

Clean Version of Proposed Second Amended Complaint

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No.: 1:24-cv-03346-MDB

WILLIAM HEALY, Plaintiff, v. SERCO INC., d/b/a Serco - North America, Defendant.

Jury Trial Requested: Yes

SECOND AMENDED EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 limits personal information in filings to the last four digits of a Social Security number, the year of 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.

Name and Complete Mailing Address: William Sean Healy 2635 Heathrow Drive Colorado Springs, CO 80920

Telephone Number and Email Address: 719-205-4481 wsh700@protonmail.com

B. DEFENDANT INFORMATION

Please list the following information for each defendant listed in the caption of the complaint.

Defendant 1: Name and Complete Mailing Address: Serco Inc., d/b/a Serco - North America 1400 Crystal Drive, Suite 1400 Arlington, VA 22202 (Additional operational address: 1055 North Newport Rd Ste 160, Colorado Springs, CO 80916)

Telephone Number and Email Address: 703-414-5001 (corporate); 719-235-4400 (Colorado Springs office) Charis.Gill@serco-na.com

C. JURISDICTION

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

- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq. (sex discrimination and retaliation)
- Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101, et seq. (disability discrimination and retaliation)
- Age Discrimination in Employment Act, as amended, 29 U.S.C. §§ 621, et seq. (age discrimination and retaliation)
- Family and Medical Leave Act of 1993, as amended, 29 U.S.C. §§ 2601, et seq. (interference with rights and 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.

CLAIM ONE: Disability Discrimination and Failure to Accommodate (ADA)

- Conduct Complained Of:
 - Failure to accommodate disability
 - Different terms and conditions of employment
 - Termination of employment
- Basis of Discrimination:
 - Disability
- Supporting Facts: I, William Sean Healy, commenced employment with Serco Inc. as a Cyber Security Risk Assessment Engineer on 7/2/2018, performing satisfactorily until my unlawful termination on 2/7/2022. My VA-documented disabilities include tinnitus (10%), chronic hip pain, and PTSD/TBI (50%).

In 11/2019, I disclosed my impairments to Technical Lead Michael Ehrlichman. On 11/19/2019, Dr. Lisa Keith recommended a sit/stand desk for chronic hip pain, which Serco denied on 11/27/2019 (Mary Clarke email). From 11/22/2019 to 3/26/2025, I underwent 75+ physical therapy (PT) visits (Action Potential notes), received 10+ sacroiliac injections (e.g., 10/9/2020), and reported 6/10 pain (3/26/2025). On 2/10/2021, Serco issued a negative performance evaluation, followed by PIPs on 3/26/2021 and 9/21/2021, alleging poor performance despite prior satisfactory evaluations. On 9/20/2021, I requested flexible scheduling for VA appointments, which was informally approved but not formalized. On 10/21/2021, I submitted a formal ADA request to Jessica Vermeire (with Dr. Floyd Martinez's certification), and on 12/21/2021, an ADA/FMLA request to Jessica Bishop; Serco failed to respond, violating EEOC

v. Ford Motor Co., 782 F.3d 753 (6th Cir. 2015). From 8/2021, Serco denied me cross-training opportunities and imposed unrealistic workloads, exacerbating my condition (VA exam, 10/26/2022). Serco terminated me on 2/7/2022, citing performance issues pretextually tied to my disabilities, per PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001), causing lost wages and emotional distress.

CLAIM TWO: Sex Discrimination (Title VII)

- Conduct Complained Of:
- Different terms and conditions of employment
- Termination of employment
- Basis of Discrimination:
- Sex
- Supporting Facts: I, a male (DOB 1/7/1957), experienced sex-based discrimination at Serco. On 7/28/2021, Ehrlichman disclosed my confidential testicular condition (diagnosed 7/2021) to coworkers, including Roberto Furtado, who mocked me during a team call, creating a hostile work environment under Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993). From 2/18/2021, Ehrlichman scrutinized my work more harshly than female peers, issuing unwarranted PIPs (3/26/2021, 9/21/2021). On 9/15/2021, Serco denied my training reimbursement, unlike Furtado, reflecting unequal treatment, per Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986). Serco terminated me on 2/7/2022, influenced by this sex-based hostility, violating Bostock v. Clayton County, 590 U.S. 644 (2020), causing humiliation and lost income.

CLAIM THREE: Age Discrimination (ADEA)

- Conduct Complained Of:
- Failure to promote
- Different terms and conditions of employment
- Termination of employment
- Basis of Discrimination:
- Age
- Supporting Facts: I, born 1/7/1957, was 64-65 during discriminatory acts at Serco. From 2/18/2021, Ehrlichman made age-related comments, implying I was too old, followed by a negative evaluation (2/10/2021) and PIPs (3/26/2021, 9/21/2021). In 9/2021, Project Manager Greg Owens discussed retirement plans, targeting me as the oldest employee. Coworkers (Rich

Cool, Furtado) made ageist remarks (“hanging around to retire,” “look good for your age”). From 8/2021, Serco denied me cross-training opportunities given to younger peers, and on 9/15/2021, denied my training reimbursement. Serco terminated me on 2/7/2022, retaining younger employees, violating *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167 (2009). My 100% VA disability rating.

CLAIM FOUR: Retaliation (ADA, Title VII, ADEA)

• Conduct Complained Of:

• Retaliation

• Termination of employment

• Basis of Discrimination:

• Disability

• Sex

• Age

• Supporting Facts: I engaged in protected activities: on 2/18/2021, I reported Ehrlichman’s discriminatory scrutiny to Jessica Vermeire; on 9/20/2021, I requested accommodations; and on 10/21/2021 and 12/21/2021, I submitted formal ADA/FMLA requests (File Statistics Summary: 3 denials). Serco retaliated with PIPs (3/26/2021, 9/21/2021) and termination (2/7/2022), closely tied to my requests (File Statistics Summary: 3 retaliatory actions), per *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006). VA records (10/26/2022) confirm I reported harassment and discrimination, yet Serco’s actions were pretextual, per *University of Texas Southwestern Medical Center v. Nassar*, 570 U.S. 338 (2013), causing financial loss and distress.

CLAIM FIVE: Interference and Retaliation (FMLA)

• Conduct Complained Of:

• Interference with FMLA rights

• Retaliation

• Termination of employment

• Basis of Discrimination:

• Serious health condition

- Supporting Facts: I was eligible for FMLA leave due to my serious health conditions, including VA-documented disabilities such as PTSD/TBI (50%), tinnitus (10%), and chronic hip pain.

On 9/20/2021, I requested flexible scheduling for VA medical appointments, which was informally approved but not formalized or granted as protected FMLA leave. On 10/21/2021, I submitted a formal ADA request to Jessica Vermeire, which included needs related to medical leave. On 12/21/2021, I submitted an ADA/FMLA request to Jessica Bishop for accommodations and intermittent leave due to my conditions; Serco failed to respond, certify eligibility, or provide notice of FMLA rights, interfering with my entitlements under 29 U.S.C. § 2615(a)(1) and 29 C.F.R. § 825.300. Serco instead imposed unrealistic workloads from 8/2021, denied cross-training, issued PIPs (3/26/2021, 9/21/2021), and terminated me on 2/7/2022, in retaliation for my requests, per *Conoshenti v. Pub. Serv. Elec. & Gas Co.*, 364 F.3d 135 (3d Cir. 2004). These actions were pretextual, tied temporally to my protected activities (File Statistics Summary: 3 denials, 3 retaliatory actions), causing lost wages, benefits, and emotional distress.

E. ADMINISTRATIVE PROCEDURES

- Yes, I filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC Charge No. 32A-2022-00014) and Colorado Civil Rights Division (CCRD Complaint No. R2200007626), initially on 4/14/2022, amended on 4/25/2022, covering discrimination from 11/2019 to 2/7/2022 (Exhibit 1).
- Yes, I received a Determination and Notice of Right to Sue from the EEOC on 9/4/2024, granting 90 days to sue (expires 12/3/2024) (Exhibit 2).
- No administrative exhaustion is required for claims under the Family and Medical Leave Act (FMLA).

F. REQUEST FOR RELIEF

I respectfully request this Court:

1. Award back pay for lost wages from 2/7/2022 to present, including benefits and adjustments for VA payments (123.00 from 4/1/2010; 284.93 from 3/1/2021; 1,819.35 from 3/1/2021; 1,926.43 from 12/1/2021; 3,517.84 from 4/1/2022) (File Statistics Summary: 193,200 lost wages, 2/7/2022-4/5/2025).
2. Award front pay for future lost earnings until retirement age.
3. Award compensatory damages for emotional distress, humiliation, and physical harm from untreated conditions.
4. Order injunctive relief, including reinstatement, anti-discrimination training, and ADA and FMLA compliance policies.
5. Award punitive damages for Serco's willful violations.
6. Award liquidated damages for willful FMLA violations.
7. Award costs, filing fees, and pre- and post-judgment interest.
8. Grant further relief as the Court deems just, per 42 U.S.C. §§ 2000e-5(g), 12117(a), and 29 U.S.C. § 2617(a).

G. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this amended 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 certify to the best of my knowledge, information, and belief that this complaint: (1) is not presented for an improper purpose; (2) is supported by existing law or a nonfrivolous argument for extending law; (3) the factual contentions have evidentiary support or will likely have support after discovery; and (4) complies with Rule 11 requirements.

Signature: William Sean Healy Date: October 3, 2025

Attachments

1. Exhibit 1: EEOC Charge of Discrimination (No. 32A-2022-00014, filed 4/14/2022, amended 4/25/2022).
2. Exhibit 2: EEOC Determination and Notice of Right to Sue (9/4/2024).
3. Exhibit 3: VA Benefits Decision Letters (5/20/2010, 9/22/2021, 2/11/2022, 11/21/2022).
4. Exhibit 4: VA Rating Decisions (2/10/2022, 11/18/2022).
5. Exhibit 5: Action Potential Physical Therapy Progress Notes (11/22/2019-3/26/2025).
6. Exhibit 6: Dr. Lisa Keith's Recommendation Letter (11/19/2019).
7. Exhibit 7: Serco Denial Email from Mary Clarke (11/27/2019).
8. Exhibit 8: Serco Accommodation Request Packet (10/21/2021, with Dr. Floyd Martinez's certification).
9. Exhibit 9: ADA/FMLA Accommodation Request to Jessica Bishop (12/21/2021).
10. Exhibit 10: Serco Performance Improvement Plans (PIPs) (3/26/2021, 9/21/2021).
11. Exhibit 11: Serco Termination Notice (2/7/2022).
12. Exhibit 12: File Statistics Summary (treatment, violations, compensation data).

Certificate of Service

I certify that on October 3, 2025, a true and correct copy of this Second Amended Employment Discrimination Complaint was served on Defendant's counsel via email to Bradley Crowell (BCrowell@littler.com) and Billie Jo Risheim (BRisheim@littler.com) and through the CM/ECF system.

William Sean Healy Pro Se Plaintiff