

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANGEL BUTTERBAUGH, an individual,)	
CINDY DOUGLAS, an individual, and)	
KRISTINA STARR, an individual)	
)	
Plaintiffs,)	
)	
VS.)	CA 06-cv-00209 J
)	
)	
U. S. INVESTIGATIONS SERVICES, INC.))	JURY TRIAL DEMANDED
)	
Defendants.)	
)	(electronically filed)

INTERVENORS' COMPLAINT

AND NOW, come the above Intervenors/Plaintiffs, (hereinafter "Plaintiffs") by and through their counsel, Helen R. Kotler, Esquire, and file the following Complaint:

PRELIMINARY STATEMENT

1. This is an action brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sec. 2000e et. seq.), hereinafter "Title VII." This action seeks declaratory, injunctive and equitable relief; compensatory, and punitive damages; and costs, expenses, expert witness fees and attorneys's fees for the unlawful practices of discrimination based on sex and retaliation. Plaintiffs assert that they were subject to a hostile environment and retaliation after complaining of said environment. Plaintiffs also bring this case pursuant to the Pennsylvania Human Relations Act, 43 P.S. §951 et seq.

EXHIBIT 1

I. Parties

2. Plaintiff Angel Butterbaugh (“Butterbaugh”) resides in Altoona, Blair County, Pennsylvania, located in the Western District of Pennsylvania.
3. Plaintiff Cindy Douglas (“Douglas”) resides in Altoona, Blair County, Pennsylvania, located in the Western District of Pennsylvania.
4. Plaintiff Kristina Starr (“Starr”) resides in Hollidaysburg, Blair County, Pennsylvania, located in the Western District of Pennsylvania.
5. At all relevant times mentioned herein, Defendant, U.S. Investigations Services, Inc., (“USIS”), has continuously been doing business in the Commonwealth of Pennsylvania and the City of Altoona, and has continuously had at least 15 employees.
6. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of § 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).
7. The Plaintiffs worked for USIS, a federal contractor of the Department of Homeland Security, at a site located in Altoona, Pennsylvania.
8. Additionally, at all times relevant hereto, USIS was a co-employer or agent of the Department of Homeland Security for the purposes of Title VII.
9. Plaintiffs Angel Butterbaugh and Cindy Douglas have also filed suit against Michael Chertoff, the Secretary of the Department of Homeland Security, in his official capacity as Secretary of the Department of the Homeland Security (hereinafter “DHS”) in the U.S. District Court for the Western District of Pennsylvania at Case No. CA 06-185.

II. Jurisdiction and Venue

10. This action arises under Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. Sec. 2000e et. seq.)

11. Jurisdiction of this Court is invoked pursuant to § 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f), and under 28 U.S.C. §§ 1331 and 1343(4). § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

12. Plaintiffs each timely followed administrative procedures required under federal law and state law by filing timely charges with the Equal Employment Opportunity Commission (“EEOC”) and the Pennsylvania Human Relations Commission (“PHRC”).

13. On or around August 2, 2006, the EEOC issued determinations finding that the evidence obtained during the investigation established a violation of Title VII of the Civil Rights Act of 1964, as amended, for each Plaintiff and females as a class.

14. On or around September 29, 2006, the EEOC, per its prerogative and right, filed a suit against USIS, which is pending in the Western District of Pennsylvania at 06-cv-00209J.

15. Venue is proper in that the employment practices hereinafter alleged to be unlawful were committed in the Western District of Pennsylvania at a DHS facility now known as the National Firearms Tactical Training Unit (“NFTTU”), formerly known as the NFU but herein referenced as the NFTTU, located in Altoona, Blair County, Pennsylvania where each Plaintiff worked and where Plaintiffs reside.

16. This case is based on the discrimination, sexual harassment, and termination of Plaintiffs Butterbaugh, Douglas and Starr after they complained of sexual harassment by a male coworker and employee of DHS to the USIS on-site manager and to others, including DHS managers.

17. Plaintiffs were all direct employees of USIS, a sub-contractor of DHS in that USIS paid their salaries and benefits. Plaintiffs Butterbaugh, and Starr had worked at the NFFTU site preceding the contract that DHS entered into with USIS.

18. As part of its government contract with DHS, USIS provided administrative employees, including Plaintiffs, to work at the NFFTU, formerly part of the Immigration and Nationalization Service, and now part of the Immigration and Customs Enforcement (ICE) which is part of the Department of Homeland Security.

19. USIS and ICE are so closely allied that USIS investigated and obtained affidavits in an earlier case where several government employees at the Altoona NFFTU site complained about misdeeds, abuse of authority, and of a sexually hostile environment.

20. Former INS employees are now part of USIS management.

FACTS

21. Of the approximately thirty employees working on the NFFTU site at the time of Plaintiffs' terminations, about half were administrative contract workers placed by USIS, including Plaintiffs. Except for one employee, all such USIS `workers were female. The other group of employees at the site were male, except for approximately three females, and worked directly as employees of the federal government.

22. Butterbaugh began to work at the NFFTU Altoona facility around June 1995, left for a brief period, and returned again working for another contractor in or around April 1996.

23. Among the DHS employees at the NFFTU was Robert Masters, ("Masters") a Training Specialist Armorer.

24. Over a long period, Masters engaged in significant ongoing sexual harassment of female employees including the Plaintiffs and others.
25. USIS management at the site and elsewhere lacked a general understanding of appropriate work place conduct and overlooked or allowed a sexually hostile environment hostile to the Plaintiffs to exist.
26. The only onsite USIS management was Julie Leutenegger, a low level, former USIS administrative employee married to an employee of the NFTTU.
27. Masters began working as an armorer at the Altoona site in or around 1994, shortly before Plaintiff Butterbaugh began working at the NFTTU.
28. At times, Masters acted as Plaintiff Butterbaugh's supervisor when he was a rotating team leader.
29. Periodically, USIS would warn the almost all female administrative employees that they were required to do whatever the mostly male government workers required in order to preserve the government contract for the contractors.
30. Some of the male government employees treated the female workers as if they, too, saw the female administrative staff as being required to do whatever the government employees wanted.
31. In or around August 1996, Plaintiff Butterbaugh, who was single, was particularly vulnerable and alone in her personal life.
32. Masters approached Plaintiff Butterbaugh at work and began a course of conduct that was inappropriate, kissing her, rubbing her shoulders, and trying to induce her to enter into a relationship with him.

33. Masters knew where security cameras were located and that the film was reused every six months, so he would avoid any inappropriate behavior where he could be filmed.

34. By around 1997, Plaintiff Butterbaugh worked in the armory's parts room supporting armory operations for another contractor.

35. Masters and Plaintiff Butterbaugh entered into a very brief relationship that ended around July 1997 after which Plaintiff Butterbaugh advised Masters that she did not want to continue the relationship.

36. From around September 1997 to approximately December 2001, Walter Diaczenko, a federal employee, supervised Plaintiff Butterbaugh in the parts room but thereafter, Plaintiff Butterbaugh reported to Armory Team Leaders including Masters.

37. After the summer of 1997, Masters ignored Plaintiff Butterbaugh's rejection of him and began a long course of harassing her at work, making crude remarks, rubbing her shoulders, and touching her breasts and genital areas.

38. Plaintiff Butterbaugh, a single mother, was fearful about complaining against a government worker, particularly one who sometimes had supervisory duties over her.

39. Further, Plaintiff Butterbaugh knew that several federal employees who complained about various improprieties at the site which resulted in an investigation, complained that they were thereafter subject to harsh treatment by the federal government management.

40. Throughout 1997 and 1998, Masters continued to harass Plaintiff Butterbaugh, touching her inappropriately, and rubbing against her, something he also did with other USIS female contractors at the site.

41. Around 1998, Plaintiff Starr was hired to work at the NFU by St. Moritz, a security contractor at the NFU site in Altoona as a Front Desk Security Officer.

42. Around the end of 1998 or in early 1999, both Plaintiff Butterbaugh and Starr were hired by a successor contractor at the NFU site, and thereafter for still another successor contractor, USATREX, believed to be or to become a division of USIS.

43. Plaintiff Starr began to work as an administrative assistant at the INS/NFU, also working for USATREX in administrative support.

44. At one point, around 1998, Masters harassed Plaintiff Butterbaugh by threatening her and telling her that she had to lift her skirt and flash her underwear at two other male government workers and a contract employee or he would go to the first line federal supervisor and tell him that Plaintiff Butterbaugh needed more work and that she never appeared busy.

45. Around September 2000, USIS took over as contractor and Plaintiffs Butterbaugh and Starr continued in their duties at the NFFTU.

46. At some point, in or around 2000 or 2001 the management of NFFTU and USIS transferred Plaintiff Starr to the shipping and receiving department where she reported to Ron Beegle, a male government employee who at one point demanded Plaintiff Starr do personal work for him on the grounds of his home.

47. Around July 2000, Masters began to harass Plaintiff Starr which escalated to a point in 2002 when he exposed his penis to her. Masters would approach Plaintiff Starr from behind, rub her breasts while pressing his penis against her buttocks, although she objected and walked away. This happened on three occasions.

48. Masters made inappropriate comments about going to Plaintiff Starr's house for a "quickie" which Plaintiff Starr found offensive.

49. Plaintiff Cindy Douglas was hired to work at the NFFTU by USIS in June 2002.

50. For a short period in the summer of 2002, Douglas worked Monday through Thursday in the parts room under the supervision of revolving Team Leader Masters. On Fridays, she worked in Shipping and Receiving.

51. Sometime between July and September 2002, Masters exposed his erect penis to Plaintiffs Butterbaugh and Douglas. Masters grabbed Plaintiff Douglas' breasts which Plaintiff Butterbaugh observed as she entered the room. Both Plaintiffs opposed Masters' workplace conduct.

52. Around October 2002, USIS promoted Julie Leutenegger to be the on-site supervisor.

53. Through October 2002, Plaintiff Starr continued to suffer harassment from Masters as did Plaintiff Douglas who was transferred to the Administrative Support Office where Plaintiff Starr worked.

54. Masters began to enter into the work area where Plaintiffs Starr and Douglas worked with other female employees and continued to misbehave towards them in the workplace. He exposed himself to Plaintiff Starr around 2002.

55. Although from around September or October 2002 to March 7, 2005, after Plaintiff Douglas no longer worked in close proximity to Masters, he still sought her out.

56. Around February 2003, Masters entered the administrative support area where Plaintiffs Douglas and Starr worked and exposed his erect penis.

57. Around Spring 2003, Douglas separated from her husband. During this vulnerable period, Masters approached Plaintiff Douglas, just as he had Plaintiff Butterbaugh.

58. Around May or June 2003, Plaintiff Douglas entered into a brief relationship outside of work with Masters which ended around August 2003.

59. Other males at NFTTU engaged in inappropriate conduct but none so egregious as Masters.

60. Around August 2003, Plaintiff Douglas passed Ron Beegle's office and wished him a "happy birthday" whereupon he commented that he thought she was going to give him a lap dance for his birthday. She told him she did not think so.

61. Around December 2003, a USIS program manager came to the NFTTU. He passed out paperwork on sexual harassment and discussed that offensive comments could be considered sexual harassment.

62. At that meeting, the USIS program manager explained that the USIS workers needed to do everything the government employees told them to do so as to not jeopardize the contract in any way.

63. The USIS program manager emphasized that USIS would believe their customer, the federal government, over the contract workers.

64. At some point, Julie Leutenegger stated that contractors had to bend over backwards for the government employees and "kiss their ass."

65. Around February 2004, the persistent Masters asked Plaintiff Butterbaugh if her boyfriend was fulfilling her needs. He continued to pester Plaintiff Douglas at work although she told him not to bother her.

66. In early 2004, Plaintiffs Douglas, Starr and another female co-worker, discovered that Masters was harassing all of them.

67. Masters came into the office where Plaintiffs Douglas and Starr worked and told them and another female coworker, MaryAnn Kiel, that he wanted to arrange an orgy, although they told him to stop his behavior.

68. At some point after the orgy remark, Plaintiffs Starr and Douglas, and Ms. Kiel made a pact where they agreed not to leave each other alone if Masters was around. His behavior was not only offensive but bizarre and frightening.

69. Around February 2004, Masters exposed his erect penis to Plaintiff Kristina Starr as she sat at her work station. Plaintiff Starr told him to stop and said, "Oh my God!" after which Masters went to Plaintiff Douglas's cube and exposed himself to her.

70. In March 2004, Masters touched Plaintiff Starr's breasts as she was stocking soda pop which Plaintiff Douglas observed as she walked into the room. He then placed himself between the two women and made a remark about a "sex sandwich."

71. Around March 2004, Julie Leutenegger, the USIS onsite manager, asked Plaintiffs Douglas and Starr and Ms. Kiel if Masters was engaging in improper language and touching after another employee in the office apparently reported to Leutenegger hearing Plaintiffs Douglas and Starr, and Ms. Kiel make their pact to never allow the others to be alone with Masters.

72. Plaintiffs Starr and Douglas complained to Leutenegger about Masters' behavior.

73. Plaintiff Starr complained to Ms. Leutenegger that Robert Masters would follow her into the back when she was alone, come behind her and grab her breasts and push his penis into her buttocks. She told Leutenegger how she would push him away and tell him to stop.

74. Plaintiff Starr explained that she had asked another female employee of USIS, Lisa Brown, to go in the back area with her if she had to be by herself and that she had also told Lisa Brown what was occurring.

75. Plaintiff Starr described to Ms. Leutenegger how Masters made many sexual comments in front of her and the other females in the office, Ms. Douglas and Maryann Kiel. Ms. Starr explained how she asked him to stop it and that the other women told him that his conduct offended them.

76. Leutenegger told Plaintiffs Douglas and Starr that she would take care of the problem.

77. However, Leutenegger never took effective action to stop the sexual harassment by Masters because his conduct grew worse after the complaints to Leutenegger.

78. Based on information and belief, Leutenegger's husband is believed to be friends with Masters, his coworker, and to have business ventures with him.

79. Both Julie Leutenegger and her husband were social friends with Carl Michaud, the government employee who directed the DHS facility in Altoona.

80. The Leuteneggers also socialized with Ron Beegle, another manager at the NFTTU. Michaud and the Leuteneggers met on Wednesdays for beer and wings at a local bar.

81. After their complaints, both Plaintiffs Douglas and Starr observed changes in the way both their USIS supervisor and their government supervisors treated them.

82. Shortly after Plaintiffs Douglas and Starr complained to Leutenegger, Ron Beegle and Julie Leutenegger moved Butterbaugh from the parts room where she worked for eight years to shipping/receiving department where her supervisor became Ron Beegle.

83. USIS refused to allow Plaintiff Butterbaugh to donate excess vacation days to Plaintiff Douglas, who suffered a miscarriage, even though Leutenegger previously told Plaintiff Douglas that USIS had a bank where other employees could donate sick days.

84. In May 2004, Plaintiff Douglas missed three days of work in one week, but not consecutively. When she returned, Leutenegger told Plaintiff Douglas that if she did not produce a doctor's note by noon, she would be sent home although the policy was to require a doctor's note only if an employee missed three consecutive days.

85. In June 2004, Masters questioned Plaintiff Butterbaugh about why she avoided him. She told him she was uncomfortable around him.

86. That same month, while she and Masters were working in the armory, Masters grabbed Butterbaugh's buttocks although she told him to stop the conduct.

87. Masters came into the office where Plaintiffs Douglas and Starr, and Mary Ann Kiel worked to announce that he had not had sex in three months, a comment the women complained about to him.

88. When Kiel leaned back in her chair and her stomach became exposed, both Plaintiffs Douglas and Starr saw Masters touch Kiel's stomach although Kiel told Masters not to do this again. He replied that he did this because he was telling her to get a belly button ring.

89. In June 2004, USIS named Tony Abrams to be the new Program Manager from USIS for the NFTTU site. USIS also announced a new vice President of Homeland Security, David Venturella, the former acting Director of the Office of Detention and Removal Operations of the INS.

90. In July 2004, Ron Beegle, Plaintiff Butterbaugh's government supervisor, came behind her and touched her on the shoulders, an action which made her feel, uncomfortable and uneasy. She told him not to do this.

91. In July 2004, Masters called Plaintiff Douglas to ask if she were mad at him because she was ignoring him. She said that she had miscarried a baby in May 2004, was trying to get her marriage on track, and just wanted to be left alone. He continued to call her in August 2004 although she ignored his calls.

92. Like Douglas, Plaintiff Starr encountered problems after her complaint regarding Masters in that Beegle assigned her an inventory assignment which was contrary to the sedentary duties she needed after foot surgery.

93. After Plaintiff Starr's doctor faxed a note to USIS asking that she not be asked to stand to do an inventory in Beegle's department, Beegle wrote a letter to USIS claiming that Starr spent too much time on personal telephone calls although at the time he had no daily supervision or contact with Starr.

94. Around October 2004, Masters entered the work area where Plaintiff Douglas worked and stood by Plaintiff Starr's cubical and started talking to her whereupon Plaintiff Douglas stood up to let Masters know she was there.

95. Nevertheless, Masters pushed aside the armorer's apron he wore and exposed his penis to Plaintiff Starr although other employees were in the room. Plaintiff Starr told Masters not to do this.

96. Masters then went to Plaintiff Douglas's cubicle and stood behind her. She ignored him but heard his zipper. When another worker left her chair to leave the room, Masters zippered his pants and left.

97. Around November 2004, Masters grabbed Plaintiff Butterbaugh's crotch and buttocks. Thereafter, Plaintiff Butterbaugh disclosed to two government employees, Steve Nastoff and Jeff Browder, how Masters had been treating her.

98. At another point in 2004, Ron Beegle approached Plaintiff Douglas from behind and rubbed her shoulders as she walked in a hallway. She told him that he had scared her and not to do that again.

99. At some point in 2004, Tom Trotto, NFTTU's Director who is located in Washington, came to the site and had a staff meeting which included the contract and government employees.

100. Trotto stated that he looked at the entire staff as equals, whether government or contract employees.

101. Thereafter, Julie Leutenegger met with the USIS employees and said that there was a fine line between the government and contractors, and that the contractors' jobs were to make Carl Michaud look good.

102. In October 2004, Bryson Peterman, the only male who worked for USIS, told Plaintiff Starr that Ron Beegle and other government managers were targeting her for termination.

103. Peterman told Plaintiff Starr that Tim Riffel, a government employee sometimes assigned to the Altoona site, was questioning why some of the government employees were trying to have Plaintiff Starr terminated by using a slow "back-door" process to fire her by gathering small bits of insignificant activities or comments to make Starr look like an unsatisfactory employee.

104. Plaintiff Starr was terminated on or around November 9, 2004, allegedly because her government supervisor, Ms. Chewning, criticized Starr for reading an obituary on a folded newspaper sitting on a desk although reading a newspaper was not an uncommon practice.

105. Around December 2004, Masters lingered in Plaintiff Douglas's work area, waiting for everyone to leave so that he could talk to her but she would stay by another employee's office to avoid him.

106. In January 2005, Masters called Plaintiff Butterbaugh to ask if she used any sex toys lately.

107. Around January 6, 2005, Plaintiffs Butterbaugh, and Douglas, and some other employees, both contractors and government employees, met after work with Tim Riffle at a local hotel.

108. Peterman, the only male contract employee at the NFFTU, a friend of Plaintiff Starr, disclosed to Tim Riffle how Masters behaved toward the female contractors after which both Plaintiffs Douglas and Butterbaugh disclosed Masters' harassment of them to Riffle.

109. Ignoring the expressed concerns of Butterbaugh and Douglas, who felt further disclosure would endanger their jobs, Riffle announced that it was his duty as a government manager to report this misconduct.

110. Based on information and belief, on or around January 7, 2005, Mr. Riffle told Masters to stay away from the females which Masters ignored.

111. Based on information and belief, Riffle told his superiors at the DHS about the complaints of the females and spoke with Leutenegger.

112. Based on information and belief, Carl Michaud called Abrams at USIS about the need to eliminate his "problem children," meaning the complaining women.

113. Around January 7, 2005, Julie Leutenegger told Plaintiffs Douglas and Butterbaugh to write brief statements concerning Masters' actions.

114. Leutenegger apologized to Plaintiff Butterbaugh for not taking any action regarding Masters.

115. Based on information and belief, it is believed that Leutenegger had disclosed the complaints by Plaintiff Douglas and other females to Carl Michaud, the highest ranking manager of the NFTTU.

116. Around January 10, 2005, Ms. Leutenegger followed up her conversation with Plaintiffs Butterbaugh and Douglas, reiterating her instructions which was to write statements limited only to "who, what, when and where."

117. Leutenegger told Plaintiff Butterbaugh that Abrams needed her statement by Tuesday, January 11, 2005.

118. Per Leutenegger's instructions on what to put in the statements, neither Plaintiff Douglas nor Butterbaugh mentioned their prior relationships with Masters.

119. Neither Plaintiff believed that their past non-work contact with Masters was relevant in that this prior contact did not justify Masters continued non-consensual workplace harassment.

120. Leutenegger claimed to Plaintiff Butterbaugh that she asked Carl Michaud, the Assistant Director at the NFTTU, to meet with her so she could tell him that she knew about Masters and did nothing.

121. Plaintiff Butterbaugh told Leutenegger that she would no longer tolerate Masters' conduct.

122. Leutenegger told Plaintiff Butterbaugh that someone from the federal EEO would contact her but no one did.

123. After meeting with Leutenegger, Plaintiff Douglas contacted Plaintiff Starr and asked her to write a statement about Masters' misconduct toward her which Starr did.
124. Starr, Butterbaugh, and Douglas met and prepared statements attempting to be as accurate as possible about the dates of events.
125. On January 10, 2005, Plaintiffs Douglas', Starr's and Butterbaugh's statements were faxed directly to Abrams at USIS in Virginia.
126. Around January 10, 2005, Plaintiffs Douglas and Butterbaugh began counseling with a counselor in the USIS Employee Assistance Program ("EAP") which provided for a limited number of counseling session.
127. On the advice of the counselor, Plaintiffs Douglas and Butterbaugh contacted the Altoona Police Department ("APD") all of which DHS and USIS knew and/or learned of shortly thereafter.
128. Around January 10, 2005, a female police officer came to Plaintiff Douglas's home and took an initial report.
129. Around January 11, 2005, Kiel also prepared a statement for Abrams about Masters' misconduct toward her.
130. Around January 12, 2005, Masters approached Plaintiff Butterbaugh's cubicle, in spite of being told to stay away from her, all of which was very upsetting to Plaintiff Butterbaugh.
131. Around January 12, 2005, Abrams and Venturella, the former INS employee, came to Altoona and separately interviewed Plaintiffs Douglas and Butterbaugh and Mary Ann Kiel. At no time did USIS seek information from Plaintiff Starr about Masters.
132. The USIS managers did not ask Plaintiffs Butterbaugh or Douglas whether they had any prior relationship with Masters, nor did the plaintiffs offer this information at that meeting.

133. Around January 12, 2005, Abrams announced that Leutenegger was no longer on site and that Lisa Jacobs, another USIS employee, was named temporary supervisor. Abrams announced that Masters was no longer at the NFFTU facility although he was not terminated.

134. Around January 12, 2005, Plaintiff Douglas sent Abrams an email complaining that she, Maryann Kiel, and Butterbaugh could not understand why Leutenegger took no action.

135. When a male cleaner who worked for another contractor harassed a USIS female employee, unlike the reaction by USIS when the harassment was by a DHS employee, Leutenegger told Ron Beegle who spoke with the male who thereafter improved his conduct. Plaintiff Douglas contrasted this to Abrams in that they endured far worse conduct from Masters where no action was taken.

136. Around January 18, 2005, Mr. Riffle transferred a call that he received from Jose Martinez of the US Immigration and Enforcement, Office of Professional Responsibility. Martinez asked Plaintiff Douglas to tell him which police department received the reports that the women had sent.

137. On January 18, 2005, Abrams and an employee from the USIS Human Resource Department came to the NFFTU and showed a video on sexual harassment. Abrams announced that Julie Leutenegger no longer worked for USIS and said he appointed Lisa Jacobs to be on-site supervisor.

138. On January 19, 2005, Abrams emailed Plaintiff Douglas to tell him or Venturella whenever she had contact with law enforcement officials or federal managers.

139. Plaintiff Douglas reported to Abrams that she learned that the APD officer assigned to the case, Detective Michael Stirk, spoke to Masters who denied harassment and told Abrams that the complainants were asked to submit to a lie detector test which the unrepresented women agreed to do.

140. Based on information and belief, on January 20, 2005, Carl Michaud ordered that all information on Leutenegger's computer be erased.

141. Thereafter, around January 21, 2005, Plaintiff Douglas scheduled an appointment to meet with APD officers, Ashley Day (a male) and Det. Michael Stirk on January 25, 2005.

142. By January 21, 2005, Diane Chewning, Plaintiff Douglas's government supervisor who was friendly with Leutenegger, assigned Plaintiff Douglas an unusual job assignment that was impossible to complete in the allotted time and began scrutinizing her performance very closely.

143. On January 24, 2005, Chewning was highly critical when the required list she had assigned Plaintiff Douglas was not completed and berated her.

144. Plaintiff Douglas called Abrams on January 25, 2005 and complained of retaliation by Chewning. She advised him she was seeing a counselor, and that she and the other victims were meeting with the APD.

145. Based on information and belief, Carl Michaud, the top manager at the NFTTU in Altoona, told employees that he spoke to the APD and advised the APD that the matter of Masters' conduct and the complaints about it was a Department of Homeland Security internal affair, that it would be handled internally, and that DHS would do their own investigation.

146. Based on information and belief, both USIS and the DHS together and separately contacted the APD and local district attorney with the goal of humiliating the complaining females to the APD, denigrating them to the police, encouraging the APD to humiliate the women, disrupted a proper investigation of overt indecent exposure, falsely claiming that this was a matter for the DHS as if it were a matter of national security, all in an attempt to retaliate against the Plaintiffs and dissuade them from pursuing any action.

147. Thereafter, the APD began an unusual and discriminatory investigation wherein the female Plaintiffs were subjected to humiliating mistreatment and abusive actions and language by Detective Stirk and the APD as follows:

- a. Questioned if they wore provocative clothing at work and if the females at the NFTTU wore short skirts with no underwear;
- b. Said that everyone at the NFTTU was having affairs and the environment was one of flirtations so that no action was viable;
- c. Said that Masters said he had affairs with Plaintiffs Douglas and Butterbaugh so that his actions towards them were justified based on their conduct years before;
- d. Failed to provide the Plaintiffs with the state required victim's advocate name or told of such an advocate;
- e. Required them to sign statements that failed to mention the misconduct of Masters but focused on conduct alleged by Masters about the women who complained of his conduct;
- f. Refused to give them or their attorney copies of their statements or test results;
- g. Read them Miranda rights as if they were criminals rather than complaining parties;
- h. Asked each to take a lie detector and other tests ostensibly to test their truthfulness;
- i. Asked if they exposed private parts and encouraged Masters to expose himself;
- j. Allowed Masters to be interviewed with his wife present but refused to allow the complaining females, including the Plaintiffs, to have any supportive person present;
- k. Equated consensual relationships with non-consensual sexual harassment;
- l. Expressed sympathy for Masters who they claimed was remorseful;
- m. Justified Masters' misconduct toward the women by saying everyone engaged in flirtations and affairs;
- n. Used crude and offensive language to the females;
- o. Blamed the females for the actions of Masters;

- p. In early February 2005, gave the complaining females, so called “voice analysis” tests to see if they were lying.

148. The interview with the police upset Plaintiff Douglas so much that she was unable to work on January 26, 2005 and she contacted Abrams and told him she was very upset. Plaintiff Douglas reported the retaliation by Chewning.

149. Detective Stirk went to the NFTTU premises on or around January 26, 2005 and questioned several NFTTU employees, and then was observed entering Carl Michaud’s office.

150. On January 27, 2005, Det. Stirk told Plaintiff Douglas that the District Attorney would probably not prosecute Masters. He repeatedly stated that the women could not expect a prosecution with the environment at the NFTTU.

151. On or around January 28, 2005, Abrams issued an email stating he was very concerned because of staff issues that have “highlighted poor lines of communication, lack of professionalism and disrespect towards one another.” He stated in an email, “Make note that I highly discourage anyone from being involved in any unprofessional behavior, involvement in rumor mills or feeding into negativity toward co-workers or federal employees.”

152. Sometime in January 2005, Plaintiff Butterbaugh observed Mr. Beegle engage in inappropriate remarks, commenting to a government employee who was returning a digital camera, “Ah, watching dirty movies again.”

153. Around February 1, 2005, Abrams called Plaintiff Butterbaugh and told her to be careful if she were on the phone and Ron Beegle, the government manager who supervised Plaintiff Butterbaugh, was around.

154. Beegle came into Plaintiff Butterbaugh's work area on Wednesday, February 3, 2005. After years of eating lunch at her desk in the parts room, Beegle told Plaintiff Butterbaugh that she could not eat lunch there, something Beegle never disallowed before.

155. Around February 7, 2005, Det. Stirk told Plaintiff Douglas that Masters engaged in no criminal wrong doing, so they would not prosecute Masters but that his actions were the result of the environment at NFTTU.

156. Plaintiffs Butterbaugh and Douglas saw a counselor on February 14, 2005 who referred both to therapy and/or doctors.

157. Around February 18, 2005, Abrams told Plaintiff Douglas that he had spoken to Det. Stirk and that he was going to obtain records from the APD. He said that he had an appointment with Stirk and then an appointment with the District Attorney.

158. Both USIS and the DHS were in contact with the APD and obtained the Plaintiffs' and other complainants' statements to the APD which were used to develop a retaliatory pretext to terminate the Plaintiffs.

159. The APD refused to give the Plaintiffs copies of their own statements, but gave a copy of the statements and other materials to Abrams of USIS and DHS.

160. Around February 18, 2005, Abrams contacted Plaintiff Douglas and asked if she had forgotten to say anything when he interviewed her earlier.

161. Plaintiff Douglas told Abrams that she knew Masters told the police about the outside personal contact they had but this had been in 2003 so it had nothing to do with the way he acted at work. She told Abrams that she felt that "no" means "no."

162. Abrams also met with Plaintiff Butterbaugh and asked her if there was anything she wanted to tell him about the case in reference to information that was in the police report. Plaintiff Butterbaugh told Abrams that she had been placed on Wellbutrin and was having a problem focusing because of the medication and was worried even if she could carefully drive.

163. Around March 1, 2005, the NFFTU announced that Carl Michaud was to be detailed to the NFFTU in Washington , D.C. and an acting director would be assigned.

164. On March 7, 2005, Abrams came to the NFFTU in Altoona, met with the USIS contract employees, said that their jobs were secure, and no jobs were in danger. He gave Plaintiff Douglas a birthday present.

165. Abrams read a commendation letter from a higher level government employee, Tom Trotto, who was Michaud's superior regarding staff accomplishments on gun procurement. Abrams also commended the Administrative Support Department on going above and beyond on a special project.

166. He stated how USIS appreciated everyone pulling together and working the overtime needed to get the job completed.

167. Around 3:05 p.m., Abrams called Plaintiff Butterbaugh into a meeting and gave her a letter saying she was being fired for ostensibly falsifying information, all of which is set forth on the letter attached as Exhibit 1 which disclosed that USIS asked for and obtained confidential APD police reports pertaining to the four complaining females.

168. Abrams similarly terminated Plaintiff Douglas the same day with a similar letter, attached as Exhibit 2. Both Plaintiff Douglas's and Butterbaugh's termination letter reference that USIS reviewed the Plaintiffs' statements prepared by the APD.

169. The NFTTU, USIS and the APD had prior and extensive contact with each other.

170. The NFTTU had previously inspected the police weapons and at times, shared a shooting range.

171. When local law enforcement agencies, including the APD needed work to be performed on any firearms they would bring the weapons in for repairs without a charge, all of which Plaintiff Butterbaugh witnessed and even created forms for that purpose.

172. Members of the APD brought Beretta pistols into the NFTTU for inspections and also shotguns that needed to be refinished, rebuilt, or refurbished. Plaintiff Butterbaugh created the forms documenting this.

173. Around September 2005, Bob Masters was returned to the NFTTU for approximately ten days where he worked in the Parts Room. He has since been moved to the Federal Law Enforcement Training Center in Georgia and then again returned to the NFTTU in Altoona. Based on information and belief, Masters left the NFTTU some time in 2006.

Count I

Plaintiffs Butterbaugh, Douglas, and Starr vs. USIS

Sex discrimination and Retaliation Pursuant to Title VII

174. Plaintiffs incorporate Paragraphs 1 through 173 as though fully set forth herein.

175. Plaintiffs are members of a class protected by Title VII.

176. At all times relevant hereto, Plaintiffs were employees of USIS who was either a joint or co-employer with DHS or agents of DHS, against whom Plaintiffs Butterbaugh and Douglas also filed suit at CA 06-185 in the U.S. District Court for the Western District of Pennsylvania.

177. At all times relevant hereto, Defendant unlawfully discriminated against Plaintiffs because of their sex by allowing a sexually harassing environment and because they complained of unwelcome sexual harassment by an employee of the federal government to whom they contracted.

178. At all times relevant hereto, Defendant USIS saw the mostly female contract employees as expendable commodities put in place to follow the directions of the government overseers and to not complain even if faced with an egregious sexually hostile environment

179. At all times relevant hereto, Defendant USIS failed to effectively prevent Plaintiffs from being the victims of sexual harassment although they knew or should have known of the sexual harassment of Plaintiffs and other females.

180. At all times relevant hereto, Defendant USIS allowed Plaintiffs to be subjected to a long, continuing course of sexual harassment.

181. As a result of serious sexual harassment by a government employee, Plaintiffs utilized their rights under Title VII to complain of said harassment.

182. Thereafter, Defendant USIS began to treat Plaintiffs in an adverse and discriminatory manner, including interfering with a police investigation, attempting to dissuade the Plaintiffs from pursuing their rights by encouraging the police to humiliate them, and terminated them, all in retaliation for their complaints pursuant to Title VII.

183. Defendant intentionally, deliberately, willfully and maliciously terminated Plaintiffs because of their sex and their complaints of discrimination, all in violation of Title VII.

184. As a result of the illegal actions of Defendant, Plaintiffs have suffered substantial damages including back pay, lost benefits, and front pay, causing them to incur the costs of this suit, including attorneys' fees.

185. As a result of the illegal actions of Defendant, Plaintiffs suffered substantial damages including humiliation, embarrassments, feelings of helplessness, anxiety and depression some of which manifested itself in physical symptoms.

WHEREFORE, Plaintiffs seek damages as follows:

- a. Back pay;
- b. Reinstatement to employment;
- c. Front pay;
- d. Compensatory damages;
- e. Attorney fees and costs of litigation;
- f. Any other relief permitted by law, including but not limited to injunctive relief, declaratory relief and punitive damages.

Count II

Plaintiffs Butterbaugh, Douglas and Starr vs. USIS

Discrimination and Retaliation Pursuant to the Pennsylvania Human Relations Act

186. Plaintiffs incorporate Paragraphs 1 through 185 as though fully set forth herein.

187. Plaintiffs timely filed complaints against Defendant USIS at the Pennsylvania Human Relations Commission.

188. More than a year has passed since Plaintiffs filed complaints at the Pennsylvania Human Relations Commission.

189. At all times relevant hereto, USIS saw the mostly female contract employees as expendable commodities put in place to follow the directions of the government overseers and to not complain even if faced with an egregious sexually hostile environment

190. At all times relevant hereto, Defendant USIS failed to effectively prevent Plaintiffs from being the victims of sexual harassment although they knew or should have known of the sexual harassment of Plaintiffs and other females.

191. At all times relevant hereto, Defendant USIS allowed Plaintiffs to be subjected to a long, continuing course of sexual harassment.

192. As a result of serious sexual harassment by a government employee, Plaintiffs utilized their rights under the Pennsylvania Human Relations Act to complain of said harassment.

193. Thereafter, Defendant USIS began to treat Plaintiffs in an adverse and discriminatory manner, including interfering with a police investigation, attempting to dissuade the Plaintiffs from pursuing their rights by encouraging the police to humiliate them, and terminated them, all in retaliation for their complaints pursuant to the Pennsylvania Human Relations Act.

194. Defendant intentionally, deliberately, willfully and maliciously allowed Plaintiffs to be subjected to sexual harassment and then terminated Plaintiffs because of their sex and their complaints of discrimination, all in violation of the Pennsylvania Human Relations Act.

195. As a result of the illegal actions of Defendant, Plaintiffs have suffered substantial damages including back pay, lost benefits, and front pay, causing them to incur the costs of this suit, including attorneys' fees.

196. As a result of the illegal actions of Defendant, Plaintiffs suffered substantial damages including humiliation, embarrassments, feelings of helplessness, anxiety and depression some of which manifested itself in physical symptoms.

WHEREFORE, Plaintiffs seek damages as follows:

- a. Back pay;

- b. Reinstatement to employment;
- c. Front pay;
- d. Compensatory damages;
- e. Attorney fees and costs of litigation;
- f. Any other relief permitted by law, including but not limited to injunctive relief, and declaratory relief.

A Jury Trial is Demanded on all counts where such a jury trial is permitted

Respectfully submitted,

BY: s/Helen R. Kotler, Esquire
Helen R. Kotler, Esquire
Law Offices of Helen R. Kotler
Attorney for Plaintiff
Suite 1110, Centre City Tower
650 Smithfield Street
Pittsburgh, PA 15222
Telephone: (412) 281-6538
Fax: (412)281-7626
Email address: hrkotler@yahoo.com
PA ID # 23572



March 7, 2005

Ms. Angel Butterbaugh
1408 Jackson Avenue
Altoona, PA 16602

Dear Ms. Butterbaugh;

In January of 2005, our government customer advised USIS that there was an allegation of sexual harassment being made against a government employee by several USIS employees. USIS initiated a fact-finding investigation on January 12, 2005 to determine what course of action would be appropriate for the company to take in this matter. USIS has now concluded this internal inquiry about these allegations. You were interviewed at that time to determine what information you had about the allegations.

During the course of our internal investigation, it was revealed to us that a police report on the matter was filed with the Altoona Police Department. In order to complete the file and make sure that we had conducted a complete and thorough inquiry into the matter, we requested and were provided with a copy of the official police report on the charges by the USIS employees against the federal worker, including statements made by you.

After a review of the investigative file, we have noted the following:

- 1) It is apparent that your statements to the police, which are sworn testimony, differ from the statement that you gave to USIS officials Mr. David Venturella and Mr. Arthur Abrams during the fact-finding interview meeting that was held with you on January 12th, 2005. At that time, you indicated that you had not had any outside contact with this government employee and that your contact with him had been limited to the workplace. Your sworn testimony to the Altoona Police states that you did, in fact, have contact with this government employee outside the workplace contrary to your statements to USIS officials.
- 2) In your sworn statement, you admit to having exposed yourself in the workplace not only to this government employee, but also to at least three other federal employees.

Relative to point number one, the matter of the differing statements, according to the USIS Employee Handbook, Page # 66, Standards of Conduct, it is your responsibility to "cooperate in any investigations being conducted by USIS...". The standards of conduct also state that you should not "Falsify, enhance, misrepresent or not report completely and accurately information when completing company or customer forms or in reports of investigation." Further, it states that because of the absolute requirement to maintain

integrity in all that we do, falsification actions like this that bring into question the integrity of an employee will result in swift action, up to and including termination. Relative to the matter of exposing yourself in the workplace, point number two above, the Standards of Conduct also state that you will not "take any action that creates a hostile workplace or cause a disruption in the workplace". Additionally, on Page 78 of the USIS Employee Handbook, it states that anyone participating in sexual harassment is subject to disciplinary action, up to and including termination.

Therefore, effective March 8, 2005, your employment with USIS is terminated. Please arrange to turn in all company property, equipment, supplies and credentials provided to you by USIS on your last day on the job.

Any questions you have about your benefits or employment status should be addressed to Human Resources in the Falls Church, Virginia office. That number is (703) 448-0178.

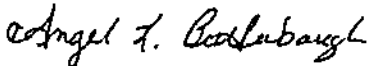
Please sign below acknowledging that you received this letter.

Sincerely,


Arthur A. Abrams,
Program Manager, USIS

I acknowledge receipt of this letter.

Name:



Signature:

Date: 3/7/05

Employee Comments (optional):

March 7, 2005

Ms. Cindy Douglas
1317 South Jaggard Street ·
Altoona, PA 16602

Dear Ms. Douglas;

In January of 2005, our government customer advised USIS that there was an allegation of sexual harassment being made against a government employee by several USIS employees. USIS initiated a fact-finding investigation on January 12, 2005 to determine what course of action would be appropriate for the company to take in this matter. USIS has now concluded this internal inquiry about these allegations. You were interviewed at that time to determine what information you had about the allegations.

During the course of our internal investigation, it was revealed to us that a police report on the matter was filed with the Altoona Police Department. In order to complete the file and make sure that we had conducted a complete and thorough inquiry into the matter, we requested and were provided with a copy of the official police report on the charges against this government employee by the USIS employees, including statements made by you.

It is apparent that your statements to the police, which are sworn testimony, differ from your statements to USIS officials Mr. David Venturella and Mr. Arthur Abrams during the fact-finding interview meeting that was held with you on January 12th, 2005. At that time, you indicated that you had not had any outside contact with this government employee and that your contact with him had been limited to the workplace. Your sworn testimony to the Altoona Police states that you did, in fact, have contact with this government employee outside the workplace contrary to your statements to USIS officials.

According to the USIS Employee Handbook, Page # 66, Standards of Conduct, it is your responsibility to "cooperate in any investigations being conducted by USIS...". The standards of conduct also state that you should not "Falsify, enhance, misrepresent or not report completely and accurately information when completing company or customer forms or in reports of investigation." Further, it states that because of the absolute requirement to maintain integrity in all that we do, falsification actions like this that bring into question the integrity of an employee will result in swift action, up to and including termination.

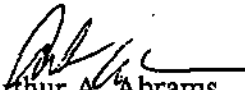


Therefore, effective March 8, 2005, your employment with USIS is terminated. Please arrange to turn in all company property, equipment, supplies and credentials provided to you by USIS on your last day on the job.

Any questions you have about your benefits or employment status should be addressed to Human Resources in the Falls Church, Virginia office. That number is (703) 448-0178.

Please sign below acknowledging that you received this letter.

Sincerely,


Arthur A. Abrams,
Program Manager, USIS

I acknowledge receipt of this letter.

Name: Cindy Douglas

Signature: Cindy Douglas

Date: 3-7-05

Employee Comments (optional):
