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T. Jason Wood, Esq., ISB #5016
THOMSEN STEPHENS LAW OFFICES
2635 Channing Way
Idaho Falls, ID 83404
Telephone (208) 522-1230
Fax (208) 522-1277

U.S. COURTS
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CAMERON & BURKE,
CLERK, IDAHO

Attorneys for Plaintiff in Intervention, Brittney Baker

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY)	Case No. CIV-03-221-E-BLW
COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	
)	COMPLAINT IN INTERVENTION
TELE-SERVICING INNOVATIONS,)	AND DEMAND FOR JURY TRIAL
INC.,)	
)	
Defendant.)	
_____)	
)	
BRITTNEY BAKER,)	
)	
Plaintiff in Intervention,)	
_____)	

COMES NOW Brittney Baker, the plaintiff herein, by and through her legal counsel, Thomsen Stephens Law Offices, and for cause of action against the above-named defendant, alleges as follows:

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PRELIMINARY STATEMENT

1. This action seeks declaratory relief, compensatory, general, liquidated and/or punitive damages, costs and attorney fees resulting from gender discrimination, sexual harassment and a hostile work environment, retaliation, breach of employment contract and wrongful termination of plaintiff by defendant, its agents and employees in bringing about the wrongful termination and breach of contract referenced herein.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this complaint in intervention pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000c, *et seq.*, the Civil Rights Act of 1991, 42 U.S.C. 1981a, and 28 U.S.C. §§ 1331, 1332, 1343, and 1367.

3. The matter in controversy in this action exceeds the sum or value of \$75,000.

4. All prerequisites required by federal and state law have been satisfied by Plaintiff in Intervention before brining this action, including acquisition of the attached Notice of Right to Sue from the Idaho Human Rights Commission.

5. This action properly lies in the District of Idaho, Eastern Division, pursuant to 28 U.S.C. § 1391(b) because the claims arose, and the parties reside in this judicial district; and venue also properly lies in this district pursuant to 42 U.S.C. § 2000c-5(f)(3) because the unlawful employment practice was committed in this judicial district.

6. Declaratory relief is sought pursuant to 28 U.S.C. §§ 2201, 2202, and 42 U.S.C. § 2000e-5(g), and compensatory and punitive damages are sought pursuant to 42 U.S.C. §§ 1981a.

7. Costs and attorney fees may be awarded and are sought pursuant to 42 U.S.C. 2000e-5(k) and Fed. R. Civ. P. 54, and as otherwise required or allowed by federal and state law.

PARTIES

8. This matter was commenced by Plaintiff, the Equal Employment Opportunity Commission ("EEOC") on June 5, 2003.

9. Plaintiff in Intervention is a female citizen and resident of the United States of America and of the State of Idaho, and has been during all periods relevant to the claims herein.

10. Defendant Tele-Servicing Innovations, Inc. was and now is a Delaware corporation doing business in the State of Idaho and a body corporate with all powers of a corporate system, whose primary activity is the provision of telemarketing service, and with its principal place of business in the City of Greenwood Village, Arapahoe County, Colorado.

11. The EEOC has alleged that defendant unlawfully retaliated against Ms. Baker for exercising rights secured by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, *et seq.* Ms. Baker is entitled to intervene as a matter of right in this action pursuant to 42 U.S.C. § 200e-5(f)(1). Ms. Baker has satisfied all requirements concerning exhaustion of administrative remedies and all conditions precedent to the institution of her claims.

12. All allegations of the complaint filed by the EEOC against the defendant in this matter are incorporated by reference as if fully set forth herein.

FACTS COMMON TO ALL COUNTS

13. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 12 of this Complaint as if set forth at length herein and in their entirety.

14. Defendant entered into an agreement to employ Ms. Baker as a sales representative, with Ms. Baker's beginning date of employment being on or about August 22, 2000.

15. During the course of Ms. Baker's employment by defendant, Ms. Baker properly and satisfactorily performed all obligations and responsibilities required of her under the terms of plaintiff's employment agreement with defendant.

16. During the course of Ms. Baker's employment defendant engaged, or permitted certain managers, employees and/or agents to engage in certain conduct toward the Ms. Baker, including, but not limited to the following:

a. Creating, or knowingly permitting to be created, a hostile work environment resulting in the sexual harassment of Ms. Baker and other co-workers;

b. Knowingly engaging in retaliation against Ms. Baker in response to Ms. Baker's reports to defendant of sexual harassment in the work place;

c. Failure and/or refusal on the basis of Ms. Baker's gender and otherwise to reasonably address or investigate Ms. Baker's concerns or complaints of sexual harassment; and

d. Engaging in a campaign and conspiracy to wrongfully terminate Ms. Baker's employment and to breach Ms. Baker's employment agreement without reasonable grounds, basis or justification, all of which was motivated and based in whole or in part upon Ms. Baker's reports of sexual harassment.

17. On or about August 8, 2001, Ms. Baker was wrongfully terminated by defendant from her position as a quality assurance agent, for the express reason that she accused a co-worker of inappropriate conduct.

COUNT ONE - DISCRIMINATION/ HOSTILE WORK ENVIRONMENT

18. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 17 of this Complaint as if set forth at length herein and in their entirety.

19. By acting or failing to take action as alleged herein, defendant engaged in discrimination against Ms. Baker and caused, or knowingly permitted, sexual harassment against Ms. Baker by creating a hostile work environment, all based upon Ms. Baker's gender (female) in violation of Title VII of the Civil Rights Act, the Idaho Human Rights Act, and defendant's own employment policies.

20. As a direct and proximate result of the conduct of defendant, Ms. Baker was terminated from her employment and has suffered and will continue to suffer in the future general and special damages in an amount to be proven at the time of trial.

COUNT TWO - RETALIATION

21. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 20 of this Complaint as if set forth at length herein and in their entirety.

22. Defendant intentionally terminated Ms. Baker in retaliation for her protesting or reporting to defendant employment practices she reasonably believed were prohibited under Title VII of the Civil Rights Act, the Idaho Human Rights Act, and defendant's own written employment policies.

23. Defendant's retaliatory termination of Ms. Baker was in violation of Title VII of the Civil Rights Act, the Idaho Human Rights Act, and defendant's own written employment policies.

31. As a direct and proximate result of defendant's conduct, Ms. Baker has suffered and will continue to suffer in the future, general and special damages in an amount to be proven at the time of trial.

COUNT FIVE -

NEGLIGENT OR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

32. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 31 of this Complaint as if set forth at length herein and in their entirety.

33. Defendant's conduct as described herein was intentional or negligent, was extreme and outrageous, and defendant knew or should have known that such conduct was highly likely to cause or result in severe emotional distress to Ms. Baker.

34. As a direct and proximate result of the conduct of defendant, Ms. Baker has suffered serious emotion distress, including anxiety, worry, mental and emotional distress, and physical manifestations thereof, all to Ms. Baker's general and special damage and detriment in an amount to be proven at the time of trial.

COUNT SIX - ATTORNEY FEES

35. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 34 of this Complaint as if set forth at length herein and in their entirety.

36. Ms. Baker has been required to secure the services of an attorney to prosecute the within claims and has engaged the undersigned attorneys for that purpose. Ms. Baker is entitled to an award of her reasonable attorney fees and costs as provided by statute and Court Rule.

24. As a direct and proximate result of the conduct of defendant, Ms. Baker has suffered and will continue to suffer in the future general and special damages in an amount to be proven at the time of trial.

COUNT THREE - BREACH OF CONTRACT

25. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 24 of this Complaint as if set forth at length herein and in their entirety.

26. Defendant wrongfully terminated Ms. Baker's employment contract in breach and contravention of their employment agreement with Ms. Baker, and in violation of public policy.

27. As a direct and proximate result of the wrongful conduct of defendant, Ms. Baker has suffered and will continue to suffer in the future general and special damages arising from defendant's breach of the employment contract agreement, all in an amount to be proven at the time of trial.

28. Portions of Ms. Baker's damages are liquidated as to the amount, and Ms. Baker is entitled to interest thereon at the maximum rate allowed by law and applicable statutes, all in an amount to be proven at the time of trial.

COUNT FOUR - BREACH OF COVENANT OF GOOD FAITH

29. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 28 of this Complaint as if set forth at length herein and in their entirety.

30. Defendant has, by its conduct, acts and omissions, breached its duty of good faith and fair dealing owed to Ms. Baker.

COUNT SEVEN - PUNITIVE DAMAGES

37. Plaintiff in Intervention realleges the allegations of paragraphs 1 through 36 of this Complaint as if set forth at length herein and in their entirety.

38. Defendant's actions as alleged constitute a malicious, wilful, knowing, and/or reckless disregard for Ms. Baker's federally protected rights, for which Ms. Baker is entitled to an award of punitive damages pursuant to 42 U.S.C. § 1981a. Defendant's actions further constitute an extreme deviation from reasonable standards of conduct, thereby permitting Ms. Baker to request leave to amend this Complaint to add a prayer for punitive damages pursuant to Idaho Code § 6-1604.

DEMAND FOR JURY TRIAL

Plaintiff in Intervention demands trial by jury as to all issues triable to a jury in this action.

PRAYER

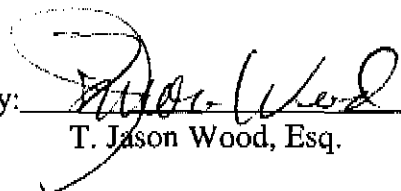
WHEREFORE, Plaintiff in Intervention prays for judgment against defendant on all counts as follows:

1. For a declaration that defendant's conduct was in violation of Plaintiff in Intervention's legal rights;
2. For an award of general, special, and punitive damages according to proof;
3. For interest on Plaintiff in Intervention's liquidated damages as provided by statute;
4. For attorney fees and as provided by statute and court Rule;
5. For the cost of suit incurred herein; and

6. For such other and further relief as the Court deems just and equitable under the circumstances.

DATED this 7 day of July, 2003

THOMSEN STEPHENS LAW OFFICES

By: 
T. Jason Wood, Esq.

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