

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

FILED - GP

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CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT MICH

BY mcs

Hermastine Gordon

Name of Plaintiff(s)

1:06 CV0098

vs.

Civil No. _____
(To be supplied by the
Clerk of the Court)

Planned Parenthood

Name of Defendant(s)

INSTRUCTIONS FOR FILLING OUT THIS FORM: If you wish to file a lawsuit for the violation of your civil rights you are the *plaintiff*. The person, employer, company, union, or employment agency you sue is the *defendant*. If there is more than one plaintiff or defendant, each must be identified by name and address. Each plaintiff must also state the facts of the discriminatory act unless the facts are the same for all plaintiffs.

To begin a lawsuit you must file a *complaint* with the court. This form is to help you file a complaint under Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, or both. This form will assist you in following the Federal Rules of Civil Procedure for filing the complaint in United States District Court.

Title VII prohibits discrimination on the basis of *race, color, sex, religion, or national origin*. To file suit under Title VII fill out the part of this complaint marked COUNT I - TITLE VII. For Title VII suits you should attach a copy of the EEOC "Right to Sue" letter.

If your Title VII claim is based on the fact that different wages are paid to employees doing similar jobs and the difference between the employees is their *sex*, then you may have an additional claim under the Equal Pay Act of 1963. To file a complaint under the Equal Pay Act, fill out the part of the form marked COUNT II - EQUAL PAY ACT. If a claim violates the Equal Pay Act it will also violate Title VII. A Title VII violation, however, does not necessarily violate the Equal Pay Act. The Equal Pay Act prohibits only pay differences because of *sex*.

You may not be able to fill in every blank. If you are unable to provide the requested information, state either "unknown" or "not applicable" or some other similar explanation. If you need help ask the Clerk at the filing desk.

Please print legibly.

COMPLAINT

PARTIES

1. Plaintiff's address is:

826 Calvin Ave. S.E.
street
Grand Rapids Kent Michigan
city county state
49506-3231 (616) 248-4009
zip code phone number

2. Defendant's address is:

425 Cherry Ave. S.E.
street
Grand Rapids Kent Michigan
city county state
49503 (616) 774-7005
zip code phone number

COUNT I - TITLE VII

NATURE OF PROCEEDINGS

3. Plaintiff seeks legal and equitable relief for the denial of certain rights secured by the Civil Rights Act of 1964, codified as 42 USC Sections 2000e to 2000e-17. Such relief is authorized by 42 USC Section 2000e-5(g).

JURISDICTION

4. This Court has jurisdiction pursuant to 42 USC Section 2000e-5(f)(1)(3).

ADDRESS

5. Is the address where the discriminatory act(s) took place the same address as for defendant?
 yes no. If different from the defendant's address, the discriminatory act(s) took place at:

street

city county state

zip code phone number

FACTS

If you were not hired because of your race, color, sex, religion, or national origin, please complete the following.

Refusal to Hire

- 6. Provide a brief statement of the facts to include the following:
- A. Date of application N/A
- B. If not hired, the date of refusal to hire N/A
- C. If you were not hired because of your sex, race, color, religion, or national origin, please list the names (if Known) of other applicants who were hired and their sex, race, religion, or national origin (whichever is applicable to your case):

If you were treated differently than other employees because of your race, color, sex, religion or national origin, please complete the following:

Difference in Terms and Conditions of Employment Because of Race, Color, Sex, Religion, or National Origin

- 7. Provide a brief statement of the facts to include the following:
- A. Job position plaintiff held at time of discharge, demotion, denial of promotion or job bid, denial or difference in pay or benefits, or other discriminatory act:
Health Care Specialist One
- B. Date the act(s) occurred: January 29, 2004
- C. Was there a general layoff or reduction in force (if you know)?
 yes no
- D. Rate of pay when this occurred \$ 14.35 per hour/per week (please circle)
- E. Name of any individual who was treated differently than you because of your race, color, sex, religion, or national origin (if known):
Leslie
- F. The individual's race, color, sex, religion, or national origin (if known) who was treated differently from you:
White

G. Sexual harassment consisted of the following acts, by the following named individuals:

N/A

Factual Statement

The following is plaintiff's account of the facts:

I was terminated 2/2/04 for altering a medical record & dispensing ECP medication without a clinician's written order on January 29, 2004. This act was customary procedure of Planned Parenthood. It was acceptable to dispense ECP emergency contraception after the fact. A verbal authorization was also acceptable to dispense ECP.

Both White and Black healthcare specialists dispensed Plan B emergency contraception without a clinician's written authorization on January 29, 2004.

CAUSE OF ACTION

Hermastine Gordon

8. Defendant violated plaintiff's civil rights by the following discriminatory act(s):

- A. Failure to hire plaintiff;
- B. Termination of plaintiff's employment;
- C. Demotion of plaintiff;
- D. Denial of promotion or job bid to plaintiff;
- E. Sexual Harassment;
- F. Denial of the same terms and conditions of employment given to other employees but denied plaintiff because of race, color, sex, religion or national origin;
- G. Other Acts (please specify) _____

9. Defendant, in committing the above acts, has violated Title VII of the Civil Rights Acts of 1964 because of plaintiff's (check the correct letter(s)):

- A. race
- B. color
- C. sex (includes harassment and pregnancy/maternity)
- D. religion
- E. national origin

10. Charges were filed with the Equal Employment Opportunity Commission on (state the date or best estimate): 3/22/04

Attach a copy of the Charge you filed with the Equal Employment Opportunity Commission.

11. Charges were filed with the Michigan Department of Civil Rights on (state the date or best estimate): 3/22/04

Attach a copy of the Charge you filed with the Michigan Department of Civil Rights.

STATUTORY PREREQUISITE

12. Plaintiff received a "Right to Sue" letter from the Equal Employment Opportunity Commission on (insert date) Nov 11, 2005 on the 90-day period as required by 42 USC Section 2000e-5.

Attach a copy of "Right to Sue" letter.

REQUEST FOR APPOINTMENT OF ATTORNEY

If you have been unable to get an attorney to take your case and you want the court to appoint counsel for you, please complete the following:

13. Plaintiff has done the following things in an effort to obtain counsel:

14. Plaintiff has been unable to retain counsel and requests the court to appoint an attorney.

yes no.
ERROR

RELIEF

Check applicable letter(s).

15. Plaintiff requests the following:

- A. That all fees, costs or security be waived;
B. That the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees;
C. That the Court grant reinstatement where appropriate.

COUNT II - EQUAL PAY ACT

NATURE OF PROCEEDINGS

16. Plaintiff seeks relief for the denial of certain rights secured by the Equal Pay Act of 1963, codified as 29 USC Section 206(d). Such relief is authorized under 29 USC Section 626(b).

"Not Applicable" JURISDICTION

17. This Court has jurisdiction pursuant to 29 USC Section 216(b).

ADDRESS

18. Is the address where the discriminatory act(s) took place the same address as for defendant? yes no. If different from the defendant's address, the discriminatory act(s) took place at:

_____ street _____

city _____ county _____ state _____

_____ () _____

zip code _____ phone number _____

FACTS

19. Provide a brief statement of the facts to include the following:

A. Job position plaintiff held at the time when the pay discrimination occurred

B. Rate of pay at time this occurred \$ _____ per hour/per week (please circle)

C. Names and job positions held by individuals who were paid more than plaintiff because of that individual's sex

The following is plaintiff's account of the facts:

CAUSE OF ACTION

- 20. By committing the above acts defendant has violated the Equal Pay Act of 1963 by using sex as a determining factor for pay. N/A
- 21. Defendant's conduct was willful. N/A
- 22. Plaintiff filed charges with the Equal Employment Opportunity Commission on (state the date or best estimate) _____ N/A

Attach a copy of the Charge you filed with the Equal Employment Opportunity Commission.

- 23. Plaintiff filed charges with the Michigan Department of Civil Rights on (state the date or best estimate) _____

Attach a copy of the Charge you filed with the Michigan Department of Civil Rights.

STATUTORY PREREQUISITE

- 24. This suit has been filed within three years of the willful discriminatory act.

JURY TRIAL

- 25. Plaintiff requests a jury trial for the Equal Pay Act claim. Yes No

RELIEF

Check applicable letters.

- 26. Plaintiff requests the following:
 - A. That all fees, costs or security be waived;
 - B. That the Court grant such relief as may be appropriate, including liquidated damages, costs and attorney's fees.

DATED: 2/7/06

Hermastine Gordon

Signature of Plaintiff