 and for approximately 12 weeks afterwards.

25. Plaintiff returned to work in January 2011.

26. In Plaintiff's 2011 annual review for work performed in 2010, Patton rated her as "Consistently Meets Expectations."

27. Plaintiff disclosed her history of cancer and CRF to Patton in July 2012.

28. Following Plaintiff's disclosure, Patton treated Plaintiff less favorably than she had previously and also in comparison to Patton's non-disabled subordinates, including by:

- a. subjecting Plaintiff's work to increased scrutiny;
- b. excluding Plaintiff from strategic decision-making and related discussions;
- c. isolating Plaintiff from teammates and colleagues;
- d. ceasing her treatment of Plaintiff as a leader within the team;
- e. expressing reservations about Plaintiff's ability to complete projects and balance her workload;
- f. failing to communicate her expectations for Plaintiff's role, area of focus, and ongoing responsibilities;
- g. failing to provide Plaintiff with managerial decisions, or to permit Plaintiff to make autonomous decisions, regarding strategic legal decisions, which reduced Plaintiff's ability to effectively use her limited energy;

- h. failing to confirm or deny that Plaintiff's efforts to prioritize her work tasks were consistent with Patton's managerial preferences; and
- i. withholding technical and policy information from Plaintiff that was necessary to perform her duties.

29. On September 5, 2013, Plaintiff submitted a formal written Request for Reasonable Accommodation to EDF in which she requested the following accommodations: (1) increased flexibility to work from home on an intermittent basis if needed; (2) increased flexibility in her work schedule to allow for periods of rest when necessary on an intermittent basis; and (3) training and coaching to manage concerns about the impact of her disability in the workplace.

30. With this Request, Plaintiff included a medical certification from her treating physician stating, among other things, that clear communication regarding priorities, goals, and feedback is critical to enable Plaintiff to efficiently manage her energy and, thereby, meet the responsibilities of her job.

31. In October 2013, EDF's Vice President of Human Resources, Felipa Bernard, told Plaintiff that EDF would grant her first two requests but not the third, even though EDF had previously used training and/or coaching services to address interpersonal issues between employees.

32. In the following months, Plaintiff expressed concerns to Bernard and the Chief Operating Officer, Liza Henshaw, that Patton was failing to provide accommodation and excluding Plaintiff from the team, as discussed above in ¶¶ 28, a-i.

33. Both Bernard and Henshaw responded that if Patton expressed a judgment about how something must be done, then that was the end of the matter. As such, they denied Plaintiff's

request that a third party be involved to help provide coaching or mediation to improve the situation.

34. Henshaw expressed confusion about whether requested accommodations were reasonable, and stated that EDF “did not have to do what other people do.”

35. Patton was aware of Plaintiff’s September 5, 2013 Request for Reasonable Accommodations and her statements about Patton’s discriminatory treatment of her to Henshaw and Bernard and later Patton’s supervisor, Senior Vice President of Programs, Diane Regas.

36. After Plaintiff raised concerns regarding Patton’s behavior to EDF, Patton became increasingly sharp in her criticisms of Plaintiff and made it more difficult for Plaintiff to perform her duties. Specifically, Patton:

- a. attempted to unilaterally change only Plaintiff’s job description when the same was not being done for other EDF staff;
- b. repeatedly rescheduled or cancelled meetings with Plaintiff that caused delays in her managerial input and, therefore, Plaintiff’s ability to move forward on projects;
- c. delayed Plaintiff’s 2013 performance review until after the time that EDF determined salary increases;
- d. failed to recognize Plaintiff’s full work history when setting titles during an organization-wide titling review;
- e. withheld Plaintiff’s substantive legal analysis and recommendations from others;
- f. criticized Plaintiff for having differences in professional judgment;
- g. complained about the timeliness of Plaintiff’s completion of various work projects months after the work was completed and delivered, even though Plaintiff’s litigation-related

tasks were always timely and, to her knowledge, she was just as timely with assignments as her non-disabled colleagues, none of whom were criticized for the time that it took them to complete assignments;

h. excluded Plaintiff from major work assignments; and

i. questioned the sincerity of Plaintiff's disability and related symptoms by, for example, stating "I thought you were disabled" when Plaintiff expressed an interest in participating in a professional continuing legal education program.

37. On more than one occasion, Patton encouraged Plaintiff to take time off from work to rest, failed to respond to Plaintiff's requests for managerial input on prioritizing tasks, then criticized Plaintiff for failing to accomplish certain tasks about which Plaintiff had inquired.

38. In November 2013, Plaintiff requested that Patton provide her with written work expectations for the coming year.

39. Patton delayed establishing those expectations, which were intended to cover the 2014 calendar year, until May 12, 2014.

40. In January 2014, Plaintiff sent a letter to Bernard in which Plaintiff stated that Patton's practice of not providing Plaintiff with decisive managerial input was on-going and requested that EDF reconsider its denial of her request for training, coaching and/or mediation to address Patton's management of Plaintiff's disability-related workplace needs.

41. During a meeting with Plaintiff on or around January 31, 2014, Patton complained that Plaintiff had failed to inform her that Plaintiff had felt fatigued the previous weekend.

42. When Plaintiff responded that her fatigue was persistent, Patton responded in a harsh tone, "do you feel fatigue now?" indicating her doubt about the sincerity of Plaintiff's disability.

43. That same day, Bernard and Patton criticized Plaintiff for not responding within a 6 hour window to an e-mail sent to her on a Sunday morning.

44. On February 3, 2014, Plaintiff submitted a new written formal Request for Reasonable Accommodations to EDF in which Plaintiff requested: (1) a written articulation of her roles and responsibilities; (2) a specific agreement regarding key projects and initiatives to ensure that there is a common understanding of her role within those projects; (3) the receipt of management decisions as early as possible, consistent with reasonable business practice for attorneys; and (4) that EDF involve a mediator to assist in implementing requested accommodations or identifying alternatives.

45. In Bernard's February 26 response, she:

- a. stated that management decisions will be provided as early as possible, to the extent practicable, but that any delay was Patton's "prerogative as manager of the department";
- b. rejected, again, Plaintiff's request to engage a mediator or management coach; and
- c. commented that EDF could offer Plaintiff a part-time position at a 20% reduced salary that would involve "smaller, less important cases." However, she could not guarantee that Plaintiff's workload would be reduced enough that she would work fewer hours than in her current position.

46. Plaintiff declined the part-time option for a number of reasons, including the reduced importance of future assignments and the likelihood that she would be expected to work full-time hours while experiencing a 20% cut in her salary.

47. On March 28, 2014, after working until after midnight to respond to demands Patton had made that morning, Plaintiff alerted Bernard of her concerns that Patton's unnecessary last-minute demands were creating avoidable conflicts between Plaintiff's professional obligations and her management of her disability.

48. On March 30, 2014, Patton provided Plaintiff with a performance review in which she rated Plaintiff as "Meets Most Expectations," which resulted in a minimal salary increase.

49. In the performance review, Patton criticized Plaintiff's performance based on material factual inaccuracies and selective presentation of information.

50. On April 15, 2014, Plaintiff provided a documented response to the performance review in which she corrected the inaccuracies and fully described events that had been selectively presented.

51. EDF took no action as a result of Plaintiff's response beyond placing the response in her personnel file, and holding a strictly limited, 10-minute discussion of her concerns in a meeting with Patton.

52. In May 2014, facing an exacerbation in her symptoms due to the increasing hostility in the workplace and avoidable, last-minute demands, Plaintiff's medical providers advised Plaintiff to take two weeks of leave.

53. During that time, Patton pressured Plaintiff not to check in with the office regarding the status of a pending U.S. Supreme Court decision with which Plaintiff had been heavily involved for many years.

54. Patton made this directive notwithstanding the regular practice of EDF employees and Patton herself of checking in on important matters while out on leave.

55. On May 15, 2014, Plaintiff submitted a new written formal Request for Reasonable Accommodations and accompanying medical documentation to EDF in which Plaintiff's physician recommended the following accommodations: (1) complete disconnection from work daily from 10 p.m. to 6 a.m. and at least 24 consecutive hours per week; (2) the limitation of her full-time work hours to between 45 and 65 hours per week with no more than 16 hours worked on any given day; (3) a quiet place at work to rest for periods of 20 to 30 minutes as needed; (4) scheduling flexibility that would enable her to perform challenging tasks at periods of peak energy, i.e., early in the week and in the morning; (5) time off following extended work periods; and (6) the maintenance of a comfortable temperature in the workplace.

56. In this request, Plaintiff again raised her concerns about Patton's aggressive and isolating treatment of her.

57. In its response, EDF approved Plaintiff's request for a place to rest and climate control, refused to take any action regarding Patton because doing so would be "micromanaging" Patton's management style, and failed to address Plaintiff's treating physician's other recommendations regarding Plaintiff's work schedule, i.e., *supra* ¶ 55 (1), (2), (4), and (5).

58. In late June 2014, Patton excluded Plaintiff from a call with the Environmental Protection Agency regarding a case in which Plaintiff had played a major role for five years and then criticized Plaintiff for not knowing what the EPA's position had been on the call.

59. Patton also excluded Plaintiff from a call on a separate matter with which Plaintiff had been heavily involved for years.

60. Patton directed Plaintiff "not to talk" to other EDF employees without Patton's explicit permission or involvement.

61. In late June and early July of 2014, Plaintiff experienced a further increase in fatigue.

62. Based on the advice of her medical providers, Plaintiff went on approved disability leave starting on July 15, 2014.

63. In August 2014, Plaintiff was diagnosed with undifferentiated connective tissue disease, an autoimmune disorder that causes systemic fatigue, photosensitivity, and reduced tolerance to noise, vibration, and other environmental factors.

64. Plaintiff subsequently disclosed this diagnosis to EDF.

65. In September 2014, Plaintiff came to EDF's Boulder office to meet with Patton at Patton's request.

66. During this meeting, Patton complained that Plaintiff had sent an agenda for the meeting and that Plaintiff had come into the office to meet in person even though Bernard had previously suggested that Patton and Plaintiff use a written agenda and communicate face-to-face in their meetings.

67. On October 1, 2014, EDF's Senior Benefits Manager sent an e-mail to Plaintiff in which she pressured Plaintiff not to attend or participate in an upcoming continuing legal education presentation because doing so would allegedly be inconsistent with the terms of Plaintiff's leave.

68. Plaintiff's preparation for and participation in the presentation was a long-planned professional activity that Plaintiff had previously discussed with Patton, had pursued as a rehabilitation activity at the suggestion of her medical team, and was consistent with the conditions of her authorized leave.

69. In October 2014, Bernard told Plaintiff that Patton had complained to Bernard that Plaintiff had come to the September meeting in a dress, implying that Plaintiff didn't look sick or disabled enough to be on leave.

70. During that same discussion, Plaintiff expressed concerns to Bernard about the difficulty of discussing her return to work with Patton, to which Bernard responded, "well we don't even know if you're disabled or not yet."

71. On November 20, 2014, at the suggestion of her medical team, Plaintiff met with Patton to discuss the possibility of returning to work on a trial basis and offered to provide medical documentation in support of that return if the work trial was feasible for both Plaintiff and EDF.

72. Patton declined to discuss Plaintiff's work trial proposal, to make suggestions of alternative proposals, or to select a time for a future discussion about the topic.

73. Four days later, Patton declined Plaintiff's proposal to attempt to return to work on the grounds that Plaintiff had failed to provide medical documentation, notwithstanding Plaintiff's offer to do so.

74. Later that day, Plaintiff sent an e-mail to EDF's President, Fred Krupp, in which she shared her concerns regarding Patton's discriminatory treatment of Plaintiff, EDF's unilateral dismissal of some of her requests for reasonable accommodations, and her continued belief that the involvement of a mediator would be productive.

75. Plaintiff received a statement from Krupp that he would give the matter attention and respond shortly, but received no further response.

76. Plaintiff filed Charge of Discrimination number 541-2015-00796 in January 2015 with the EEOC in which she alleged that she was discriminated against based on her disability and retaliated against for complaining about this unlawful discrimination in violation of the ADA.

77. In February 2015, Plaintiff provided a letter from her physician to EDF that outlined several suggested parameters for a trial return to work.

78. In response, EDF assigned Plaintiff to a temporary part-time non-litigation project with the Global Climate team, a team for whom she had previously provided work.

79. Plaintiff returned to work on a part-time basis on March 17, 2015.

80. EDF provided no communication indicating that her status as a member of the of the Legal & Regulatory team reporting to Patton had changed.

81. Following Plaintiff's return to work, EDF retaliated against Plaintiff in several ways, including by:

- a. failing to provide her with an annual review for her performance in 2014, including work on critical cases that went before the Supreme Court, which denied her the opportunity to receive feedback, discuss professional development, or receive a timely pay raise effective April 1, 2015;
- b. cutting off her contact with Patton, which impaired Plaintiff's ability to perform her job duties and stay involved with the Legal & Regulatory team;
- c. excluding her from the hiring of new staff for the Legal & Regulatory team, despite Patton's longstanding practice of involving all team members in the interview and selection process for new staff;

- d. reducing her access to administrative support by, for example, requiring her to arrange her own work-related travel when this was not the case for Plaintiff's peers; and,
- e. promoting two of Plaintiff's colleagues on the Legal & Regulatory team with less experience to director positions, and later to lead counsel positions, while failing to offer this same title to Plaintiff, notwithstanding her seniority and greater total experience.
- f. failing to provide, for 15 months after her return, a suitable office location for Plaintiff to conduct her work responsibilities.
- g. excluding Plaintiff from full membership of any team within EDF's Climate and Energy group, with the result that Plaintiff was prohibited from attending from team retreats and one-on-one meetings with team leadership, and failed to provide Plaintiff with annual goals associated with her role on any team within the organization.
- h. refusing to return her to her prior responsibilities in appellate litigation, even as 5 other attorneys were hired to provide Clean Air Act litigation services.
- i. failing to contribute to retirement benefits consistent with EDF's policy and contribution to other employees' benefits.

82. In late January 2016, Plaintiff learned from two articles on EDF's website that she had been transferred to the Global Climate team, reporting to the Global Climate team's International Counsel when she had neither been offered nor accepted a new position.

83. This transfer represented a substantial change in Plaintiff's job duties, including exclusion from appellate litigation on Clean Air Act matters before the U.S. Supreme Court and Federal Courts of Appeal, plaintiff's major area of expertise.

84. On February 2, 2016, EDF's Interim Vice President of Human Resources, Walter Hoepfner, declined Plaintiff's request to return to appellate litigation.

85. Plaintiff's extended exclusion from appellate litigation work represents a serious reduction in her status both as an EDF employee and also a practicing attorney, and removed her from the type of work that motivated her to originally accept employment at EDF and to continue her employment there.

86. When Plaintiff brought her concerns about this unilateral transfer to EDF's new VP of People, Cheryl Fells, on May 2, 2016, Fells responded that there was "no problem" because Plaintiff still had a job and her salary had not been reduced.

87. Fells stated that EDF would not permit Plaintiff to report directly to Patton because Plaintiff had filed an EEOC charge.

88. Fells explained that she would not permit Plaintiff to report to Patton because having someone who filed an EEOC charge on the team would be "like having a snake in the grass. I don't want it in my house."

89. EDF's refusal to allow Plaintiff to work directly under Patton as an appellate attorney is effectively preventing Plaintiff from holding leadership positions in high-profile legal work, continuing to develop professionally as an appellate litigator, and advancing in title, salary, and responsibilities at EDF.

90. In June 2016, EDF gave Plaintiff an annual evaluation with a rating of “acceptable performance,” her lowest in her career with EDF.

91. On July 28, 2016, the EEOC issued a Notice of Right to Sue in connection with Charge of Discrimination number 541-2015-00796.

92. On September 1, 2016, EDF offered Plaintiff a choice of transferring to one of two positions, one which would require significant retraining by attorneys with only a few years’ experience, and one which would return Plaintiff to appellate litigation but would require Plaintiff to accept working for one of Patton’s immediate subordinates with less total experience, less seniority, and a limited set of responsibilities. Neither position involved reporting to Patton or participating in the same range of federal appellate and Supreme Court work that Plaintiff performed before she went on authorized medical leave.

93. On Oct 1, 2016, Plaintiff reiterated her concern to EDF that accepting a position reporting to Patton’s subordinate would limit her ability to contribute to EDF’s program goals and would not address past disability management difficulties with Patton.

94. On Oct 6, EDF again declined to engage a mediator to address disability issues within Patton’s team.

95. On Oct. 13, 2016, Plaintiff accepted EDF’s offer to report to Patton’s subordinate.

96. On October 14, 2016, EDF declined to engage in mediation and declined to provide a performance review for Plaintiff’s work conducted in 2014, denying her opportunity to discuss titling and professional development, and instead offering only a payment for retroactive salary increase.

97. EDF continues to deny Plaintiff's repeated requests to restore her pre-disability responsibilities and for the involvement of a mediator or external coach to address disability issues and help restore workplace trust between Patton and Plaintiff.

STATEMENT OF CLAIMS

FIRST CLAIM FOR RELIEF

(Discrimination in violation of the Americans with Disabilities Act, as amended)

98. The foregoing allegations are realleged and incorporated herein by reference.

99. Plaintiff's cancer-related fatigue and undifferentiated connective tissue disease are physical impairments that substantially limit several major life activities, including but not limited to, caring for oneself, concentrating, working, thinking, communicating, and the operation of the immune system.

100. Plaintiff is able and qualified to perform her essential job duties with or without a reasonable accommodation.

101. Defendant regarded Plaintiff as disabled within the meaning of 42 U.S.C. § 12102(1)(C).

102. Plaintiff has a record of impairments covered within the definition of the ADA, including breast cancer, CRF, and undifferentiated connective tissue disease.

103. Defendant discriminated against Plaintiff by, among other instances:

- a. failing to address or approve Plaintiff's requests for reasonable accommodation after her treating physician made recommendations to her work schedule;
- b. subjecting Plaintiff's work to increased scrutiny;
- c. eliminating Plaintiff from treatment as a leader within the team;
- d. expressing reservations about Plaintiff's ability to complete projects and balance her workload;

- e. failing to provide Plaintiff with expectations about her role, her work, her area of focus, her responsibilities, and company priorities;
- f. delaying, failing to provide, and/or rating Plaintiff as less favorable on performance reviews than before her disability, causing her to miss opportunities for salary increases;
- g. preventing Plaintiff from any contact with Patton, impairing Plaintiff's ability to stay involved with her team and perform her job duties;
- h. pressuring Plaintiff to not attend legal education presentations because of a perception that Plaintiff's attendance was not consistent with her disability;
- i. commenting that Plaintiff did not appear to be "disabled" enough, although she had provided EDF with evidence of her disability;
- j. promoting Plaintiff's colleagues who had less experience while not offering Plaintiff these same opportunities; and
- k. transferring Plaintiff to a new position, with substantially new job duties, a reduction in status, and no opportunities for her to practice appellate litigation, which has been her major area of expertise.

104. Defendant has discriminated against Plaintiff in violation of 42 U.S.C. § 12112(a) because Plaintiff was disabled within the meaning of 42 U.S.C. § 12102(1)(A)-(C).

105. Defendant's actions toward Plaintiff were done knowingly and intentionally or with reckless disregard of her rights.

106. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and

emotional pain and suffering, mental anguish, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

SECOND CLAIM FOR RELIEF

(Retaliation in violation of the Americans with Disabilities Act, as amended)

107. The foregoing allegations are realleged and incorporated herein by reference.

108. Plaintiff participated in statutorily protected activity by opposing practices targeted at her by EDF that were unlawful under the ADA.

109. In direct response to Plaintiff's protected opposition to discrimination, Defendant retaliated against her by, among other instances:

- a. changing Plaintiff's job description while not changing the job descriptions of other similarly-situated staff members;
- b. rescheduling or cancelling meetings with Plaintiff, thereby making it more difficult for her to move forward on projects;
- c. delaying, failing to provide, and/or rating Plaintiff as less favorable on performance reviews than before her disability, causing her to miss opportunities for salary increases;
- d. failing to address or approve Plaintiff's treating physician's recommendations to her work schedule;
- e. preventing Plaintiff from any contact with Patton, impairing Plaintiff's ability to stay involved with her team and perform her job duties;
- f. preventing Plaintiff from talking with other employees without Patton's permission;
- g. pressuring Plaintiff to not attend or participate in legal education presentations because of a perception that such actions were not consistent with her disability;

- h. commenting that Plaintiff did not appear to be “disabled” enough, although she had provided EDF with evidence of her disability;
- i. promoting Plaintiff’s colleagues who had less experience while not offering Plaintiff these same opportunities;
- j. failing, for 15 months, to provide a suitable office location for Plaintiff to conduct her work responsibilities;
- k. excluding Plaintiff from full membership of any team within EDF’s Climate and Energy group, with the result that Plaintiff was excluded from group activities; and
- l. transferring Plaintiff to positions, with substantially new job duties, a reduction in status, fewer opportunities for leadership positions within EDF, and, for nearly two years, no opportunities for her to practice appellate litigation, her major area of expertise.

110. EDF’s actions taken against Plaintiff were done knowingly and intentionally or with reckless disregard of her rights.

111. As a direct and proximate result of EDF’s actions, Plaintiff has suffered damages, including lost wages and benefits, diminished reputation and other pecuniary losses, and emotional pain and suffering, mental anguish, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

WHEREFORE, Plaintiff Pamela Campos respectfully requests that this Court enter judgment in her favor and against Defendant EDF and order the following relief as allowed by law:

- A. Compensatory damages, including but not limited to those for emotional distress,

inconvenience, mental anguish, and loss of enjoyment of life;

- B. Back pay and benefits;
- C. Injunctive and/or declaratory relief;
- D. Punitive damages as allowed;
- E. Attorney fees and costs of the action, including expert witness fees, as appropriate;
- F. Pre-judgment and post-judgment interest at the highest lawful rate; and
- G. Such further relief as justice allows.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

Respectfully submitted October 26, 2016

By: /s/ Charlotte Sweeney

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650 S. Cherry St., Ste. 610
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Telephone: (303) 865-3733
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ATTORNEYS FOR PLAINTIFF

Plaintiff's Address:
1557 Steele Street
Denver, CO 80200

CERTIFICATION OF GOOD STANDING

I hereby certify that I am a member in good standing of the bar of this Court.

By: s/Charlotte Sweeney

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ATTORNEYS FOR PLAINTIFF

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.)

<p>I. (a) PLAINTIFFS</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> _____</p>	<p style="text-align: center;">DEFENDANTS</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i> _____</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> 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 <i>and</i> 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
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> 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)*

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans <i>(Excludes Veterans)</i></p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):* _____

Brief description of cause: _____ AP Docket _____

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 _____ SIGNATURE OF ATTORNEY OF RECORD _____

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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six 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. When the petition for removal is granted, check this box.
 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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- 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; **OR "AP Docket."**
- 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.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: