

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:24-cv-02461

KURTIS KLEPSA,

Plaintiff

v.

PROSTHETIC & ORTHOTIC GROUP PEDIATRIC SPECIALISTS - COLORADO LLC,  
a Colorado limited liability company,

Defendant.

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**COMPLAINT AND JURY DEMAND**

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COMES NOW the Plaintiff, Kurtis Klepsa, by and through his attorneys, Miller & Law, PC, and for his Complaint and Jury Demand against the Defendant, Prosthetic & Orthotic Group Pediatric Specialists – Colorado LLC, states as follows:

**NATURE OF THE ACTION**

This action is brought to redress the Defendant’s violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§2000e–2000e-17. Specifically, Plaintiff alleges that the Defendant engaged in unlawful employment practices by terminating his employment on the basis of Plaintiff’s sincerely held religious views, in violation of Title VII.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§1331 and 1343. This action is authorized and instituted pursuant to 29 U.S.C. § 626(c), and Section 706 of Title VII of the Civil Rights Act of Title VII, as amended. The unlawful employment practices alleged herein were committed within the jurisdictional boundaries of the United States District Court for the District of Colorado and venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3).

### **ADMINISTRATIVE PREREQUISITIES**

2. Prior to filing this Complaint, Plaintiff complied with all procedural prerequisites for bringing this lawsuit. On April 23, 2019 Plaintiff timely filed a charge of employment discrimination with the United States Equal Employment Opportunity Commission (“EEOC”).

3. On May 16, 2019, the EEOC issued to Plaintiff a Notification & Acknowledgement of Dual-Filed Charge that indicates that Plaintiff’s charge of employment discrimination “will be dual-filed with the Colorado Civil Rights Division.”

4. By correspondence dated September 28, 2023, Plaintiff was issued a Notice of Right to Sue by the EEOC, pursuant to which Plaintiff was given 90 days within which to file a lawsuit regarding his charge of employment discrimination (the “90-day Filing Window”).

5. Through successive agreements of the parties, Plaintiff’s 90-day Filing Window was tolled until September 6, 2024.

6. As this Complaint has been filed within 90 days of Plaintiff’s receipt of the Notice of Right to Sue - as the 90-day Filing Window was subsequently tolled by the parties - he has satisfied all procedural prerequisites for suing Defendant in federal court under 42 U.S.C. §2000e-5(f)(1).

### **PARTIES**

7. Plaintiff Kurtis Klepsa (“Mr. Klepsa”) is an individual resident of Colorado with a residential address of 19364 E. Prentice Place, Centennial, CO 80015.

8. Defendant Prosthetic & Orthotic Group Pediatric Specialists – Colorado LLC (“P&O”) is a Colorado limited liability company with an office located at 384 Norfolk Street, Aurora, CO 80011.

9. P&O is affiliated or is under common ownership with a California corporation called Prosthetic & Orthotic Group, Inc. whose registered agent is Glenn R. Matsushima (“Mr.

Matsushima”); Prosthetic & Orthotic Group, Inc. maintains an office at 2669 Myrtle Ave., Ste. 101, Signal Hill, CA 90755.

10. For purposes of the instant litigation, P&O qualifies as an “employer” under Title VII. 42 USC § 2000e(b)

11. As of October 2018, P&O was engaged in an industry affecting commerce.

12. P&O employed 15 or more employees for at least 20 calendar weeks during calendar years 2017 or 2018.

13. Upon information and belief, during 2018, P&O employed no fewer than 23 persons in Colorado (the “P&O Colorado Staff”) and no fewer than 32 persons in California (the “P&O California Staff”).

14. Upon information and belief, as of November 1, 2018, the P&O Colorado Staff included the following persons:

Carita Backman (Certified Prosthetist Orthotist)	Lizz Peterson (Certified Prosthetist Orthotist)
Jenny Bell (Accounts Receivable)	Sara Pogue (Fabrication Scheduler)
Kevin Burton (Certified Prosthetist Orthotist)	Jordan Prindle (Certified Prosthetist)
Liz Bush (Certified Prosthetist Orthotist)	Laura Rodriguez (Patient Services Coordinator)
Todd Bush (Certified Prosthetist Orthotist)	Connie Smith (Patient Services Coordinator)
Jerry Cline (Lab Technician)	Greg Smits (Certified Orthotist)
Gabriella Gonzalez (Patient Services Coordinator)	Guinevere Tripp (Patient Service Coordinator)
Michelle Harper (Accounts Receivable Manager)	Pete Waugaman (Lead Technician)
Dave Hessler (Technician)	John Wright (Certified Orthotist)
Ashley Huskey (Patient Service Coordinator)	Craig Yatsu (Certified Prosthetist Orthotist)
Kurtis Klepsa (Certified Orthotist)	Emily Zoltai (Technician)
Eric Neufeld (Certified Prosthetist Orthotist)	

15. As of July 8, 2019, P&O’s Internet website, which included contact information for Prosthetic & Orthotic Group, Inc., listed the 23 persons identified in Paragraph 14 of the Complaint as being among the staff at P&O’s six (6) Colorado “Office Locations”.

16. Upon information and belief, as of November 1, 2018, the P&O California Staff included the following persons:

Claudia Aguilar (Patient Services Coordinator)	Linda Matlock (Contracting Coordinator)
Irma Aguilar (Patient Services Coordinator)	Glenn Matsushima (Certified Prosthetist Orthotist)
Emilia Avina (Patient Services Coordinator)	Miki Matsushima (Accounts Payables)
David Cooney (PT/Certified Prosthetist Orthotist)	Edward Matthews (Technician)
Lorena Bautista (Patient Service Coordinator/Tech)	Kate Muller (Certified Prosthetist Orthotist)
Susie Cortez (Accounts Receivable Specialist)	Kathleen Orozco (Patient Services Coordinator)
Stephen Gaw (Certified Prosthetist Orthotist)	Rudy Parada (Certified Prosthetist Orthotist)
Kevin Fujikami (Certified Prosthetist Orthotist)	Laura Pineda (Patient Service Coordinator)
Alyssa Goldberg (Prosthetist/Orthotist)	Kris Reed (Human Resources Coordinator)
Brittany Gonzalez (Certified Orthotist/Prosthetist)	Mark Rodriguez (Certified Prosthetist Orthotist)
Peter Ho (Certified Orthotist)	Alina Skwarcian (Prosthetist/Orthotist)
Sarah Hoffman (Accounts Payables)	Vince Snider (Lead Technician)
Laurie Hurtado (Patient Services Coordinator)	Mark Somoza (Certified Prosthetics Technician)
Paul Kanzawa (Certified Orthotist)	Jack Soulis (Certified Prosthetist Orthotist)
Sonia Marlow (Operation Director)	Lilybeth Urieta (Patient Services Coordinator)
Chad Marquis (Certified Prosthetist Orthotist)	Larry Wong (Certified Prosthetist)

17. As of July 8, 2019, P&O's Internet website listed the 32 individuals identified in Paragraph 16 of the Complaint as being among the staff at its seven (7) Southern California "Office Locations".

### **GENERAL ALLEGATIONS**

18. Mr. Klepsa was hired at P&O on October 2, 2018 as a Certified Orthotist; his employment was terminated on or about November 2, 2018.

19. The P&O representative who interviewed Mr. Klepsa, hired Mr. Klepsa and issued Mr. Klepsa's exit paperwork, Mr. Matsushima, was listed on P&O's Internet website as being among P&O's staff at its Southern California "Office Locations".

20. Mr. Matsushima – who identified himself to Mr. Klepsa as being an "owner" of P&O - was not listed on P&O's Internet website as being among the staff at P&O's Colorado "Office Locations."

21. Upon being hired by P&O, Mr. Klepsa submitted a request for reasonable accommodation of his sincerely held religious beliefs in the form of an exemption from the required influenza vaccine (the "Religious Accommodation Request").

22. Mr. Klepsa's sincerely held religious beliefs preclude him from receiving the Influenza vaccination.

23. In particular, as Mr. Klepsa explained in presenting his Religious Accommodation Request, he was asserting his right to a religious exemption from the Influenza vaccination, as being grounded in his deeply held Christian beliefs.

24. Mr. Klepsa further explained in his Religious Accommodation Request that he firmly believes that his body is a temple of the Holy Spirit, as stated in 1 Corinthians 3:16-17, and must be safeguarded from any substances that could defile it.

25. Accordingly, Mr. Klepsa's deeply held personal religious belief is deeply rooted in the scriptural teachings that emphasize the sanctity of the human body.

26. Mr. Klepsa further believes, pursuant to his sincerely held religious beliefs, that vaccines, which contain harmful additives and substances derived from aborted fetal cells, are in direct violation of the religious teachings that he holds sacred, teachings which govern his life.

27. Mr. Klepsa considers such components of the vaccine to be unclean and defiling, as reiterated in 1 Corinthians 8:7 and 2 Corinthians 7:1, which instruct him to keep his body and spirit pure.

28. The presence of these substances in vaccines contradicts Mr. Klepsa religious commitment to maintaining bodily sanctity, a principle deeply embedded in Mr. Klepsa's faith.

29. Moreover, the term "pharmacy" originates from the Greek "pharmakia," which is associated with sorcery and witchcraft in the New Testament, which are practices that Mr. Klepsa's faith strongly condemns.

30. This association further aligns vaccines with elements deemed unacceptable by Mr. Klepsa's deeply held personal religious beliefs, as in his view, they are linked to actions that lead

to spiritual deception and separation from God, as mentioned in Galatians 5:21 and Revelation 18:23.

31. Mr. Klepsa's commitment to these beliefs is not superficial, but is a profound conviction that guides all aspects of his life, including health practices.

32. Mr. Klepsa adheres to natural means of maintaining health, which aligns with the biblical mandate to treat the body as a sacred temple.

33. Mr. Klepsa's request for exemption was made not out of convenience but out of a necessity to live in accordance with the divine laws that govern his faith and actions.

34. Mr. Klepsa made his sincere request in the hope of honoring God's will and maintaining the integrity of his deeply held religious beliefs.

35. In presenting his Religious Accommodation Request, Mr. Klepsa utilized the specific form for such purposes that was provided by Children's Hospital of Colorado ("CHCO"), the facility where P&O rents space.

36. The form that Mr. Klepsa presented to CHCO as part of his Religious Accommodation Request was entitled "Non-Medical Religious Declination of Seasonal Influenza Vaccination."

37. Mr. Klepsa previously had been allowed this very accommodation at his previous employment at Denver Health Medical Center.

38. Unbeknownst to Mr. Klepsa, CHCO approved the Religious Accommodation Request on October 5, 2018, based on Mr. Klepsa's religious beliefs.

39. On October 12, 2018, Mr. Klepsa's supervisor at P&O, Greg Smits ("Mr. Smits"), informed him that CHCO (through Michelle Plum of the Rehab Department) was requiring that Mr. Klepsa receive the Influenza vaccine, or else Mr. Klepsa would need to "go home."

40. As the only P&O Group employee who was being subjected to this requirement, Mr. Klepsa understood that he would be unable to work at CHCO until his Religious Accommodation Request had been approved and a badge had been issued.

41. Mr. Klepsa was shocked to learn that CHCO had stopped the on-boarding process until he received the Influenza vaccine, because he had understood that CHCO was still evaluating the Religious Accommodation Request (a CHCO human resources representative named Teresa Baca had previously informed Mr. Klepsa that his Religious Accommodation Request had to go through several people for approval), and because the CHCO form that he utilized specifically anticipates that CHCO may grant an exemption to receiving the influenza vaccine based on a personal belief or religious exemption.

42. The CHCO form provides that “[i]f there is a valid medical contraindication for influenza vaccine or if there is a personal belief/religious exemption to influenza vaccine the team member must fill out and sign a declination form to be approved by Medical Director, Occupational Health for medical exemptions and by HR for personal belief/religious exemptions. Team member must wear a mask at all times when in any CHCO building/area for the duration of the influenza season.”

43. In reference to the requirement that Mr. Klepsa receive the Influenza vaccine, Mr. Smits explained to Mr. Klepsa that “they” were “probably going to play hardball on this one.”

44. Following his October 12, 2018 conversation with Mr. Smits, Mr. Klepsa went home on unpaid administrative leave to wait for the exemption to be approved.

45. While Mr. Klepsa was on unpaid administrative leave, he explored acceptable alternatives that might satisfy P&O and CHCO.

46. Mr. Klepsa contacted Mr. Matsushima to ask for permission to work in a different

P&O location until his badge had been approved.

47. Mr. Matsushima declined the request on behalf of P&O, regarding which Mr. Smits explained that he “didn’t want an employee attracting negative attention” to the company at CHCO.

48. P&O deemed Mr. Klepsa’s Religious Declination request to be something that would attract negative attention to the company.

49. Three days later, on October 15, 2018, Mr. Smits called Mr. Klepsa to report that the situation had changed; Mr. Smits explained that he had called Ms. Plum in the Rehab Department shortly after Mr. Klepsa left on October 12 to let her know that Mr. Klepsa had decided to go home.

50. According to Mr. Smits, Ms. Plum called him back about an hour later to let him know that CHCO’s HR Department was “done” with Mr. Klepsa; per Mr. Smits, Ms. Plum had explained that if Mr. Klepsa was not going to get the shot, then CHCO was not going to continue processing him into its facility.

51. Mr. Smits explained to Mr. Klepsa that he (Mr. Klepsa) was perceived as being “too high maintenance.”

52. Mr. Smits stated to Mr. Klepsa that “they don’t want someone running around wearing a mask for six months.”

53. Mr. Smits further stated to Mr. Klepsa that if he [Mr. Klepsa] received the immunization, Mr. Smits would talk to CHCO’s HR Department to see if CHCO would still allow Mr. Klepsa to work in its facility.

54. On October 17, 2018, Mr. Klepsa met with a coworker, Craig Yatsu, who indicated that people were “banging down the door” to get a job like the one that Mr. Klepsa had, and he



advised Mr. Klepsa not to “cause waves.”

55. Mr. Yatsu mentioned to Mr. Klepsa that “we could lose our contract,” and noted that “the shot is free” and that Mr. Klepsa “should just get it.”

56. With an eye toward his financial obligations to his family, although he felt thoroughly coerced, in order to keep his job, Mr. Klepsa relented and agreed to receive the FluMist nasal vaccine for influenza immunization for the 2018-2019 that the CDC had approved.

57. Still, Mr. Klepsa felt strongly that he had compromised on his values, and he worried about what his children would think of his decision.

58. Mr. Klepsa contacted the Occupational Health Department at CHCO to verify that the FluMist nasal vaccine was an accepted form of the Influenza vaccination.

59. Mr. Klepsa thereafter contacted several pharmacies in the area, whereupon he learned that the FluMist vaccine had not yet arrived.

60. Mr. Smits then informed Mr. Klepsa that he had a meeting scheduled with CHCO’s HR Department on October 30, 2018 to discuss Mr. Klepsa’s employment.

61. Still feeling coerced and with an even greater fear of losing his job, Mr. Klepsa decided to get the preservative free version of the flu shot.

62. On October 29, 2018, the day before Mr. Klepsa was to receive the vaccine (October 30, 2018), however, Mr. Matsushima contacted Mr. Klepsa and told him not to get the shot until after the meeting with CHCO’s HR Department.

63. Mr. Matsushima also directed Mr. Klepsa not to engage in further contact with CHCO.

64. On November 2, 2018 Mr. Matsushima informed Mr. Klepsa that he [Mr. Klepsa] was being discharged because his Religious Accommodation Request had “jeopardized” the

relationship between P&O and CHCO.

65. Mr. Matsushima stated to Mr. Klepsa that he “regretted not doing his due diligence.”

66. According to Mr. Smits, Mr. Klepsa’s Religious Accommodation Request had attracted “negative attention,” and that P&O needed to end Mr. Klepsa’s employment as a result.

67. Mr. Smits remarked that Mr. Klepsa “must have known” that CHCO would require a flu shot; Mr. Klepsa responded that he [Mr. Klepsa] had not anticipated that this would be an issue, as Denver Health Hospital had for many years always approved his religious flu exemption without issue.

68. Mr. Smits stated that he had discussed Mr. Klepsa’s situation with the other P&O employees, and that everyone had agreed that they did not want the negative attention associated with Mr. Klepsa not getting the flu shot.

69. On November 6, 2018 Mr. Matsushima emailed to Mr. Klepsa “Exit Paperwork” from P&O, which indicated that Mr. Klepsa’s termination was due to “Questions of current requirements” (i.e. his request for Non-Medical Religious Declination of Seasonal Influenza Vaccination) having “jeopardized POG’s relationship with Children’s Hospital”.

70. Mr. Klepsa was the victim of religious discrimination that directly resulted in the wrongful termination of his employment.

71. P&O’s termination of Mr. Klepsa’s employment was directly motivated by discriminatory animus, specifically as a result of Mr. Klepsa having presented his Religious Accommodation Request to CHCO several weeks earlier.

### **CLAIM FOR RELIEF**

#### **Discrimination Based on Religion in Violation of Title VII**

72. Plaintiff incorporates by reference all prior paragraphs of this Complaint as if fully

set forth herein.

73. Defendant, either directly or by and through its agents, discriminated against Plaintiff because of his religious beliefs.

74. During Plaintiff's employment, Defendant, and its agents, engaged in unlawful discriminatory employment practices against Plaintiff with respect to the terms and conditions of Plaintiff's employment based on his religious beliefs.

75. Defendant's unlawful employment practices include, without limitation, the direct perpetuation of discrimination of Plaintiff, Defendant's failure to protect Plaintiff from discrimination at the hands of management and coworkers, Defendant's disparate treatment of Plaintiff from similarly-situated colleagues in making its decision to terminate his employment, and Defendant's termination of Plaintiff's employment, all of which denied Plaintiff equal terms and conditions of employment and otherwise adversely affected his employment status because of his religious beliefs.

76. Indeed, as set forth, *infra*, on November 2 and 6, 2018 P&O directly and indirectly referenced Mr. Klepsa's request for reasonable accommodation of his sincerely held religious beliefs in the form of an exemption from the required influenza vaccine in the context of explaining the basis for its termination of Mr. Klepsa's employment.

77. Accommodating Mr. Klepsa's sincerely held religious beliefs to allow him to decline to receive the Influenza vaccination would not have imposed an undue hardship on P&O.

78. Both the Denver Health Medical Center and the CHCO engage in protective measures compliance through which these facilities implement necessary protective measures that mandate non-vaccinated healthcare workers to wear masks in the presence of patients during the flu season.

79. Plaintiff has consistently adhered to such protective measures, ensuring the safety and well-being of all patients under his care.

80. Defendant is liable for the acts and/or omissions of its agents and employees.

81. Defendant's unlawful employment practices complained of in the foregoing paragraphs were undertaken intentionally, maliciously, and/or with reckless indifference to Plaintiff's federally protected rights.

82. As a consequence of Defendant's illegal conduct, Plaintiff suffered, and continues to suffer, substantial injuries and damages.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that judgment be entered in his favor and against the Defendant, and that he be awarded the following relief, to the fullest extent allowed by law:

- i. Actual monetary damages for all injuries suffered by Plaintiff in an amount to be determined at trial, including but not limited to, damages for lost past and future wages and employment benefits;
- ii. Punitive and compensatory damages on all claims allowed by law and in an amount to be determined at trial;
- iii. Attorneys' fees and the costs associated with this action, including expert witness fees, on all claims allowed by law;
- iv. Pre- and post-judgment interest at the highest lawful rate; and
- v. Any further relief that this court deems just and proper, and any other relief as allowed by law.

**JURY DEMAND**

The Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted this 6<sup>th</sup> day of September 2024.

MILLER & LAW, PC

**/s/ David J. Meretta**

David J. Meretta, No. 44409

1900 W. Littleton Blvd.

Littleton, CO 80120

(303) 722-6500

(303) 722-9270 fax

[djm@millerandlaw.com](mailto:djm@millerandlaw.com)

ATTORNEYS FOR PLAINTIFF

JS 44 (Rev. 10/20) District of Colorado

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Kurtis Klepsa

(b) County of Residence of First Listed Plaintiff Arapahoe  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David J. Meretta, Miller & Law, PC, 1900 W. Littleton  
Blvd., Littleton, CO 80120, 303-722-6500

## DEFENDANTS

Prosthetic & Orthotic Group Pediatric Specialists -  
Colorado LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: THE TRACT OF LAND INVOLVED,  
IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
Attorneys (If Known)Amy Miletich, Miletich PC, 717 17th Street, Ste. 1510,  
Denver, CO 80202 (303) 825-5500

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title VII of the Civil Rights Act of 1964, 42 USC 2000e-17☐ AP DocketBrief description of cause:  
Employment discrimination in violation of Title VII

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
300000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

September 6, 2024

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

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Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: