

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

25 OCT 30 PM 2:20
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____
(To be supplied by the court)

Katoshake Jones, Plaintiff

v.

Highpointe Service Ltd,

Jury Trial requested:
(please check one)
 Yes No

_____,

_____,

_____, 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.

Latoshake Jones 8700 E. Jefferson Ave #371555 Denver, CO 80237
(Name and complete mailing address)

720-971-4116 Joneslatoshake@yahoo.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: High Pointe Services Ltd 7323 S. Alton Way, Suite A
(Name and complete mailing address) Centennial, CO 80112
(Office)

303-221-3222 Registered Agent address: 8400 E. Prentice
(Telephone number and e-mail address if known) Ave Ste 1040 Greenwood
Village, CO 80111

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) _____

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: _____

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

<input checked="" type="checkbox"/> failure to hire	<input type="checkbox"/> different terms and conditions of employment
<input type="checkbox"/> failure to promote	<input checked="" type="checkbox"/> failure to accommodate disability
<input type="checkbox"/> termination of employment	<input checked="" type="checkbox"/> retaliation
<input type="checkbox"/> other: (<i>please specify</i>) _____	

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

<input type="checkbox"/> race	<input type="checkbox"/> religion	<input type="checkbox"/> national origin	<input type="checkbox"/> age
<input type="checkbox"/> color	<input type="checkbox"/> sex	<input checked="" type="checkbox"/> disability	

Supporting facts:

III. FACTUAL ALLEGATIONS

1. Plaintiff has been medically diagnosed with a back impairment and fibromyalgia, both of which constitute disabilities under the Americans with Disabilities Act ("ADA").
2. On or about March 16, 2024, Plaintiff applied for employment with HighPointe Services for a Paraprofessional position on the Indeed website. The posting described essential functions of job responsibilities including supporting small groups of clients in both facility and community settings, leading curriculum-based classes, organizing community outings, mentoring clients, transporting them using company vehicles, and documenting services and activities.
3. On or about April 4, 2024, Plaintiff interviewed with Tim Baker, Program Manager at HighPointe Services, for the Paraprofessional position.
4. During the interview, Plaintiff disclosed her disabilities and requested reasonable accommodations to perform the essential functions of the position. These accommodations included no lifting over 20 pounds, taking breaks as needed, and avoiding frequent bending or twisting.
5. Plaintiff toured multiple classrooms and expressed interest in the "independent class," which did not involve lifting, physical transfers, or other physically strenuous tasks.
6. Tim Baker confirmed that the responsibilities for the selected classroom included assisting students, facilitating projects, and attending occasional field trips, none of which required heavy lifting or extensive physical exertion.
7. Following the interview, Plaintiff was verbally offered the position and informed she would return the following week for a trial or "working interview" to assess mutual fit.
8. Tim Baker initiated onboarding procedures, including collecting Plaintiff's Social Security number, requesting references, and scheduling a classroom shadowing session.
9. On April 5, 2024, Tim Baker left a voicemail with one of Plaintiff's references, indicating he was conducting a reference check related to Plaintiff's employment application.
10. Upon information and belief, this voicemail contradicts Tim Baker's later representation to the Colorado Civil Rights Division that Plaintiff was not under active consideration.
11. On April 8, 2024, Plaintiff received a voicemail from Tim Baker stating that, after consulting with Ken Ziel, CEO of HighPointe Services, the company had decided not to proceed with her employment due to her disability.
12. Plaintiff's scheduled working interview was canceled without any effort by Tim Baker to engage in the interactive process required under the ADA.
13. Plaintiff was not provided written documentation rescinding the offer, nor was she given an opportunity to respond to the stated concerns prior to the decision.
14. Tim Baker did not explore or offer alternative placements or modified duties that could accommodate Plaintiff's disclosed limitations, despite the availability of roles with reduced physical demands.

15. The classroom selected by Plaintiff was described by staff as appropriate for individuals with mobility limitations, supporting the feasibility of her requested accommodations.
16. Plaintiff was never informed that lifting 50 pounds was an essential or non-negotiable requirement for the selected classroom.
17. Upon information and belief, internal records and the timeline of events indicate that Plaintiff remained under serious consideration for the role until her disability was cited as a barrier to employment.
18. Tim Baker's actions—including conducting reference checks, collecting sensitive personal information, and scheduling a working interview—demonstrate that Plaintiff had progressed well beyond the initial application stage and was in the final phase of the hiring process.
19. Tim Baker's claim that no formal offer was extended is inconsistent with the onboarding steps undertaken and the scheduled working interview.
20. Upon information and belief, Tim Baker's stated reason for rescinding the offer was pretextual and intended to mask unlawful disability-based discrimination.
21. Plaintiff was denied the opportunity to participate in the scheduled classroom shadowing session, which was canceled without discussion or consideration of accommodations.
22. Tim Baker failed to engage in a good-faith interactive process after Plaintiff disclosed her disability and requested accommodations, as required by the ADA.
23. Tim Baker made an adverse employment decision based on Plaintiff's disability, despite her ability to perform the essential functions of the job with or without reasonable accommodation.
24. Upon information and belief, Tim Baker falsely informed the Colorado Civil Rights Division that Plaintiff did not disclose her limitations during the interview and merely stated that she "might not be able to lift much." This misrepresentation was made despite Plaintiff's clear and specific accommodation requests—including no lifting over 20 pounds—tailored to the independent classroom setting, which did not require heavy lifting or physical transfers. Tim Baker's statement contradicts the facts and appears to be a pretext to conceal the true, discriminatory reason for canceling Plaintiff's scheduled working interview.
25. Plaintiff timely filed a charge of discrimination with the Colorado Civil Rights Division and the Equal Employment Opportunity Commission ("EEOC") on October 30, 2024.
26. On September 3, 2025, Plaintiff received a Notice of Right to Sue from the EEOC.

IV. LEGAL CLAIMS

Claim One: Disability Discrimination in Violation of the Americans with Disabilities Act (ADA)

Plaintiff brings this claim under 42 U.S.C. § 12112(a), which prohibits covered employers from discriminating against qualified individuals on the basis of disability.

1. Plaintiff is a qualified individual with a disability, having been medically diagnosed with a back impairment and fibromyalgia, which substantially limit major life activities such as lifting, bending, and prolonged standing.
2. Plaintiff was qualified for the Paraprofessional position at HighPointe Services and could perform the essential functions of the job with or without reasonable accommodation.
3. Defendant is an employer subject to the requirements of the ADA.
4. Plaintiff disclosed her disability and requested reasonable accommodations during the interview process.
5. Upon information and belief, Defendant made an adverse employment decision by rescinding the job offer and canceling the scheduled working interview because of Plaintiff's disability.
6. Defendant's conduct constitutes unlawful disability discrimination under the ADA.

Claim Two: Failure to Provide Reasonable Accommodation in Violation of the ADA

Plaintiff brings this claim under 42 U.S.C. § 12112(b)(5)(A), which requires employers to provide reasonable accommodations to qualified individuals with disabilities.

1. Plaintiff is an individual with a disability under the ADA.
2. Defendant had notice of Plaintiff's disability and her specific accommodation requests, including no lifting over 20 pounds, taking breaks as needed, and avoiding frequent bending or twisting.
3. Plaintiff was able to perform the essential functions of the Paraprofessional position with these accommodations, particularly in the independent classroom setting, which did not require heavy lifting or physical transfers.
4. Upon information and belief, Defendant failed to engage in the interactive process to determine appropriate accommodations.
5. Upon information and belief, Defendant did not offer alternative placements or modified duties, despite the availability of roles that could accommodate Plaintiff's limitations.
6. Defendant's failure to accommodate Plaintiff's disability violates the ADA.

Claim Three: Retaliation in Violation of the ADA

Plaintiff brings this claim under 42 U.S.C. § 12203(a), which prohibits retaliation against individuals who assert their rights under the ADA.

1. Plaintiff engaged in protected activity by disclosing her disability and requesting reasonable accommodations during the interview process.

2. Defendant was aware of Plaintiff's protected activity.
3. Upon information and belief, shortly after Plaintiff's accommodation request, Defendant rescinded the job offer and canceled the working interview.
4. The adverse action was causally connected to Plaintiff's protected activity.
5. Defendant's conduct constitutes unlawful retaliation under the ADA.

Claim Four: Disability Discrimination in Violation of the Colorado Anti-Discrimination Act (CADA)

Plaintiff brings this claim under C.R.S. § 24-34-402, which prohibits disability-based discrimination in employment.

1. Plaintiff is a qualified individual with a disability under Colorado law.
2. Defendant is an employer subject to the Colorado Anti-Discrimination Act.
3. Plaintiff was qualified for the Paraprofessional position and could perform its essential functions with reasonable accommodation.
4. Upon information and belief, Defendant discriminated against Plaintiff based on her disability and failed to provide reasonable accommodations.
5. Defendant's conduct violates CADA and entitles Plaintiff to all remedies available under Colorado law.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and against Defendant, and award the following relief:

1. A declaration that Defendant's conduct violated the Americans with Disabilities Act and the Colorado Anti-Discrimination Act;
2. Injunctive relief requiring Defendant to implement policies and training to prevent future discrimination and ensure compliance with the ADA and CADA;
3. Back pay, front pay, and lost benefits resulting from Defendant's unlawful conduct;
4. Compensatory damages for emotional distress, pain and suffering, and other non-economic harms;
5. Punitive damages to deter future discriminatory conduct;
6. Reasonable attorneys' fees and costs incurred in pursuing this action;
7. Pre-judgment and post-judgment interest as allowed by law;
8. Any other relief the Court deems just and proper.

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."

G. PLAINTIFF'S SIGNATURE

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.


(Plaintiff's signature)

10/30/2025
(Date)

(Revised February 2022)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Phoenix District Office

3300 North Central Avenue, Suite 690

Phoenix, AZ 85012

(602) 661-0041

Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 09/03/2025

To: Latoshake Jones
8700 E. Jefferson Avenue, # 37155
Denver, CO 80237

Latoshake Jones v Highpointe Services, Ltd.

EEOC Charge No: 32A-2025-00092

EEOC Representative and email: Robin Campbell

State, Local & Tribal Program Manager
robin.campbell@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the determination that substantial weight has been accorded to the findings of the state or local fair employment practices agency that investigated your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

Please retain this notice for your records.

On Behalf of the Commission:

A handwritten signature in black ink, appearing to read "mlc".

Melinda Caraballo
District Director

CC:

Highpointe Services, Ltd.
c/o Human Resources
7323 S. Alton Way Ste. #2310
Englewood, CO 80112

COMPLAINT OF DISCRIMINATION <i>The Privacy Act of 1974 affects this form. See Privacy Act Statement before completing this form.</i>		EEOC Complaint No. 32A-2025-00092 CCRD Complaint No. E2500025230
COLORADO CIVIL RIGHTS DIVISION AND EEOC		
Name <i>(Complainant)</i> Latoshake Jones	(Area Code) Telephone (720) 971-4116	
Street Address 8700 East Jefferson Ave. #371555	City, State, and Zip Code Denver, CO 80237	County Denver
The Employer, Labor Organization, Employment Agency, Apprenticeship Committee, State or Local Government Agency who discriminated against me is:		
Name <i>(Respondent)</i> Highpointe Services, Ltd.	Number of Employees 15+	(Area Code) Telephone (303) 221-3222 Email Address ken@highpointecenters.org
Street Address 7323 S. Alton Way Ste. #2310	City, State, and Zip Code Englewood, CO 80112	County Arapahoe
Discrimination Based on: Disability (Physical); Retaliation	Date Most Recent Discrimination Occurred: April 8, 2024	
<p>I. Jurisdiction: The Colorado Civil Rights Division and Equal Employment Opportunity Commission have jurisdiction over the subject matter of this charge and the named Respondent, pursuant to the provisions of the Colorado Revised Statutes (C.R.S. 1973, 24-34-301, <i>et seq.</i>), as reenacted, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, <i>et seq.</i>), as amended.</p> <p>II. Personal Harm: On or about April 8, 2024, the Respondent refused to hire me and denied my request for a reasonable disability accommodation based on my physical disability (physical impairments) and/or in retaliation for engaging in protected activity.</p> <p>III. Respondent's Position: Unknown.</p> <p>IV. Discrimination Statement: I believe I was unlawfully discriminated against because: of my protected class and/or in retaliation for engaging in protected activity in violation of the Colorado Anti-Discrimination Act (CADA). 1.) On or about April 5, 2024, I interviewed with the Respondent's Centennial Program Manager, Tim Baker ("Baker"), and Baker encouraged me to apply for an open position with the Respondent as a Paraprofessional. 2.) Thereafter, I engaged in protected activity when I requested a reasonable disability accommodation to be permitted to work with the Respondent's clients that were classified as "independent" and required less physical assistance. 3.) On or about April 8, 2024, the Respondent offered me the paraprofessional position and I accepted it. 4.) Later on or about that same day, the Respondent refused to hire me despite that I met and/or exceeded its minimum and preferred qualifications when Baker notified me that the Respondent would be rescinding its offer of employment. 5.) Furthermore, I believe that the Respondent's refusal to hire me was tantamount to a refusal of my request for a reasonable disability accommodation. 6.) I believe that I was </p>		

discriminated against based on my protected class and/or in retaliation for engaging in protected activity.

V. **WHEREFORE:** The Complainant prays that the Colorado Civil Rights Division grant such relief as may exist within the Division's power and which the Division may deem necessary and proper.

I want this charge filed with both the Equal Employment Opportunity Commission and the State or local agency, if any. I will advise the agency if I change my address or telephone number, and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I understand that, by filing this complaint, I consent to the disclosure of the foregoing information to the above-named Respondent.

I declare under penalty of perjury that the foregoing is true and correct.

Date

10/30/25

Charging Party/Complainant (Signature)

