

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

NANCY GUZMAN
21015 Bedela Way
Germantown, Maryland 20876
Plaintiff-Intervenor

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v.

* **Civil Action No.: L-04-3127**

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**WORTHINGTON, MOORE &
JACOBS, INC.**
10316 Baltimore National Pike
Suite B
Ellicott City, Maryland 21042
Defendant

INTERVENOR COMPLAINT

Nancy Guzman, respectfully files this Intervenor Complaint with this Court, alleging that the Defendant discriminated against her because of her gender, and engaged in unlawful sexual harassment and retaliation, under Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended.

The United States Equal Employment Opportunity Commission has issued a written determination, finding that:

An analysis of the evidence shows that [Plaintiff Nancy Guzman] was sexually harassed...Sufficient evidence exists to conclude that [Defendant] subjected [Plaintiff Nancy Guzman] to adverse employment actions, such as removing most of her responsibilities and ultimately discharging her, because she refused the [Defendant]President’s sexual advances and engaged in protected activity.
The evidence showed that other similarly situated females were subjected to sexual harassment by [Defendant], and that they suffered retaliation in the form of adverse employment actions, including economic reprisal and discharge.

EXHIBIT 1 – U.S. EEOC DETERMINATION

STATEMENT OF THE FACTS

NANCY GUZMAN

1. Nancy Guzman is an adult resident and citizen of the State of Maryland.
2. Ms. Guzman worked for the Defendant, as its employee, from July 2002 until her unlawful termination in November 2003.

THE DEFENDANT

3. The Defendant is a for-profit corporation, doing business in the State of Maryland.
4. Defendant, at all relevant times to this lawsuit, has employed at least 15 employees and been engaged in interstate commerce.

JURISDICTION & VENUE

5. The jurisdiction of this Court is based on federal civil rights employment discrimination laws presenting federal questions.
6. Venue is proper because the unlawful acts and occurrences took place in this District.
7. Ms. Guzman has complied with all prerequisites for bringing this lawsuit.

EMPLOYMENT FACTS

8. In approximately July 2002, Ms. Guzman started working for the Defendant in Ellicott City, Maryland.
9. Ms. Guzman was employed as the manager of administration.
10. Throughout her employment, Ms. Guzman was the target of unlawful sexual harassment and retaliation by the Defendant.
11. The harassment created a hostile environment and was ongoing and continual.
12. Defendant's officers and managers continually subjected Ms. Guzman to unwelcomed and offensive sex-based comments, sexual advances and inappropriate conduct.

13. Defendant did not have nor implement any effective policy prohibiting sexual harassment or one that encouraged employees to come forward without fear of retaliation.

DAMAGE TO MS. GUZMAN CAUSED BY DEFENDANT

14. Ms. Guzman was placed in fear as a result of Defendant's management.

15. Ms. Guzman objected to, opposed and complained about the sexual harassment.

16. Ms. Guzman was retaliated against as a direct result of her reporting and/or objecting to the unlawful discrimination and harassment.

17. Ms. Guzman engaged in protected activity and/or conduct under the anti-retaliation provisions of Title VII.

18. Defendant did not take prompt or effective remedial action to stop and/or prevent the harassment.

19. The unlawful discrimination and retaliation adversely affected the terms and conditions of Ms. Guzman's employment, resulting in her suffering economic losses and adverse and tangible employment actions and unfavorable consequences to her job and job status.

20. Ms. Guzman was subjected to mental anguish, pain and suffering as a result of the harassment and retaliation. She suffered greatly emotionally and personally.

21. Ms. Guzman suffered a loss of benefits and wages as a result of the harassment and retaliation.

22. Ms. Guzman was greatly damaged by the unlawful discrimination and retaliation. Further, the damage to Ms. Guzman was compounded by Defendant's actions in retaliating against her, including terminating her.

23. Defendant articulated pretextual reasons for the termination and retaliation.
24. Ms. Guzman has suffered lost wages and benefits and a loss of future earnings as a direct result of the unlawful discrimination and retaliation.
25. Ms. Guzman suffered emotional injuries from the discrimination and retaliation. She was subjected to worry, anxiety, humiliation, loss of self-esteem, humiliation and embarrassment.
26. Ms. Guzman seeks to be made whole for the losses and damages she has suffered.
27. Defendant acted with absolute malice towards Ms. Guzman and in intentional and reckless disregard for her civil rights. Defendant was evil in its motives in discriminating and retaliating against Ms. Guzman. Defendant knew fully that it was violating the law, but nevertheless continued and escalated its unlawful conduct against Ms. Guzman, and ultimately firing her. Its actions were willful.
28. Defendant would not have terminated or retaliated against Ms. Guzman but for her gender and the protected activity and/or conduct by Ms. Guzman.

VIOLATIONS OF THE LAW

COUNT I – UNLAWFUL GENDER DISCRIMINATION

29. All of the allegations of this Complaint are incorporated fully in this Count.
30. Defendant discriminated against Ms. Guzman on the basis of her gender by creating a hostile environment, sexually harassing her and subjecting her to different treatment than males.
31. Defendant's actions violated Title VII.
32. Ms. Guzman suffered adverse tangible employment action by the Defendant's unlawful conduct, and she was damaged as a result.

33. The unlawful discrimination adversely affected the terms and conditions of Ms. Guzman's employment, resulting in her suffering economic losses and adverse and tangible employment actions and unfavorable consequences to her job and job status.
34. Ms. Guzman seeks to recover her lost wages and benefits, lost future earnings, compensatory damages and punitive damages from the Defendant. Ms. Guzman also seeks reinstatement and an award of attorney fees and costs and pre- and post-judgment interest.
35. Defendant should be ordered to make Ms. Guzman whole by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation.
36. Punitive damages should also be assessed against the Defendant.

COUNT II – UNLAWFUL RETALIATION

37. All of the allegations of this Complaint are incorporated fully in this Count.
38. Ms. Guzman was terminated from employment in retaliation for engaging in protected activity and opposition concerning gender discrimination.
39. Ms. Guzman suffered other employment harm and damage as a result of the unlawful retaliation, as outlined above.
40. Defendant's actions violated Title VII.
41. The unlawful retaliation adversely affected the terms and conditions of Ms. Guzman's employment, resulting in her suffering economic losses and adverse and tangible employment actions and unfavorable consequences to her job and job status.
42. Ms. Guzman seeks to recover her lost wages and benefits, lost future earnings, compensatory damages and punitive damages from the Defendant. Ms. Guzman also

seeks reinstatement and an award of attorney fees and costs and pre- and post-judgment interest.

43. Defendant should be ordered to make Ms. Guzman whole by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation.
44. Punitive damages should be assessed against Defendant.

Respectfully submitted,

_____/s/_____
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Attorneys for Plaintiff

REQUEST FOR JURY TRIAL

Plaintiff-Intervenor respectfully requests that a jury of her peers decide her case.

_____/s/_____
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