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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
FIDELITY FINANCIAL SERVICES OF IDAHO,)
INC., FIDELITY FINANCIAL SERVICES, INC.,)
and NORWEST FINANCIAL, INC.)
)
Defendants.)

CIVIL ACTION NO. *1:99-cv-610*
FIRST AMENDED COMPLAINT
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 sex and retaliation and to provide appropriate relief to Stacie Schiffer. The Equal Employment Opportunity Commission alleges that Defendants subjected Ms. Schiffer to hostile work environment sexual harassment, retaliation and constructive discharge. Plaintiff seeks monetary and injunctive relief, including

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1 pecuniary and nonpecuniary compensatory damages and punitive damages.

2 JURISDICTION AND VENUE

3 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343
4 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII
5 of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"),
6 and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

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

9 PARTIES

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

14 4. At all relevant times, Defendants Fidelity Financial Services, Inc. and Fidelity
15 Financial Services of Idaho, Inc. ("Fidelity") and Norwest Financial, Inc. ("Norwest") have been
16 corporations continuously doing business in the State of Idaho, and have continuously had at least 15
17 employees.

18 5. At all relevant times, Defendants Fidelity and Norwest have each continuously been
19 an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g)
20 and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

21 STATEMENT OF CLAIMS

22 6. More than thirty days prior to the institution of this lawsuit, Stacie Schiffer filed a
23 charge with the Commission alleging violations of Title VII by Defendant Fidelity Financial
24 Services of Idaho, Inc. and Norwest, Inc. Defendants Fidelity Financial Services, Inc. and Norwest
25 Financial, Inc. were on notice of the charge. All conditions precedent to the institution of this
26 lawsuit have been fulfilled.

27 7. Beginning on or before April 1998, Defendants Fidelity and Norwest engaged in

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1 unlawful employment practices at its Idaho facilities in violation of §§ 703(a) and 704(a) of Title
2 VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendants Fidelity and Norwest affected the terms and
3 conditions of Ms. Schiffer's employment by subjecting her to ongoing harassment based on sex,
4 retaliation and constructive discharge.

5 8. The effect of the practices complained of in paragraph 7 above has been to deprive
6 Ms. Schiffer of equal employment opportunities and otherwise adversely affect her status as an
7 employee because of her sex.

8 9. The unlawful employment practices complained of in paragraph 7 above were
9 intentional.

10 10. The unlawful employment practices complained of in paragraph 7 above were done
11 with malice or with reckless indifference to the federally protected rights of Ms. Schiffer.

12 PRAYER FOR RELIEF

13 Wherefore, the Commission respectfully requests that this Court:

14 A. Grant a permanent injunction enjoining Defendants, its officers, successors, agents,
15 assigns, and all persons in active concert or participation with it, from engaging in any
16 employment practices which discriminate on the bases of sex and retaliation.

17 B. Order Defendants to institute and carry out policies, practices, and programs which
18 provide equal employment opportunities for all employees, and which eradicate the effects of its past
19 and present unlawful employment practices.

20 C. Order Defendants to make whole Ms. Schiffer by providing appropriate back pay
21 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary
22 to eradicate the effects of its unlawful employment practices.

23 D. Order Defendants to make whole Ms. Schiffer by providing compensation for past
24 and future pecuniary losses resulting from the unlawful employment practices described in paragraph
25 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

26 E. Order Defendants to make whole Ms. Schiffer by providing compensation for past
27 and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7

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1 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in
2 amounts to be determined at trial.

3 F. Order Defendants to pay Ms. Schiffer punitive damages for its malicious and reckless
4 conduct described in paragraph 7 above, in amounts to be determined at trial.

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

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

8 JURY TRIAL DEMAND

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

10
11 DATED this 30th day of March, 2000.

12 A. LUIS LUCERO, JR.
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14 CLAIRE CORDON
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