

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2019 OCT -2 PM 1:35

JEFFREY P. COLWELL
CLERK

BY _____ DEP. CLK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

'19 - CV - 02814

Civil Action No.

(To be supplied by the court)

Fifi - MENO - INUILA, Plaintiff

v.

Denver Health & Hospital Authority

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Fifi meno Ingila 14400E Fremont AVE #8-203
Englewood CO 80112
(Name and complete mailing address)

720 629 7005 fifingila@gmail.com
(Telephone number and e-mail address)

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: Denver Health & Hospital Authority
(Name and complete mailing address)

601 N. Broadway Denver CO
(Telephone number and e-mail address if known) 303-436-6000

Defendant 2: _____
(Name and complete mailing address)

(Telephone number and e-mail address if known)

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check all that apply)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq. (employment discrimination on the basis of race, color, religion, sex, or national origin)

Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101, et seq. (employment discrimination on the basis of a disability)

Age Discrimination in Employment Act, as amended, 29 U.S.C. §§ 621, et seq. (employment discrimination on the basis of age)

Other: (please specify) Retaliation

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: title VII Discrimination

The conduct complained of in this claim involves the following: (check all that apply)

- failure to hire
- failure to promote
- termination of employment
- other: (please specify) _____
- different terms and conditions of employment
- failure to accommodate disability
- retaliation

Defendant's conduct was discriminatory because it was based on the following: (check all that apply)

- race
- color
- religion
- sex
- national origin
- disability
- age

Supporting facts:

Please see attach beyond Documents about all the claims

Claim one: Title VII Discrimination

My name is Fifi Ingila member of protected class because of my origin. I am a black female from the Democratic Republic of Congo granted a status of U.S. citizen by nationality. I was hired by my formal employee Denver Health & Authority on April 15, 2018. I performed my job without any problems. When it came to how I was treated compared to other co-workers, I was treated unfavorably compared to others. I was in this predicament forever even when I would address the situation no action to resolve the discrimination took place. That's why I have decided to contact the EEOC.

The first write up I got was a false accusation from my supervisor on 08/09/2018 she provided falsification of 6 dates 06/06/2018, 06/11/2018, 006/19/2018 and 08/09/2018 that I was in coaching that I was aware. Why give coaching behavior without proof of evidence and 6 times, not to turn that in write up. None of the other co-workers are treated like this. 08/13/2018 I rebut the write up, by writing to the HR manager of relationship department, Sheilla Paulker, explaining myself how that negative evaluation toward me was wrong and if the company can investigate her action. After their investigation, the investigator of the company, Carol Nichols, contacted me and apologized about Paulker's behavior. She said all the managers and supervisors have worked there for a long time and the have each other's back. Nichols continued, the managers and supervisors don't know how to behave themselves and think they can do anything they want. After my conversation with Nichols none of them were happy with me. I was harassed, and treated poorly.

I decided to put in writing that when my direct manager and supervisor requested speaking with me in the huddle room. Lourdes My direct supervisor and Carmella direct manager. Direct supervisor didn't talk the entire meeting but Carmella who was questioning me, repeating how I was explaining myself with my accent and bad English commenting about the way I was speaking. She created

unhealthy atmosphere and I started crying because of how she made me feel embarrassed. By imitated by accent and English.

They have refused to provide internship while other caucasian girl Kelsie Jas did her internship while mine was denied. I was told by my supervisor that the accounting position was too high for me to do so but other people did their intern. Another manager told me she took her child already they would not be able to take me. I reached up high to the CEO, Peg Brunette, explained how they have refused to provide an internship for me. Peg told me how Carmella lied on my behalf and she told me that she heard that I was not happy and used her hand with a body language of you can leave, they didn't have any interest in me.

I was sent home one Friday because of my outfit they have called that jogger while other co-workers and colleagues were wearing jersey and jeans.

Carmella my direct manager got other co-workers and supervisor attention started saying to me that I was drinking Tequila or on some drug before I coming to work because I had earphones on and happy doing my job they were laughing at me.

I sent an email to my supervisor explaining how the manager was very disrespectful towards me. This brought the situation to a different level for them to request me to resign my job. I refused to resign, why resign because the managers do not know to conduct themselves. I wrote a formal complaint to HR, copied the information to the CEO but no action was taking and no respond was given.

CLAIM TWO: ADA ^{title} VII ADA ct

The conduct complained of in this claim involves the following: *(check all that apply)*

- failure to hire
- failure to promote
- termination of employment
- other: *(please specify)* _____
- different terms and conditions of employment
- failure to accommodate disability
- retaliation

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

- race
- religion
- national origin
- age
- color
- sex
- disability

Supporting facts:

Claim Two: Title VII ADA Act

At Denver Health, there was three people who were handling Medicaid billing. Each time one of us would miss work we had to cover for each other, but there was a time when work levels increased and neither of us were able to cover for each other.

Due to overload work, other co-workers missing a lot, and covering three people jobs I injured myself by getting carpal tunnel. The doctor requested in writing accommodations for me but Lourdes my direct supervisor, Carmella direct manager, and the human resources nurses refused to provide accommodations and sent me home to use all my vacation. They requested a doctor's note before I returned to work, the doctor provided a note for me to return but expressed that my work be minimized but none of the doctor's direction were followed or approved by the company I was still working and my hand was getting worse. In billing and coding department there were many other position I qualified for it but no action was taken to a good fair action, even to allow me to get relief of my injury. It's proven however billing and coding is a frequent repetitive motions that contribute to the condition of my injury frequent use of a computer, mouse and keyboard is commonly associated with carpal tunnel syndrome. I never was hired with that injury.

Claim Three: title VII Retaliation

Denver health engaged in more than one violation of protected activity on my behalf.

I wrote to HR a formal complaint and I was never called by them to investigate the complaint. A manager called me an alcoholic because I was listening to music during the time I was doing my job. I was shaking my head and showing sign of happiness, she got the attention of my direct supervisor and other co-workers and they started laughing at me. I reported the incident by sending an email to my supervisor letting her know I was not happy the way the manager was behaving toward me and that it's an on going issue with the same manager. The manager made fun of my shoes saying that it was cheap 10\$ shoes. I wrote to HR but no action was taking from them. In response they requested me to resign from my job because I complained about their mistreatment. I was treated unfavorably compared to other co-workers.

Denver health engaged in violation of protected activity when a manager called me from the worker's compensation department. She treated me poorly, she was very irritated, hollering, and disrespectful by telling me Denver Health is not going to pay me, and she was not even going to get my medical records. It was a very bad phone call that left me speechless for me being injury on the job and the manager being upset because I filed for worker's comp.

I definitely took an adverse action by reporting the conversation right after the phone call to my supervisor and director in the meeting. They did not investigate the misconduct nor follow up with me. I called the worker compensation department and requested to speak to another agent due to the poor treatment I got from Debbie. Debbie called me hollering, being rude, and disrespectful to me. I requested for the worker compensation department to find someone else who can treat me with respect to contact me instead of the lady who called me but I have received no response from them since.

I was fired after the doctor revealed to me that my hand injury was carpal tunnel. I filed for worker compensation on April 16, 2019 on April 26, 2019 a manager from work comp department contacted me and was very rude, disrespectful and hollering at me that they would not pay me and she will not even get my medical record information.

I told my supervisor Lourdes and Shirley Davis director of our department they have shut me down, no action was taking by them. Before the end of my shift I contacted the worker compensation department and reported how my manager behavior on April 29, 2019. They have terminated my position by saying I was not supposed to report that manager and that's the reason I was fired.

Claim Four: Wrongful Termination under Public policy

Denver Health did not thoroughly investigate the actions of my supervisor terminating me. I filed for worker compensation on April 16, 2019.

On April 22, 2019 I received a phone in regard to my case, it was Debbie an agent from the worker comp depart. She began to holler at me stating "I am not going to get your medical record we are not going to pay you. There's 'no need for you to continue to file for work comp and who told you that your injury was work related" I respond to her "that's trying to provide the information that I give my direct supervisor Lourdes but she shortly cut me off by saying she's uninterested in what I have to say they are not going to pay me, and she hang up.

I immediately went look for my supervisor Lourdes and the director Shirley Davis explained the situation, both of the shut me down by showing no interest about it. They have never listened to my side of the story. I called the worker compensation department explaining how poorly and disrespectful a worker compensation agent treated me and if they can have someone else call me to handle my worker's compensation case. Three days later when my supervisor called me and told me I was not giving opportunity to explain the situation unjust or arbitrary behavior, no ethical respect of me as an employee.

On April 26, 2019 I was called by my supervisor. She directly told me I am terminated your position today. That's how my position was ended. I went to get my belonging and left the building. I learned more about the situation that she never investigate anything when I filed for appeal to get my unemployment benefit when the judge was questioning her about why I got terminated. I have copy of the hearing on a CD.

Due to my injury I cannot write a lot I will ask the court to allow me to find a legal representative to help me with my case I supposed to provide a lot detail with dates as writing both my hands got carpal tunnel syndrome, I got surgery on

one hand the other still little it ok I am request to get a chance of getting a legal representation.

E. ADMINISTRATIVE PROCEDURES

Did you file a charge of discrimination against defendant(s) with the Equal Employment Opportunity Commission or any other federal or state agency? (*check one*)

- Yes (*You must attach a copy of the administrative charge to this complaint*)
- No

Have you received a notice of right to sue? (*check one*)

- Yes (*You must attach a copy of the notice of right to sue to this complaint*)
- No

F. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF."

Lost wages, Injury Damages, others economics damages, compensatory damages, Equitable relief

G. PLAINTIFF'S SIGNATURE

I demand the jury and Judge to apply the Law

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

[Handwritten Signature]
(Plaintiff's signature)

10-02-2019
(Date)

(Revised December 2017)

REQUEST FOR RELIEF

Plaintiff requests the following relief:

Lost wages, Injury damages
Compensatory damages, Punitives
damages, Equitable relief
I demand the jury and the
Judge to apply the laws

Date: 10-02-19

[Signature] Ingila

(Plaintiff's Original Signature)

14400 E. Fremont AVE #8-203

(Street Address)

Englewood CO 80112

(City, State, ZIP)

720 629 7005

(Telephone Number)

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Fifi Ingila**
14400 East Fremont Avenue
Apt 8-203
Englewood, CO 80112

From: **Denver Field Office**
303 East 17th Avenue
Suite 410
Denver, CO 80203

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
541-2019-01874	Maurice T. Anderson, Investigator	(303) 866-1340

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

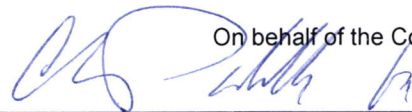
- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**



On behalf of the Commission

Amy Burkholder,
 Director

JUL 05 2019

(Date Mailed)

Enclosures(s)

cc: **Karen McTavish**
Sr Assistant General Counsel
DENVER HEALTH HOSPITAL AUTHORITY
601 Broadway Street, MC 1919
Denver, CO 80204