

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

FILED

U.S. DISTRICT COURT
DISTRICT OF COLORADO

UNITED STATES DISTRICT COURT

25 DEC -2 PM 2:38

for the

District of Colorado

Division

Case No. 1:25-CV-03335-RTG

(to be filled in by the Clerk's Office)

CHARLIE HYLAND

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JCOR MECHANICAL INC., TIM SEVERANCE,
JACQUE OVERSTREET, RANDY OVERSTREET,
LOCAL 3 PLUMBERS UNION, SONNY WELCH,
JOE KOCOT

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Charlie Hyland
Street Address	10785 W 63 rd Place, #304
City and County	Arvada
State and Zip Code	Colorado
Telephone Number	720-745-9200
E-mail Address	charlie.hyland2@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	Local #3 Plumbers Union
Job or Title <i>(if known)</i>	
Street Address	17100 E 32nd Place
City and County	Aurora
State and Zip Code	Colorado, 80011
Telephone Number	303-739-9100
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	JCOR Mechanical
Job or Title <i>(if known)</i>	
Street Address	15800 W 5th Avenue
City and County	Golden, Jefferson
State and Zip Code	Colorado 80401
Telephone Number	303-271-9787
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Randy Overstreet
Job or Title <i>(if known)</i>	
Street Address	15800 W 5th Avenue
City and County	Golden, Jefferson
State and Zip Code	Colorado 80401
Telephone Number	303-271-9787
E-mail Address <i>(if known)</i>	randy@jcor mech.com

Defendant No. 4

Name	(SEE ATTACHED ADDITIONAL DEFENDANTS)
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Street Address

City and County

State and Zip Code

Telephone Number

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law *(specify the federal law)*:

HIPPA Privacy Act; FMLA, National Labor Relations Act, Defamation, breach of duty to fair representation, tort of negligence

- ☒ Relevant state law *(specify, if known)*:

COLORADO FAMILY LEAVE; COLORADO ANTI-DISCRIMINATION ACT ("CADA")

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☒ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: NLRB RETALIATION, DUTY TO FAIR REPRESENTATION

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
July 18, 2024 to current

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race
- ☐ color
- ☐ gender/sex
- ☐ religion
- ☐ national origin
- ☒ age *(year of birth)* 1979 *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*
MENTAL HEALTH; HIP LABRUM ARTHRITIS,
BACK INJURY & TRAUMATIC BRAIN INJURY

E. The facts of my case are as follows. Attach additional pages if needed.

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SEE ATTACHED "FACTUAL BACKGROUND"

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

Joint complaint with the Colorado Civil Rights Division ("CCRD") & EEOC was filed March 10, 2025

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)*

8/24/2025
~~7/2/2025~~

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(SEE ATTACHED FOR RELIEF REQUESTED BY PLANITIFF FOR CLAIMS)

VI. Certification and Closing

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 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, modifying, or reversing 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.

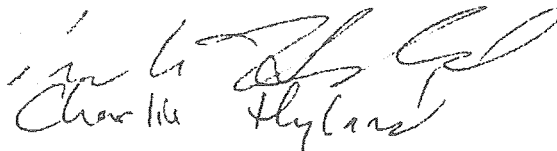
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/2/2025

Signature of Plaintiff

Printed Name of Plaintiff


Charlie Hylars

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

B. THE "ADDITIONAL" DEFENDANTS:

B. Defendants

Defendant No. 4

Name: Jacque Overstreet
Job or Title: President -- JCOR Mechanical Inc
Street Address: 15800 W 5th Avenue
City and County: Golden (Jefferson County)
State and Zip Code: Colorado, 80401
Telephone Number: 303-271-9787
E-Mail Address: jacque@jcor mech.com

Defendant No. 5

Name: Tim Severance
Job or Title: JCOR Project Manager & Local #3 Safety Trainer
Street Address: 15800 W 5th Avenue
City and County: Golden (Jefferson County)
State and Zip Code: Colorado, 80401
Telephone Number: 303-271-9787
E-Mail Address: tim@jcor mech.com

Defendant No. 6

Name: Sonny Welch
Job or Title: Local #3 Plumbers Union -- Business Manager
Street Address: 17100 E 32nd Place
City and County: Aurora (Adams County)
State and Zip Code: Colorado, 80021
Telephone Number: 303-739-9100

E-Mail Address: sonny@plumberslocal3.org

Defendant No. 7

Name: Joe Kocol

Job or Title: Local #3 Plumbers Union, Treasurer

Street Address: 17100 E 32nd Place

City and County: Aurora (Adams County)

State and Zip Code: Colorado, 80011

Telephone Number: 303-739-9100

E-Mail Address: joe@plumberslocal3.org

III. STATEMENT OF CLAIMS:

1. On Friday, July 18, 2024; Defendant Tim Severance ignored the Plaintiffs letter from his primary care physician that the plaintiff should not work in crawl spaces or confined spaces or lift more than 20 pounds for a period of approximately 2 weeks. Mr. Tim Severance [Defendant] ignored the plaintiffs medical work restrictions and sent Mr. Hyland into a dangerous workplace to retrieve scrap metal at the demand of Randy Overstreet, JCOR Mechanical owner. Plaintiff reported to Tim Severance [Defendant] at JCOR Mechanical. (NOTE: that Mr. Severance also works for the Local #3 Plumbers Union as a “safety” instructor for their plumbers apprenticeship program. Plaintiff states claims for relief against JCOR Mechanical, Randy Overstreet, Tim Severance and Plumbers Local #3 for Torts of Negligence of Duty to Care which includes all lost back wages, forward wages, and relief for emotional duress and suffering for a second Traumatic Brain Injury caused by a sustained concussion on the job. Plaintiff alleges claims of Negligence Duty of Care against JCOR Mechanical, Tim Severance (Who is employed both with JCOR and Local #3 Plumbers Union) and Local #3 Plumbers Union.

2. On Friday, July 18, 2024, after the plaintiff work shift were plaintiff sustained a second concussion (see above in ¶ 1) the plaintiff asserts he sent text messages to his manager at JCOR Mechanical [Defendant Tim Severance] informing he [plaintiff] was walking disoriented. On Monday, July 22, 2024, plaintiff asserts that he requested ADA accommodations from his manager at JCOR Mechanical, Mr. Tim Severance, while working at the JCOR Corporate offices located at 15800 W. 5th Avenue, Golden, Colorado 80401. Plaintiff alleges that Tim Severance

[Defendant] ignored Mr. Hyland's request for ADA Accommodations and did not participate in any "interactive process" under the Federal ADA Law ("ADA"). Plaintiff seeks relief for claims of ADA Discrimination and seeks relief in the form of Back Pay of Lost Wages estimated at \$68,000.00; Compensatory Damages for out-of-pocket expenses, medical bills, job search costs, emotional harm, mental anguish and inconvenience for willful ADA Interference and Discrimination. Plaintiff alleges claims of ADA Discrimination against JCOR Mechanical, Tim Severance (Who is employed both with JCOR and Local #3 Plumbers Union) and Local #3 Plumbers Union. Plaintiff alleges claims of "ADA" discrimination as Mr. Hyland requested ADA Accommodations with Sonny Welch – Local #3 Plumbers Union Business Manager and Joe Kocol – Local #3 Plumbers Union Treasurer. Plaintiff alleges that the Local #3 Plumbers Union have ignored the Plaintiffs multiple requests for ADA accommodations and that Defendants Kocol and Welch continue to ignore the plaintiffs multiple attempts to request ADA Accommodations with the Local #3 Union and that Mr. Kocol and Mr. Welch have never participated in the ADA "Interactive Process" with Mr. Hyland. Mr. Hyland also alleges claims of willful misconduct and violations of Duty to Fair Representation made by co-defendants, Mr. Joe Kocol and Mr. Sonny Welch. Claims for relief include immediate injunction by the Courts to prevent further ADA Discrimination and unfair representation, reinstatement, lost back wages.

3. Plaintiff asserts that on July 22, 2024 that not only did Mr. Hyland request ADA Accommodations from his manager [Tim Severance] at JCOR Mechanical but that the plaintiff further asserts that he engaged in protected activities by requesting Colorado FAMLI Medical Leave with defendant, Tim Severance. ***Under C.R.S. §8-13.3-509(4) An employer, employment agency, employee organization or other person shall not take retaliatory personnel action or otherwise discriminate against a person because the individual exercised rights protected under this part 5. Such rights include, but are not limited to, the right to: request, file for, apply for or use benefits provided for under this part 5; take paid family and medical leave from work under this part 5; communicate to the employer or any other person or entity an intent to file a claim, a complaint with the division or courts, or an appeal; testify or assist in any investigation, hearing or proceeding under this part 5, at any time, including during the period in which the person receives family and medical leave insurance benefits under this part 5; inform any person about any employer's alleged violation of this part 5; and inform any person of his or her rights under this part 5.***

On July 22, 2024 at 4:03PM, plaintiff asserts that he emailed Local #3 Plumbers Union Treasurer and Co-Defendant, Joe Kocol, requesting how Mr. Hyland can apply for protected Colorado FAMLI Medical Leave and that Mr. Kocol [Defendant] never responded to Mr. Hyland's email inquiry. Mr. Hyland then called the Colorado Department of Labor and Employment ("CDLE") FAMLI Leave department and was informed that he was in fact eligible for Colorado "protected" FAMLI Medical Leave.

Mr. Hyland had a conversation the next day on July 23, 2024 with his manager at JCOR Mechanical; Mr. Tim Severance, and informed his employer and direct manager that Mr. Hyland was seeking and going to apply for the protected Colorado FAMLI Medical Leave. Mr. Hyland even communicated via text with Mr. Severance that Mr. Hyland was, in-fact, seeking and applying for the FAMLI Leave. Mr. Severance sent plaintiff a text message that he should stay at home and rest after Mr. Hyland made it clear that he was seeking the protected FAMLI Medical leave.

On July 24, 2024 around 3pm, Mr. Severance called Mr. Hyland and informed plaintiff that he met with all JCOR Mechanical management and that collectively, JCOR Mechanical had decided to terminate Mr. Hyland's employment. Mr. Hyland is seeking claims for relief under the Colorado FAMLI Medical Act and under FMLA which is similar federal law for wrongful termination and interference and retaliation claims of both Colorado FAMLI Leave and FMLA interference and retaliation claims which include lost back wages of \$68,000.00; forward lost wages to be determined by the Courts, reinstatement, emotional pain and suffering, lost medical benefits and union pension plan benefits, and all lost non-wages benefits that the Courts further deem awarded to plaintiff for willful Colorado FAMLI and FMLA interference and retaliation.

Plaintiff alleges claims of Colorado FAMLI Leave & FMLA willful interference and retaliation against JCOR Mechanical, Tim Severance (Who is employed both with JCOR and Local #3 Plumbers Union) and Local #3 Plumbers Union.

4. Plaintiff filed a complaint against JCOR Mechanical Inc. and Local #3 Plumbers Union in October 2024 with the National Labor Relations Board ("NLRB") and JCOR Mechanical's personal attorney, Edward John Krisor, was notified via email. Plaintiff alleges that immediately after a protected activity complaint with the NLRB that JCOR Mechanical owners, Jacque Overstreet and Randy Overstreet immediately retaliated against Mr. Hyland and made false reporting's to the Colorado Department of Labor and Employment – FAMLI leave division to have Mr. Hyland's approved FAMLI Medical benefits cancelled. Mr. Hyland alleges that both Randy and Jacque Overstreet made false statements to a government agency to attempt to influence a public servant under C.R.S. §18-8-306, which is a class 4 felony, to financially harm and interfere with Mr. Hyland's approved FAMLI Medical Benefits in retaliation against Mr. Hyland for filing a protected activity complaint with the NLRB. Plaintiff also alleges Mr. Randy and Jacque Overstreet violated C.R.S. § 18-8-11, which is a class 3 misdemeanor, for providing false information to authorities. Plaintiff alleges that he was subjected retaliation by JCOR Mechanical (and defendants Randy and Jacque Overstreet) for claims of unfair labor practices under section 8 of the National Labor Relations Act ("NLRA"). Violations under section 8 of the NLRA include reinstatement and lost back pay wages and benefits. Further, the Plaintiff alleges claims for willful interference of the Colorado FAMLI Medical leave made by defendants; JCOR Mechanical, Jacque Overstreet and Randy Overstreet. Claims for relief for willful interference

violations of the Colorado FAMLI medical leave allow for plaintiff to receive “double lost-wages”, reinstatement, and forward pay.

5. Plaintiff alleges willful and/or negligent violations of HIPPA Private Health Information (“PHI”) disclosure claims made upon him by defendant(s): Local #3 Plumbers Union, Mr. Joe Kocol and Mr. Sonny Welch. Plaintiff alleges that he received an email on March 20, 2025 at 9:20AM, from Local #3 Plumbers Union Business Manager, Sonny Welch in which Mr. Welch statements of admission are as follows:

Charlie, We have asked several of our contractors if they could use a helper with your work restrictions. So far, the answer has been no. A helper position requires hard manual labor. We will continue to look around and we come up with something we will let you know.

Plaintiff alleges that Mr. Hyland’s medical work restrictions expired at the end of July 2024. Further, Mr. Hyland did not give the Local #3 Plumbers Union business managers [Kocol and Welch] authorization to disclose stale and outdated medical work restrictions; which is HIPPA Protected “PHI”, to potential employers. Mr. Hyland alleges that Mr. Welch and Mr. Kocol [Defendants] either willfully or negligently disclosed Mr. Hyland’s prior health information to potential employers that violated HIPPA violations and ADA protected activities. Mr. Hyland suffered harm from unemployment loss as the union disclosed Mr. Hyland’s prior medical health history to potential union employers that refused to Mr. Hyland based on the disclosures of his HIPPA protected Private Health Information. Mr. Hyland brings claims for relief against the Local #3 Plumbers Union; along with defendant(s) Sonny Welch and Joe Kocol, for violating HIPPA law. Criminal Penalties for these HIPPA Violations include up to \$50,000 in fines and one (1) year of prison for knowingly disclosing PHI without authorization; Up to \$100,000 in fined and five (5) years in prison if the offense was committed under false pretenses; and Up to \$250,000 in fines and ten (10) years in prison for using PHI for commercial advantage, person gain or malicious harm. Plaintiff’s claims for relief include Breach of Duty to Fair Representation, invasion of privacy, defamation for disclosing private facts or making false statements about Mr. Hyland’s health and private health information. Claims for relief include monetary damages for financial losses, Injunctive relief, legal costs and compensation for other damages.

FACTUAL BACKGROUND

6. Around April 2024, Mr. Hyland took an exam and interviewed for an apprenticeship for the Local # 3 Plumbers Union located at 17100 E. 32nd Place, Aurora, Colorado.

7. Mr. Hyland successfully completed an interview with the Local #3 Plumbers Union in May 2024 and was placed in a pool of candidates for a Plumbers Union Apprenticeship and was ranked 31.

8. On June 21, 2024, Local #3 Financial Secretary-Treasurer, Joe Kocol, called Mr. Hyland and asked if Mr. Hyland could drive to the union offices to do an interview for a permanent position with JCOR Mechanical Inc. Mr. Kocol offered Mr. Hyland the permanent position at JCOR and Mr. Hyland accepted. Mr. Kocol advised Mr. Hyland that there was an old man with a short temper that is the owner of JCOR Mechanical and that Mr. Hyland was to do “whatever” the owner says in order to move up in ranking for apprenticeship as the owner is “difficult” to work with and the union has had a prior history of high-tuner with this contractor [JCOR Mechanical Inc.]

9. Mr. Hyland immediately attended the interview requested by Mr. Joe Kocol and was dispatched and hired by JCOR Mechanical Inc., for a “Permanent” job. (See Exhibit 1).

10. On July 4, 2024, after a Colorado Rockies 4th of July game Mr. Hyland was injured in a car accident and suffered a concussion, back and neck injuries and a CT Scan showed that I had growth in my T-1 vertebrae of a growth that is related to prostate cancer. His [Mr. Hyland] ER doctor wanted Mr. Hyland to follow-up with my primary care doctor regarding the concussion and growth in my spine.

11. Around July 6, 2024, Mr. Hyland texted JCOR Mechanicals project manager [Mr. Tim Severance] who Mr. Hyland reported to at JCOR to inform him that Mr. Hyland had a serious concussion and the doctor wanted Mr. Hyland to stay at home and rest.

12. On July 16, 2024, while working at JCOR Mechanicals offices in Golden, Colorado, Mr. Hyland told Mr. Tim Severance that the CT scans from his accident had revealed a growth in my spine that is related to prostate cancer. Mr. Hyland asserts that he requested ADA Accommodations for future doctors visits and that Mr. Severance ignored plaintiff’s requests for ADA Accommodations.

13. On July 18, 2024, Mr. Hyland’s primary care physician, Dr. Frisbee, gave Mr. Hyland a letter with work restrictions that stated the following: 1. not to work in confined work spaces or crawl spaces, not to lift more than 20 pounds and to not work more than 40 hours per week. (See Exhibit 2)

14. Plaintiff alleges on July 22, 2024, that he again requested ADA Accommodations with Tim Severance based on the Plaintiffs medical conditions.

15. Plaintiff alleges that Mr. Tim Severance ignored Mr. Hyland’s requests for ADA Accommodations and sent Mr. Hyland to an unsafe work environment at the demand of Mr. Randy Overstreet [Defendant] to retrieve scrap metal.

16. Plaintiff sustained a second concussion while at the Sabin Elementary school. Mr. Hyland informed his supervisor, Tim Severance, that he [plaintiff] was walking disoriented and not feeling well after his shift.

17. Plaintiff then emailed Local #3 Plumbers Union Treasurer, Joe Kocol, seeking Colorado FAMLI Leave on July 22, 2024 at 4:03PM. Seeking Colorado FAMLI Leave is a protected activity. (Mr. Hyland notes that Mr. Joe Kocol never did reply to Mr. Hyland's requests for Colorado FAMLI Leave) and brings claims for FAMLI interference and Breach of Duty to Fair Representation. (See Exhibit 3)

18. On July 23, 2024, plaintiff emailed Local #3 secretary, Heidee, inquiring if he [Mr. Hyland] qualified for the Colorado FAMLI leave. Again, plaintiff engaged in "protected activities" under the Colorado FAMLI Leave laws.

19. On July 23, 2024, the Plaintiff also told his manager at JCOR, Mr. Tim Severance, that Mr. Hyland was going to take FAMLI Medical leave. Mr. Severance even sent text messages to Mr. Hyland that he should stay at home and rest and acknowledge that Mr. Hyland was seeking protected Colorado FAMLI medical leave benefits. (See Exhibit 4)

20. On July 24, 2024, Mr. Severance [Defendant] called Plaintiff around 3pm that day and told the plaintiff that he [Mr. Severance] had a meeting with the managers (Randy Overstreet and Jacque Overstreet) and that they decided that they were just going to let me go. Plaintiff alleges that JCOR Mechanical violated Mr. Hyland's ADA and Colorado FAMLI protected activities and interfered and retaliated against Mr. Hyland for seeking these protected activities.

21. Around July 29, 2024, the Plaintiff spoke to Joe Kocol [Defendant] on the telephone and Mr. Kocol [Defendant] told the Plaintiff that JCOR Mechanical should have never had Mr. Hyland perform any work knowing that Mr. Hyland had sustained a concussion and until there was a medical release from his medical doctor.

22. Around September 6, 2024, the plaintiff filed a complaint against JCOR Mechanical and Local #3 Plumbers Union with the NLRB specifically for bad faith in duty to fair representation, ADA discrimination and interference-retaliation for FAMLI leave interference, and breach of Collective Bargain Agreement which are protected activities.

23. JCOR Mechanical's attorney, Edward John Kristor, was representing JCOR Mechanical at the time and was made aware that Mr. Hyland [Plaintiff] filed a complaint against JCOR Mechanical to the National Labor Relations Board ("NLRB")

24. Plaintiff alleges that JCOR Mechanical Inc., Randy Overstreet and Jacque Overstreet immediately retaliated against Mr. Hyland [Plaintiff] for reporting a complaint to the NLRB. Plaintiff alleges that the Overstreets made false claims to the CDLE FAMLI Leave department in retaliation against Mr. Hyland's complaint to the NLRB to strip him of family

medical leave benefits. Plaintiff alleges this was willful FMLI Medical Leave interference and retaliation that violates the National Labor Relations Act Section 8 for anti-retaliation violations.

25. Plaintiff asserts that he continued to request ADA/CADA accommodations and job replacement with the Local #3 Union. Plaintiff asserts that he made several attempts to email Local #3 Plumbers Union President, Sonny Welch [Defendant], and Mr. Joe Kocol [Defendant] seeking ADA/CADA Accommodations and the Local #3 Plumbers Union management refused to have any type of ADA/CADA interactive dialogue with Mr. Hyland.

26. Plaintiff emailed both Sonny Welch [Defendant] and Joe Kocol [Defendant] on March 20, 2025, seeking to be reassigned to a new work position.

27. Local #3 President, Sonny Welch replied to Mr. Hyland's request for reassignment on March 20, 2025 at 9:20am:

"We have asked several of our contractors if they could use a helper with your work restrictions. So far, the answer has been no."

28. Plaintiff alleges that the Local #3 Plumbers Union, Joe Kocol and Sonny Welch [Defendants] either willfully or through negligence disclosed Mr. Hyland's "Private Health Information" ("PHI"), which is a violation of HIPPA, to potential employers which kept Mr. Hyland from gaining employment as a Union Member. **(Note: Mr. Hyland's medical work restrictions expired around August 2024 and the Local #3 Plumbers Union was wrongfully disclosing the plaintiff's HIPPA protected "PHI" 8 months after the medical restrictions expired)**

29. Plaintiff asserts that he has continued to seek ADA Accommodations and emailed Local #3 Union President, Sonny Welch and Secretary/Financial Treasurer, Joe Kocol on June 26, 2025:

Hi Sonny and Joe:

I sent you an email a long while ago on how the Union can provide me with ADA Accommodation to return to work and never did here back from you all. I'm not sure why? You mentioned that you were not placing me for "helpers" work until I was medically cleared for work due to concussions. I responded with ADA Accommodations requests and you guys never responded back to me. I'm not sure why?

Where am I on the list for an apprenticeship and for returning to work as a helper and can we please discuss ADA Accommodations given that the Union will not let me return to work until I am medically cleared from concussions? The Neurologist I see said it can take 2 years to recover and I am not sure why ADA Accommodation requests were ignored by you all at Local 3? I have an appointment with the Neurologist on July 9th and will give you updates.

32. Sonny Welch [Defendant] replied to the plaintiffs email (listed above in ¶ 29) on July 1, 2025:

"The Union is not the employer and unlike most other hiring halls the Employer has sole authority to decide whether to hire someone. Therefore, the Union does make the authority or ability to determine the reasonable accommodations available in a particular workplace. We checked with Apprenticeship Committee, and you are number 57."

33. Plaintiff received a Right to Sue Letter from the Colorado Civil Rights Division on July 2, 2025, and later received a Right to Sue Letter from the EEOC.

34. Plaintiff filed his complaint and summons (Case No. 25CV247) with the Jefferson County, Colorado combined district courts on October 2, 2025.

35. On October 16, 2025, opposing counsel Stanley Gosch provided a waiver of service for the Local #3 Plumbers Union Defendant Group.

36. On October 17, 2025, Plaintiff received an emergency hearing notice on his family custody with his oldest child to appear to the Jefferson Courts for custody matters in Case No. 2014 DR 30466. (See Exhibit 5)

37. Around October 22, 2025, opposing counsels filed a joint-motion to move this civil action out of State District Courts to Federal Court.

38. On October 24, 2025, the Federal Court issued Minute Order No. 13 for plaintiff to amend his complaint within 30 days, plus 1 for Veterans Day Federal Court Closure. The deadline for the Plaintiff to file this amended complaint was November 24, 2025.

39. On October 27, 2025, opposing counsel(s) filed a joint-motion for extension of time to respond to the Plaintiff's complaint. (Minute No. 14)

40. On October 28, 2025, the Courts granted opposing counsel an extension of time to respond to the plaintiff's complaint. (Minute No. 15)

41. On November 10, 2025, the Plaintiff had a hearing regarding the emergency hearing for his domestic custody court hearing from petitioner mother and the State Courts dismissed mothers motions during this hearing.

42. Additionally, on November 10, 2025, the Plaintiff's youngest child who is 3 years old became severely ill with croup and plaintiff's minor child suffers from asthma. Plaintiff had to strictly care for his minor child to prevent any visits to the emergency room for severe asthma complications. Plaintiff took his minor child to the pediatrician at West Physicians to be treated for Croup. (See Exhibit 6)

43. On November 14, 2025, plaintiff emailed a Rule 408 Settlement offer to opposing counsels with a formal deadline to respond within 14 days of the Plaintiff's proposed settlement

offer. (Note: Plaintiff notes that the JCOR Defendant Group undersigned legal counsel responded that they would consider the proposed settlement offer but never responded back and Local #3 Plumbers Union undersigned legal counsel never responded at all to the Plaintiff's proposed settlement offer.)

44. Plaintiff's 3 year old minor child continued to struggle with croup and had to be rushed to Children's Hospital in Broomfield, Colorado on November 22, 2025. The Plaintiff's 3 year old son was ill with another virus on top of croup and was recovering from multiple viruses that inflamed the plaintiff's minor child's asthmatic infirmities. (See Exhibit 7)

45. On December 2, 2025, plaintiff is filing this amended complaint eight (8) days past the deadline date.

46. Plaintiff respectfully requests that the Courts grant an excusable negligence under Federal Rule of Civil Procedure 60(b)(1) due to enumerated factors. (i) the Plaintiff was served an emergency hearing summons on October 17, 2025 to appear to Jefferson County domestic Courts, (ii) the Plaintiff had an emergency custody hearing matter on November 10, 2025, which complaint against the Plaintiff was denied by petitioner mother. (iii) Plaintiff's 3 year old minor child suffers from Asthma and became ill on November 4, 2025 with croup and was ill for over 14 days with multiple viruses spreading through the community. (iv) the Plaintiff's minor child had to be rushed to Children's Hospital on November 22, 2025 with severe fever and labored breathing difficulties caused by asthma and underline illness. (v) the deadline for plaintiff to file this amended complaint was November 24, 2025 which was the day before the Thanksgiving Holiday.

47. Plaintiff missed the deadline to file this amended complaint by eight (8) days due to several factors outside the plaintiff's control including an emergency family court hearing and a minor child severely ill with croup and asthmatic complications.

49. The Courts granted on October 28, 2025, the opposing counsel's joint motion for an extension of time (Minute No. 14).

50. Granting the Plaintiffs request for Excusable Negligence under FRCP 60(b)(1) will not show prejudice to opposing parties as they have already filed a motion for extension of time which was granted on October 28, 2025.

51. This case is in its early stages and the Plaintiff does not foresee any other further delays in this case and allowing this amended complaint to be accepted by the Courts after the deadline will likely encourage the parties to come to a settlement agreement given the nature of the Claims in this civil action.



COLORADO

**Department of
Regulatory Agencies**

Colorado Civil Rights Division

Charge No. E2500026308

Charles Hyland
10785 W. 63rd Pl., #304
Arvada, CO 80004

Complainant

JCOR Mechanical, Inc.
15800 W. 5th Ave.
Golden, CO 80401

Respondent

DETERMINATION

Jurisdiction

Under the authority vested in me by C.R.S. § 24-34-306(2), I conclude from our investigation that there is insufficient evidence to support the Complainant's claims of discrimination and/or retaliation. As such, a **No Probable Cause** determination is hereby issued.

The Respondent is an employer within the meaning of C.R.S. § 24-34-401(3), as re-enacted, and the timeliness and all other jurisdictional requirements pursuant to Title 24, Article 34, Parts 3 and 4 have been met.

The Respondent operates a commercial plumbing and heating company in Colorado, and employs more than 15 employees. The Complainant was referred to the Respondent as a temporary employee for a Pipetradesman position on or about June 24, 2024.

Allegations and Defenses

The Complainant alleged that on or about July 18, 2024, and thereafter, he was subjected to unequal terms and conditions of employment and unequal compensation

based on disability (physical impairments) and/or for engaging in protected activity. The Complainant alleged that on or about July 22, 2024, he was denied disability accommodation based on his protected class, and/or in retaliation for engaging in protected activity. The Complainant further alleged that on or about July 24, 2024, he was discharged based on his protected class and/or in retaliation for engaging in protected activity.

The Complainant was interviewed during the intake process to obtain information and clarification regarding the Complainant's allegations. The Complaint of Discrimination was drafted and served, and the Respondent provided a position statement and response to the Division's Request for Information. The Complainant was given the opportunity to provide a rebuttal statement and did not do so.

The Respondent denies all allegations. The evidence is insufficient to support a nexus between the Complainant's protected class and the alleged discriminatory harm. Additionally, the evidence does not support the Complainant was retaliated against due to engaging in protected activity. The evidence shows that upon receipt of the Complainant's work restrictions the Respondent granted the Complainant's accommodation and initially assigned him to light duty work at the Denver International Airport ("DIA") and then at an elementary school. While the Complainant claims that the Respondent ignored his work restrictions by directing him to work in a crawl space when at the elementary school, during which he subsequently alleged he was injured as a result, the Respondent denies it ignored the Complainant's work restriction and instead asserts it was the Complainant who violated his work restriction, per a witness who worked with the Complainant that day.

The preponderance of evidence supports the Complainant violated his work restrictions while at the elementary school by volunteering to work in the crawl space, additionally the Complainant did not report any injuries sustained that day, as required per Respondent's safety and reporting policy, nor did anyone observe the Complainant be injured while on the job, and when the Complainant reported the incident the following afternoon and in a text to Respondent, he made no complaint that he was directed to violate his work restriction and work in the crawl space. The Respondent asserts it had no other light duty for the Complainant to perform, and due to the Complainant violating his work restrictions, the Complainant's temporary employment ended on or about July 24, 2024. The Respondent also acknowledged that after Complainant stopped working for them they learned, via a Union grievance that Complainant filed, that he claimed there were wage issues; upon further investigation by the Union, it was discovered the Respondent inadvertently paid the Complainant the incorrect rate of pay for his time worked at DIA, and through negotiations with the Union, fully remedied the situation by paying the Complainant the difference in rates and for all hours, as required by the contract with DIA. The Complainant has not met his burden of proof. Additionally, the Complainant did not provide sufficient evidence to establish pretext.

Appeal and Dismissal Information

In accordance with C.R.S. § 24-34-306(2)(b)(I)(A) and Rule 10.6(A)(1) of the Commission's Rules of Practice and Procedure, the Complainant may appeal the dismissal of this claim to the Commission within ten (10) days, as set forth in the enclosed form.

If the Complainant wishes to file a civil action in a district court in this state, which action is based on the alleged discriminatory or unfair practice that was the subject of the charge filed with the Division, such must be done:

- a. Within ninety (90) days of the mailing of this notice if no appeal is filed with the Colorado Civil Rights Commission; or
- b. Within ninety (90) days of the mailing of the final notice of the Commission dismissing the appeal.

If the Complainant does not file an action within the time limits specified above, such action will be barred and no State District Court shall have jurisdiction to hear such action. C.R.S. § 24-34-306(2)(b)(I)(C).

On Behalf of the Colorado Civil Rights Division



Aubrey Sullivan, Director
Or Authorized Designee

June 18, 2025
Date

**COLORADO****Department of
Regulatory Agencies**

Colorado Civil Rights Division

HOW TO FILE AN APPEAL OF THE DIRECTOR'S DETERMINATION

Commission's Authority

You have been issued a Determination dismissing your case regarding your charge of discrimination. If you disagree with the Director's decision in the dismissal of your charge, you have the right to appeal that determination [C.R.S. 24-34-306 (2)(b)(I)(A)] to the Colorado Civil Rights Commission (Commission). The Commission is a separate and distinct body from the Colorado Civil Rights Division (CCRD). The Commission is composed of seven members appointed by the Governor and one of its many functions is to review properly filed appeals.

The Commission has the option to either:

- 1) *Uphold* the Director's determination, thus dismissing your case;
- 2) *Remand* the case to the Division for further investigation on a specific issue; or
- 3) *Reverse* the Director's determination.

Only a Complainant may file an appeal of the Director's no probable cause determination. A probable cause finding cannot be appealed by the Respondent.

Filing Requirements

The appeal process is not intended to simply review the evidence already submitted, which formed the basis of the Director's determination. The Commission will only consider a properly filed appeal wherein:

- *Available, substantial, and relevant evidence exists now that was previously not available, presented, and considered during the investigation; or*
- *There is clear evidence that existing evidence was misinterpreted, or the determination was based on erroneous information.*

In both, it is your responsibility to submit the above information along with the Notice of Appeal Form.

Filing Procedure

The Notice of Appeal form and relevant documentation **MUST** be received in the Civil Rights Division's office **WITHIN 10 DAYS** from the date of the mailing of the Director's Determination. **If your appeal is not received within the 10-day time limit, you will lose your right to appeal.** Filling out any other form included in this mailing does not change the 10-day deadline for appeal. If you wish to appeal but cannot file a written appeal within the 10-day time limit, contact the Appeal Coordinator *before* the 10-day period is over to request an extension of the filing deadline. A verbal request for an extension must be confirmed in writing and an extension is not official until approved by the Commission or the Commission's designee. Requesting an extension does not mean the request will be approved. Extension requests will be granted for good cause.

If you are asserting that *relevant evidence exists now that was previously not available, presented, and considered during the investigation*, you will need to attach a copy of that evidence with your Notice of Appeal. If you assert that there is witness testimony to support your appeal, please submit a statement from your witness(es). It is not sufficient for you to simply provide the name of the witness(es). The witness statement(s) should include testimony that is specifically relevant to your case and argument. It must also include the current telephone number(s) and address(es) of the witness(es). Witness statements need not be notarized.

If you are asserting that *existing evidence was misinterpreted or the determination was based on erroneous information*, you will need to identify the particular evidence and specific facts that were misinterpreted. You must also specify how this misinterpretation affected the overall case decision. It is not sufficient to simply state that you disagree with the Director's decision.

Upon receipt of your Notice of Appeal, if it is determined that the appeal is either:

- 1) untimely;
- 2) you have failed to provide new evidence that was previously unavailable; or
- 3) you have failed to identify specific information regarding a misinterpretation of evidence or erroneous basis for the determination;

you will be notified in writing that your appeal has been denied. You will also be provided with a Notice of Dismissal, and, in Employment cases, you will be provided with a notification regarding the allowable time frames in which you may file an action in civil court.

If you have submitted the necessary information required for consideration, your case will be reviewed on appeal by the Commission at a regularly scheduled Commission meeting. You will be notified of the Commission meeting date for your appeal review.

General Information

It is not necessary for you to file an appeal in order to exhaust the administrative process. In Employment cases, the Letter of Determination includes the notice of Right to Sue, which allows you to file your case in the civil court having appropriate jurisdiction.

If you are filing an appeal, please return the Notice of Appeal Form and documentation to:

COLORADO CIVIL RIGHTS DIVISION
Attn: Appeal Coordinator
1560 Broadway, Suite 825
Denver, CO 80202-5143
By fax: (303) 894-7830
By email: dora_ccrd@state.co.us

**COLORADO****Department of
Regulatory Agencies**

Colorado Civil Rights Division

NOTICE OF APPEAL TO THE COLORADO CIVIL RIGHTS COMMISSION**Appeal Instructions:**

If you are filing an Appeal, this form must be submitted within ten (10) days of the date of the mailing of the Director's determination of no probable cause. Attach additional pages and/or documents as necessary.

Charge Number: _____**Complainant:** _____**Address:** _____ **Apt. Number:** _____**City:** _____ **State:** _____ **Zip Code:** _____**Telephone Number(s):** _____**Respondent:** _____

A. New Information Available: What evidence is now available that was not available and presented during the investigation? What is the relevance and significance of this information to your case? Please attach copies of the new information, including any witness statements.

B. Facts in Dispute: What material facts presented in the Director's determination are incorrect or were misinterpreted? Please attach your argument and documentation to support your claim or make specific reference to evidence previously submitted in the investigation.

NOTE: Failure to state a specific reason or reasons for appeal will result in the automatic denial of a review of your appeal by the Commission.

After it is determined your appeal filing is accepted and warrants consideration, the appeal will be scheduled for review at a regularly scheduled Commission meeting. You will be notified of the date of your scheduled appeal review.

Signature_____
Date

Please return this form to:
Colorado Civil Rights Division
Attn: Appeal Coordinator
1560 Broadway, Suite 825
Denver, CO 80202-5143
Fax: 303.894.7830
Email: dora_ccrd@state.co.us

**COLORADO****Department of
Regulatory Agencies**

Colorado Civil Rights Division

Because your complaint was concurrently filed with the Equal Employment Opportunity Commission ("EEOC") under Title VII of the Federal Civil Rights Act of 1964 and/or the Americans with Disabilities Act, you also have the right to request that the EEOC conduct a Substantial Weight Review of the Determination.

If you have any questions regarding a Substantial Weight Review, please contact:

State and Local Unit
3300 N. Central Ave, Suite 690
Phoenix, AZ 85012
Or by email: Phoenix.Intake@eeoc.gov

If you intend to appeal the Determination, you must do so within 10-days from the date of the letter of determination. If an appeal is filed, you cannot request a substantial weight review by the EEOC until after you receive an appeal decision by the Colorado Civil Rights Commission.

If you do not intend to appeal the Determination, you can request a Substantial Weight Review by the EEOC by sending your request in writing, within 15-days of the date of your receipt of this Determination to the above address.



CERTIFICATE OF E-MAILING

This is to certify that on **June 30, 2025** a true and exact copy of the Closing Action of the below-referenced charge was *e-mailed* to the parties listed below:

CCRD Case Number:
E2500026308

EEOC Case Number:
32A-2025-00410

charlie.hyland2@gmail.com

jacque@jcormech.com



COLORADO
Department of
Regulatory Agencies
Colorado Civil Rights Division

David L. Martinez
Division of Civil Rights
1560 Broadway, Suite 825
Denver, CO 80202
www.dora.state.co.us



LETTER OF DETERMINATION

CCRD Complaint No.: E2500026310x
COMPLAINANT: Charles Hyland
RESPONDENT: Jacque Overstreet

I. DETERMINATION

Under the authority vested in me by C.R.S. 24-34-306(2), I conclude from our investigation that there is **insufficient evidence** to support the Complainant's claims of discrimination and/or retaliation. As such, a **No Probable Cause** determination is hereby issued.

The Division's jurisdiction is appropriate under C.R.S. §24-34-402(1)(e)(I), given that the Respondent, as an individual or employer, employment agency, labor organization, or an employee or member thereof, is alleged to have aided and abetted the employer Respondent in its violation of the Colorado Anti-Discrimination Act.

II. BURDEN SHIFTING ANALYSIS

1. The Complainant has the burden of proving each element of a prima facie case by a preponderance of the evidence.
2. If the Complainant establishes a prima facie case, there is a presumption of unlawful discrimination. The burden shifts to the respondent to articulate a legitimate, non-discriminatory reason for its action.
3. If the Respondent provides a legitimate, non-discriminatory reason for its action, the burden shifts back to the Complainant to show by a preponderance of the evidence that the legitimate reason asserted by the Respondent is pretext (i.e., unworthy of belief). Pretext may be proven by showing:
 - a. evidence that the Respondent's stated reason for the adverse action was false;
 - b. evidence that the Respondent acted contrary to policy; or
 - c. evidence of different treatment of similarly situated persons.

III. REASON FOR DETERMINATION☒ **Aiding and Abetting: § 24-34-402(1)(e)(I)**

To prevail on a claim of aiding and abetting discriminatory conduct, the evidence must show:

Established?		
YES	NO	
☐	☒	The Respondent knowingly assisted, incited, compelled, or coerced the discriminatory adverse employment action; and
☐	☒	The conduct assisted the employer in taking the adverse employment action.

☒ **Retaliation: § 24-34-402(e)(IV)**

To prevail on a claim of discriminatory retaliation, the evidence must show:

Established?		
YES	NO	
☒	☐	The Complainant (or an individual within the Complainant's zone of interest) engaged in protected opposition to unlawful discrimination or participated in an investigation of unlawful discrimination;
☐	☒	The Complainant was subjected to adverse treatment that would dissuade a reasonable person from engaging in protected activity; and
☐	☒	There is a causal connection between the protected activity and the adverse treatment.

III. APPEAL AND DISMISSAL INFORMATION

In accordance with C.R.S. 24-34-306(2)(b)(I)(A) and Rule 10.6(A)(1) of the Commission's Rules of Practice and Procedure, the Complainant may appeal the dismissal of this claim to the Commission within ten (10) days, as set forth in the enclosed form.

If the Complainant wishes to file a civil action in a district court in this state, which action is based on the alleged discriminatory or unfair practice that was the subject of the charge filed with the Division, such must be done:

- a. Within ninety (90) days of the mailing of this notice if no appeal is filed with the Colorado Civil Rights Commission; or
- b. Within ninety (90) days of the mailing of the final notice of the Commission dismissing the appeal.

If the Complainant does not file an action within the time limits specified above, such action will be barred and no State District Court shall have jurisdiction to hear such action. C.R.S. § 24-34-306(2)(b)(I)(C).

On Behalf of the Colorado Civil Rights Division



Aubrey Sullivan, Director
Or Authorized Designee

June 18, 2025
Date

**COLORADO****Department of
Regulatory Agencies**

Colorado Civil Rights Division

HOW TO FILE AN APPEAL OF THE DIRECTOR'S DETERMINATION

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- 2) you have failed to provide new evidence that was previously unavailable; or
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**COLORADO****Department of
Regulatory Agencies**

Colorado Civil Rights Division

NOTICE OF APPEAL TO THE COLORADO CIVIL RIGHTS COMMISSION**Appeal Instructions:**

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Signature_____
Date

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Denver, CO 80202-5143
Fax: 303.894.7830
Email: dora_ccrd@state.co.us

CERTIFICATE OF E-MAILING

This is to certify that on **June 30, 2025** a true and exact copy of the Closing Action of the below-referenced charge was *e-mailed* to the parties listed below:

CCRD Case Number:
E2500026310x

charlie.hyland2@gmail.com

jacque@jcoramech.com



David L. Martinez
Division of Civil Rights
1560 Broadway, Suite 825
Denver, CO 80202
www.dora.state.co.us

EXHIBIT 1



UA Plumbers Local Union No.3

Sonny Welch
Business Manager

Joe Kocol
Financial Secretary-Treasurer

Job No : 5431

Employer Name : J COR Mechanical Inc

Job Name : 1 Pipetrademen

Job Description : 1 Pipetrademen

Employee Name : Charlie Hyland

SSN : XXX-XX-9263

Classification : MJRPT - Metal Trades Pipetrademan pays quarterly dues

Certification :

Address : 15800 W. 5th Ave.

City : Golden

State : CO

Zip : 80401

Starting Date : 06/24/2024

Starting Time : 7am

Dispatch Date : 06/21/2024

End Date : - Permanent -

Contact Name : Randy Overstreet

Phone : (303) 271-9787

Dispatch Remarks : Report to the Drug test today and then to the shop on 6/24/2024

Job Note : This is a PERMANENT job. You are removed from the out of work list.

Issued by : Ashley John

MUST HAVE SOCIAL SECURITY CARD & PICTURE ID
Please bring Banking Information and / or a voided check
for direct deposit

WORKING DUES CHECK-OFF AUTHORIZATION AND ASSIGNMENT

I hereby authorize and direct my employer to deduct working dues (that dollar amount times my hours worked as certified by the Union) from my wages every payroll period. I further authorize and direct my employer to remit all moneys deducted to Plumbers Local Union #3 on a monthly basis.

This authorization and assignment shall be irrevocable for a period of one year or until the termination of the applicable collective bargaining agreement, whichever occurs first. It shall thereafter be automatically renewed for successive periods of one year or until the termination of the applicable collective bargaining agreement, whichever occurs first, unless written notice is given by me to both my employer and the above named Union at least forty-five (45) days, but not more than sixty (60) days, prior to the expiration of each one year period or of the applicable collective bargaining agreement, whichever occurs first.

This authorization and assignment are made pursuant to Section 302 of the Labor Management Relations Act, 1947, as amended, and is in full force and effect to the extent permitted by that statute.

AUTHORIZATION FOR REPRESENTATION

I, the undersigned, hereby authorize the UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF THE PLUMBING & PIPEFITTING INDUSTRY OF THE UNITED STATES & CANADA, PLUMBERS LOCAL #3, 17100 E 32nd Place, Aurora Colorado, to be my representative for purposes of Collective Bargaining and in my behalf, to negotiate all agreements as to hours of labor, wages, and other conditions of employment.

Member's Signature

Charlie Hyland

Date 06/21/2024

Dispatcher Signature

Ashley John

Date 06/21/2024

Submit to CDS Drug Testing

Yes ☒ No ☐

Signed the COPE Check-Off Form

Yes ☒ No ☐

Signed Standard of Excellence Yes ☒ No ☐

Signature Certificate

4QRBN-8MEAI-7KITD-AJ8Z9

Signer

Charlie Hyland

Email: charlie.hyland2@gmail.com

Sent

Viewed

Signed

Timestamp

21 Jun 2024 19:54:37 UTC

21 Jun 2024 22:14:28 UTC

21 Jun 2024 22:14:42 UTC

Signature

Charlie Hyland

Recipient Verification:

✓Email verified

21 Jun 2024 22:14:28 UTC

IP address: 207.109.54.133

Location: Arvada, United States

Document completed by all extensions

21 Jun 2024 22:14:42 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 50,000+ companies worldwide



EXHIBIT 2



Part of Optum®

Patient: Charlie J. Hyland
DOB: Feb 20, 1979
Encounter Date: Jul 18 2024

Jul 18, 2024

Re: Charlie Hyland
DOB: Feb 20 1979

To Whom It May Concern:

We are the primary providers of Mr. Charlie Hyland.

Work Restriction
No Pushing, pulling or lifting no more then 20 lbs.
no confined spaces< crawl spaces.

limit to 40 hours per week.

Please feel free to contact our office should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Enshie", with a long, sweeping horizontal line extending from the end of the signature.

Optum Primary Care Arvada
7950 Kipling St., Ste. 101 Arvada, CO. 80005
Off: (303) 425-4680 Fax: (303) 425-1616
www.nwphysicians.com

7/18/24, 3:41 PM

Salucro - Arvada Family Practice (New West Physicians, P.C.) Receipt



Your payment has been successfully processed.

Transaction Result	Success
Date	07/18/2024
Transaction ID	200228363678
Cardholder Name	HYLAND CHARLES
Payment Type	Visa - 9750
Total Payment Amount	\$120.00

Account

Location	Arvada Family Practice (New West Physicians, P.C.)
Patient Name	Charlie Hyland
Account Number / Patient #	150247/1
Transaction Type	Patient Balance
Amount	\$120.00

Thank you for your payment. Please allow 2 days for your account to be updated. If you have questions, please contact our billing office at 866-274-0907.

EXHIBIT 3



Charlie Hyland <charlie.hyland2@gmail.com>

Colorado FMLA

2 messages

Charlie Hyland <charlie.hyland2@gmail.com>

Mon, Jul 22, 2024 at 4:03 PM

To: Joe Kocol <Joe@plumberslocal3.org>, Johnnie Norris <johnnie@plumberslocal3.org>, Heidee Wardrip <heidee@plumberslocal3.org>

Hey Joe,

I was rear-ended by a drunk driver on the 4th of July. Am I eligible for that Colorado FMLA?

Thanks,

Charlie

Heidee Wardrip <heidee@plumberslocal3.org>

Tue, Jul 23, 2024 at 8:08 AM

To: Charlie Hyland <charlie.hyland2@gmail.com>

Hi Charlie,

I don't know if you are eligible or not. This is a Joe question for sure. He is out this week. In the meantime, you can try and find the answers yourself using the link below.

<https://famli.colorado.gov/>

Have a good day.

Thank you,

Heidee Wardrip

Office Manager- Denver Plumbers JATC

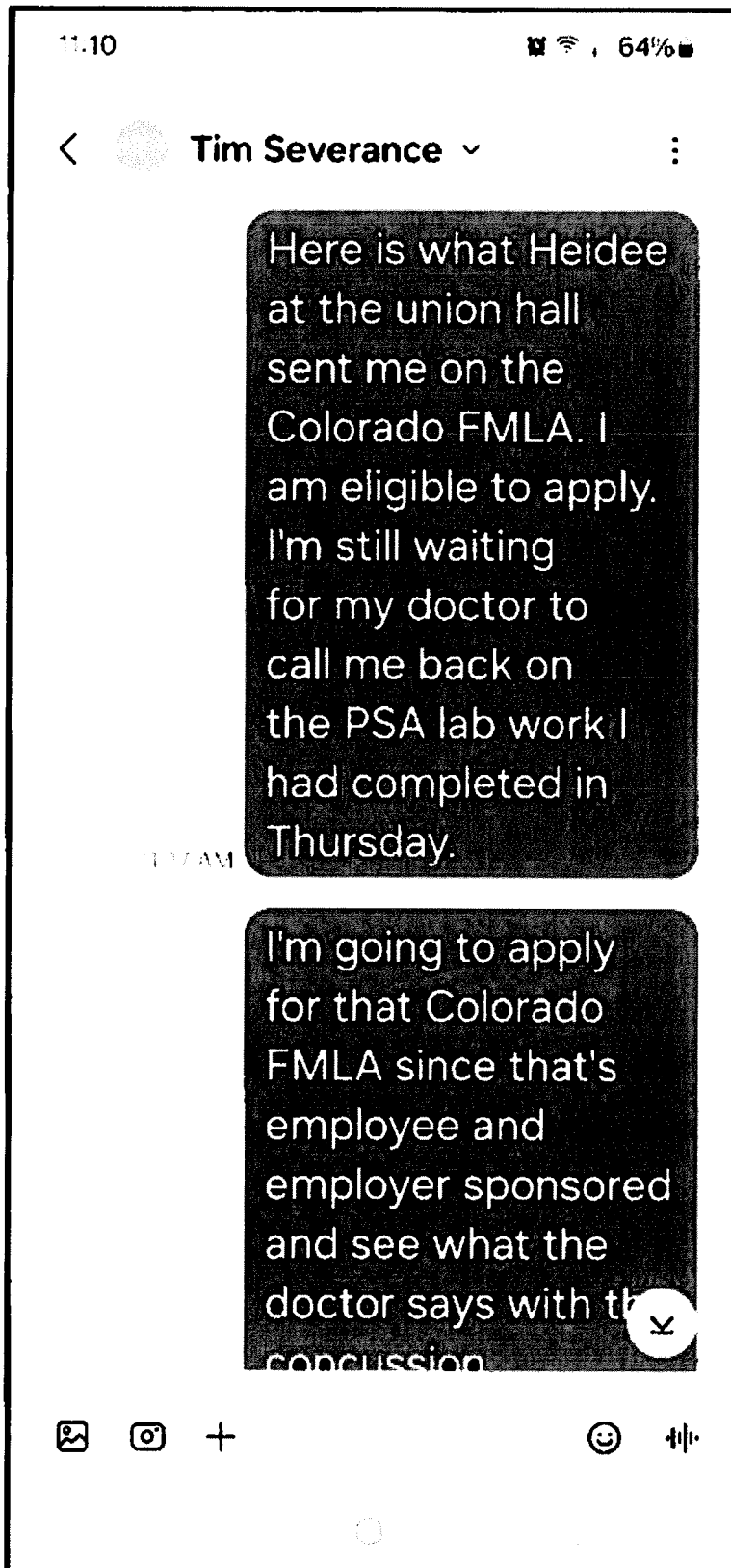
17100 E. 32nd Pl. Aurora CO 80011

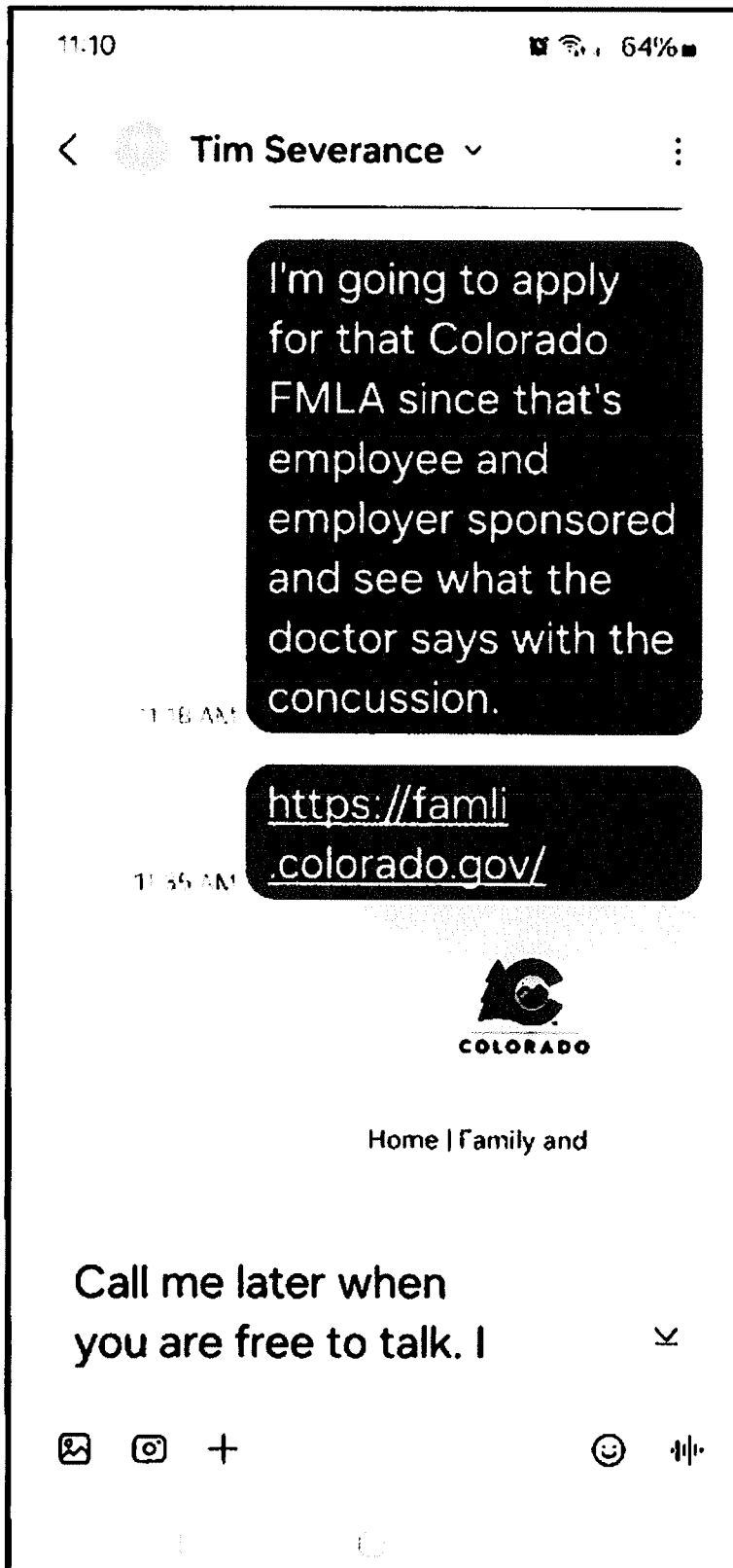
303-739-9100

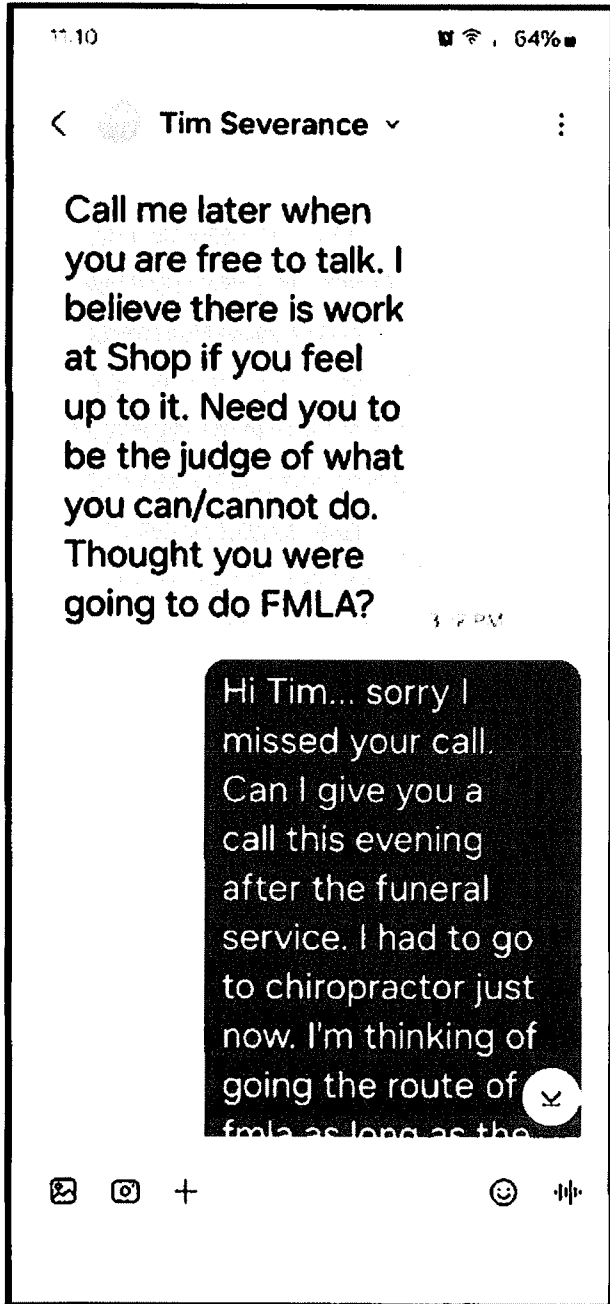
Denver Plumbers JATC will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, gender identity, gender expressions, or because they are an individual with a disability or a person 40 years old or older. Denver Plumbers JATC will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30.

[Quoted text hidden]

EXHIBIT 4







11:11

   64% 

Me

4:13 PM, Jul 23

Hi Tim... sorry I missed your call. Can I give you a call this evening after the funeral service. I had to go to chiropractor just now. I'm thinking of going the route of FMLA as long as the state can approve it from my doctors notice. If there is light duty work I can do until the full or intermittent FMLA is approved.

I'm walking a bit disoriented today after smacking my head a few times yesterday on pipe and concrete in that crawl space and I tweaked my back a bit too pulling 2inch 20ft copper pipe in the crawl space too. I hope the FMLA gets approved so I can be healthy for when the apprenticeship program starts up in September.



Copy text



Share



More

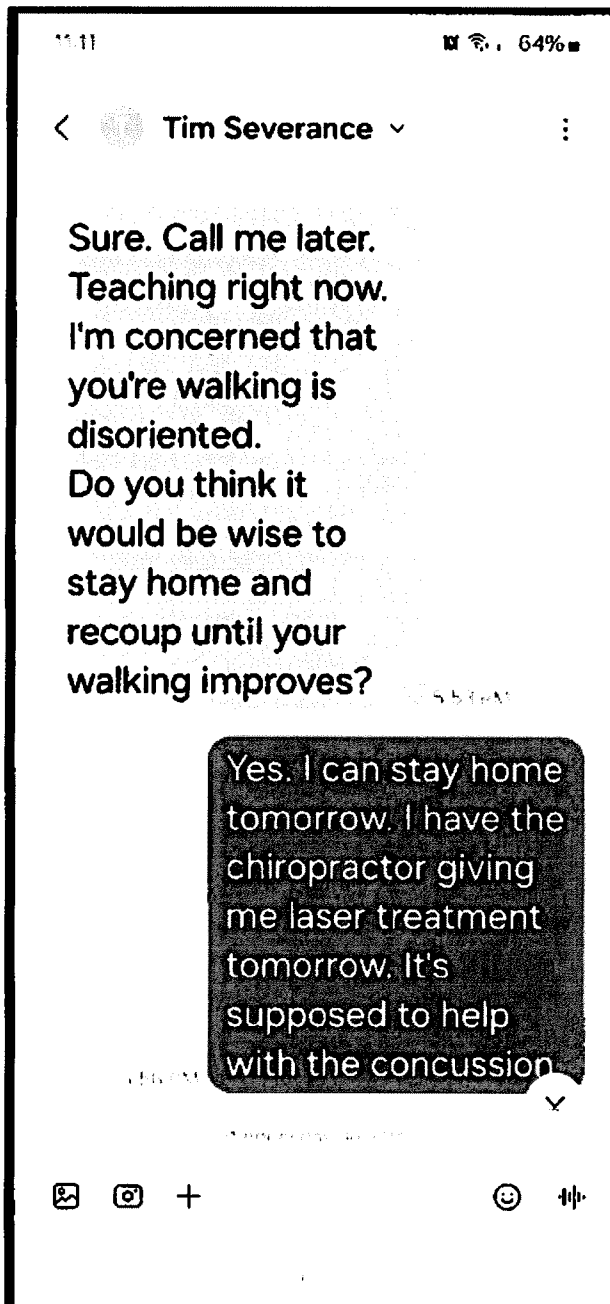


EXHIBIT 5

JDF 398	Temporary Civil Protection Order and Citation
A. Court ☒ District ☐ County ☐ Probate ☐ Juvenile ☐ Municipal Colorado County: <u>District Court, Jefferson County, Colorado</u> Court Address: <u>100 Jefferson County Parkway</u> <u>Golden, CO. 804016002</u>	DATE FILED October 24, 2025 <i>This box is for court use only.</i>
B. Parties to the Case Petitioner: <u>MANES, HELEN</u> & Respondent: <u>HYLAND, CHARLES</u>	C. Case Details Number: <u>D0302014DR030466</u> Division: <u>O</u> Courtroom: _____

1. Background

The Court issues this Order under Colorado Revised Statute (C.R.S.) section (§) 13-14-104.5.

To the Restrained Person:

2. Restrained Person

Name: HYLAND, CHARLES

Date of Birth: 2/20/1979 Sex: M Race: W

Weight: 160 Height: 504 Hair Color: BRO Eye Color: HAZ

3. Protected People

a) Name: MANES, HELEN

Date of Birth: 11/03/1983 Sex: F Race: W

b) Name: _____

Date of Birth: _____ Sex: _____ Race: _____

c) Name: _____

Date of Birth: _____ Sex: _____ Race: _____

d) Name: _____

Date of Birth: _____ Sex: _____ Race: _____

e) Name: _____

Date of Birth: _____ Sex: _____ Race: _____

f) Name: _____

Date of Birth: _____ Sex: _____ Race: _____

g) Name: _____

Date of Birth: _____ Sex: _____ Race: _____

h) Name: _____

Date of Birth: _____ Sex: _____ Race: _____

4. Citation to Restrained Person

You must attend the Hearing on:

Date: Monday, 11/10/2025 Time: 9:00 AM

In Room: 220

At the Hearing, you will have the opportunity to explain(*show cause*) why this order shouldn't be made permanent. The Order remains in effect until the Hearing Date above unless extended by the Court.

Consequences for Not Attending

- a) The Court may order your arrest.
- b) The Court will enter a Permanent Order without additional Notice to you.

5. Protection Orders

a) Findings

C.R.S. §§ 18-6-800.3; 13-14-104.5(9).

The Court Finds:

- It has legal authority (*jurisdiction*) over the parties and subject matter.
- The Restrained Person constitutes a credible risk of physical harm or threat of physical, psychological, emotional harm to the Protected People.
- Sufficient cause exists for the Court to enter a Civil Protection Order.
- ☐ The protection order is based on an act of Domestic Violence. That act involved the threat, use, or attempted use of physical force.

b) Consequences

C.R.S. §§ 18-6-803.5; 13-14-106.(1)(a).

It is a crime to break this Order.

If you(*the Restrained Person*) break this order.

- 1) The Government may bring misdemeanor criminal charges, municipal ordinance violations, or delinquent acts(*if you are a juvenile*) against you.
- 2) You'll be in contempt of court and subject to punishment as provided by law.

c) Baseline Orders

1) You (*the Restrained Person*) can't:

- | | | |
|------------|---------------------|-------------|
| ▪ Contact, | ▪ Intimidate, | ▪ Abuse, or |
| ▪ Harass, | ▪ Threaten, | ▪ Molest, |
| ▪ Stalk, | ▪ Touch, | |
| ▪ Injure, | ▪ Sexually Assault, | |

The Protected People.

2) You can't:

- | | | |
|-----------|-------------|---------------------|
| ▪ Harm, | ▪ Take, | ▪ Molest, Encumber, |
| ▪ Injure, | ▪ Transfer, | ▪ Dispose of, or |
| ▪ Kill, | ▪ Conceal, | ▪ Threaten Harm to |

Any of the Protected People's (*or their children's*) pets or animals.

3) You can't:

- | | | |
|--------|--------------|-------------------|
| ▪ Use, | ▪ Attempt to | ▪ Threaten to Use |
| | Use, or | |

Physical force against the Protected People that could cause bodily injury. You can't engage in conduct that would place the Protected People in reasonable fear of bodily injury.

d) No Contact

You (*the Restrained Person*) can't have contact of any kind with the Protected People.

You can't attempt to contact them through another person except for your attorney.

Exceptions:

NONE EXCEPT THRU TALKING PARENTS APP RE PROTECTED PART

IES CHILD ONLY

e) Exclusion from Places

You (*the Restrained Person*) may not remain in or return to any of the below locations after you receive this Order.

Minimum Distance from Protected People

100 Yards.

You must stay at least the minimum distance away from the Protected People.

Minimum Distance from Places

100 Yards.

You must stay the minimum distance away from the following locations:

☒ Protected Person's Home

☐ The Protected Person requested their address be omitted.

Address: 1949 YANK COURT GOLDEN CO 80401

☐ Protected Person's Work

Work Name: _____

Address: _____

☐ Protected Person's School

School Name: _____

Address: _____

☐ Other:

Address: _____

Minimum Distance Exceptions

If accompanied by law enforcement, you can return to a shared residence once to obtain enough undisputed personal effects to maintain your usual standard of living until the next hearing.

Other exceptions:

f) Care of Children

- ☐ It is in the best interest of the minor children that care and control be awarded to:

Name: _____

until the next hearing. At that hearing, the Court will decide who will have
temporary (*up to one year*) care and control of the children.

g) Parenting Issues

- ☒ Parenting Time and Decision-Making Responsibilities will continue as previously
ordered by the Court in:

Court Name/Type: JEFFERSON

Case Number: 14DR30466

Parenting Time

- ☐ Restrained Person is granted Parenting Time with the minor children.
- ☐ Parenting Time and Decision-Making Responsibilities will be considered at a future
hearing
- ☐ The following Parenting Time is in effect until: (MM/DD/YYYY) _____

Interim Decision Making

- ☐ The following Decision-Making is in effect until: (MM/DD/YYYY) _____
- ☐ Name: _____ will
have sole Decision-Making Responsibilities.
- ☐ The parties shall jointly share Decision-Making Responsibilities.
- ☐ See "Other Matters" in section 6 for orders on Decision Making.

6. Other Orders.

a) Temporary Injunction

☐ As part of this order, a Temporary Injunction is in effect.

This order restrains you *(the Restrained Person)* from:

1) Stop Paying the/for:

- Mortgage or ▪ Utilities or related ▪ Medical care, or
- rent, services, ▪ Child care
- Insurance, ▪ Transportation.

When you had a prior existing duty or legal obligation to do so.

2) You can't:

- Transfer, ▪ Conceal, or
- Encumber, ▪ Dispose of

Personal effects or real property.

Exception: In the usual course of business or for the necessities of life.

After the injunction is entered, you must account for all
extraordinary expenditures to the court.

b) Firearms

☐ You *(the Restrained Person)* can't possess or purchase firearms, ammunition or other weapon.

☐ You must also comply with C.R.S. § 13-14-105.5. You must turn over (relinquish)

all the firearms and ammunition in your possession or control within:

- ☐ 24 hours (if served in court or from your release from jail)
- ☐ 48 hours (if served outside of court)

File from JDF 687 - Affidavit of Relinquishment within 7 business days.

Note - Due dates that fall on a weekend or holiday roll to the next business day.

c) Fees

☐ The Court waives all fees. Service fees should not be assessed. C.R.S. § 13-14-109(1), (2).

☒ Fees shall be paid by the ☒ Petitioner ☐ Respondent

d) Care of Animals

☐ Arrangements for possession and care of an animal are as follows:

e) No Interference

☐ The Restrained Person can't:

- 1) Interfere with the Protected Person at their work or school; or
- 2) Engage in conduct that impairs the Protected Person's employment,
educational relationships, or environment.

f) Other Matters

☒ It is further ordered that:

TPO SUB TO MOD AT PPO HRG 9 29 NO SRV TPO RESET TO 10 13 25 TPO RESET TO
11 10 25

7. Signatures

So Ordered

Judicial Officer Signature:  Dated: 10/13/2025 10-24-25

Judicial Officer Name (print) ROUNSBORG, BENJAMIN DONALD NEWTON

Restrained Person

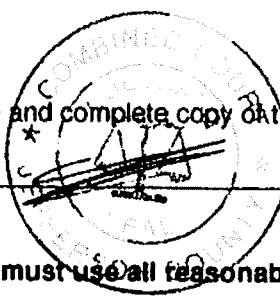
By signing, I acknowledge receipt of this Order:

Restrained Person Signature: _____ Dated: _____

☒ The Restrained Person was not present in courtroom. - E-filed to counsel for rep.
10-24-25

Clerk

I certify that this is a true and complete copy of the original order.

Clerk Signature:  Dated: 10-24-25

Law enforcement must use all reasonable means to enforce this Protection Order.

CO COURTS	Important Information about Protection Orders
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1. General Information

- a) This Order must be given full faith and credit and be enforced in every civil or criminal court of the United States, Indian Tribe or United States Territory pursuant to 18 U.S.C. §2265. This Court has jurisdiction over the parties and the subject matter.
- b) Pursuant to 18 U.S.C. §922(g)(8), it is unlawful for any person to possess or transfer a firearm who is subject to a court order that restrains such person from harassing, stalking or threatening an intimate partner of such person or a child of such intimate partner or person, or engaging in order conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

2. Notice to Restrained Person

- a) You are directed to appear before this Court on the date shown on this form to show cause, if any exists, why this Temporary Protection Order should not be made permanent.
- b) This Temporary Protection Order will be made permanent without further notice or service or the Court may continue the Temporary Protection Orders to a date certain. You are notified that the Permanent Civil Protection Orders will remain in effect until further order of the Court. Such Permanent Order will subject you to Federal Laws restricting firearms possession and sale 18 U.S.C. §922(g)(8), §924(a)(2).
- c) A violation of a Protection Order may be a misdemeanor, municipal ordinance violation or a delinquent act (if committed by a juvenile) and is a deportable offense. Anyone over the age of eighteen who violates this order may be subject to fines and jail time. Violation of this Order may constitute contempt of court. Anyone under the age of 18 who violates this Order may be subject to commitment to the Department of Human Services for up to two years.
- d) You may be arrested or taken into custody without notice if a law enforcement office has probable cause to believe that you have violated this Order.
- e) If you violate this Order thinking that the Protected Person or anyone else has given you permission, **you are wrong** and can be arrested and prosecuted. The terms of this Order cannot be changed by anyone but the Court.

- f) Possession of a firearm while this Protection Order is in effect may constitute a Felony under Federal Law, 18 U.S.C. §922(g)(8).
- g) Firearm and ammunition relinquishment must be in accordance with C.R.S. § 13-14-105.5(2), (4). Failure to comply with the order to relinquish may result in an arrest warrant.

3. Notice to Protected People

- a) If this Order is violated, you may:
 - 1) Call law enforcement.
 - 2) **START CONTEMPT PROCEEDINGS AGAINST THE RESTRAINED PERSON.**
- b) You can't give the Restrained Person Permission to change or ignore this Order in any way. Only the Court can change this Order.
- c) If you receive a return of service for the Protection Order (JDF 398), you must file it with the court.

4. Notice to Law Enforcement Officers

- a) If the Order has not been personally served, the law enforcement officer responding to a call of assistance shall serve a copy of said Order on the person named/Restrained Person therein and shall write the time, date, and manner of service on the Protected Persons' copy of such Order and shall sign such statement. C.R.S. §13-14-107(2), (3). The officer will provide the Protected Person or the Court with a completed return of service form.
- b) You shall use every reasonable means to enforce this Protection Order.
- c) You shall arrest or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Restrained Person when you have information amounting to probable cause that the Restrained Person has violated or attempted to violate any provision of this Order subject to criminal sanctions pursuant to C.R.S. § 18-6-803.5. or municipal ordinance and the Restrained Person has been properly served with a copy of this Order or the Restrained Person has received actual notice of the existence and substance of such Order.
- d) You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
- e) You shall take the Restrained Person to the nearest jail or detention facility.
- f) You are authorized to use every reasonable effort to protect the Protected Persons to prevent further violence.
- g) You may transport or arrange transportation to a shelter for the Protected Persons.

Return of Service Temporary Civil Protection Order	
A. Court ☒ District ☐ County ☐ Probate ☐ Juvenile ☐ Municipal Colorado County: <u>District Court, Jefferson County, Colorado</u> Court Address: <u>100 Jefferson County Parkway</u> <u>Golden, CO. 804016002</u>	<i>This box is for court use only.</i>
B. Parties to the Case Petitioner: <u>MANES, HELEN</u> & Respondent: <u>HYLAND, CHARLES</u>	
C. Case Details Number: <u>D0302014DR030466</u> Division: <u>O</u> Courtroom: _____	

1. Service Date and Time

I certify that:

- a) I am 18 or older and not a party in this case.
- b) I served the Temporary Civil Protection Order and Citation on the Restrained Party

On Date: _____

Time: _____

County and State: _____

Location Description: _____

2. Service Method

I completed services by: (check one)

- ☐ Handing to the Restrained Person.
- ☐ Leaving it with the Restrained Person who refused service.
- ☐ Leaving it with (name) _____

who is designated to receive service for the Restrained Party because of the following
relationship: _____

per C.R.C.P. 4(e).

☐ I attempted to serve the Restrained Party on *(number)* _____ occasions but have not found them.

☐ If checked, a return is made to the requesting party on *(date)* _____

3. Service Fees

I am a:

☐ Private process server. ☐ Sheriff for *(enter county)* _____

I charged the following fees:

Base Fee \$ _____ Mileage \$ _____

☐ None. Fees waived (Domestic Violence Protection Order).

4. Verified Signature

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

Executed on the *(date)* _____ day of *(month)* _____ *(year)* _____

at City: *(or other location)* _____

and State: *(or country)* _____

Print Your Name: _____

Your Signature: _____