

MICHAEL K. JEANES
Clerk of the Superior Court

1 Gary L. Lassen (#5259)
2 LAW OFFICE OF GARY L. LASSEN, PLC
3 2020 North Central Avenue
4 Central Park Square, Suite 1100
5 Phoenix, AZ 85004
6 Telephone: (602) 252-1205
7 Facsimile: (602) 254-6982

By KRISTY KEE, Deputy
Date 06/12/2009 Time 02:59 PM
Description Qty Amount

CIVIL NEW COMPLAINT 001 301.00

TOTAL AMOUNT 301.00
Receipt# 00011021511

Attorney for Plaintiff

8 SUPERIOR COURT OF ARIZONA
9 MARICOPA COUNTY

10 IRIS NAVARRETE and ALMA OLIVA,) Case No.: CV 2009-019605

11 Plaintiffs,) COMPLAINT
12 v.) (Arizona Civil Rights Act A.R.S. §41-1461
13) *et. seq.*; Arizona Employment Protection
14) Act A.R.S. §23-1501 *et. seq.*)

15 WELLS FARGO BANK, National)
16 Association; PAT MOSS, Supervisor,)
17 Wells Fargo Bank; JOHN DOES I-V;)
18 JANE DOES I-V; BLACK AND WHITE)
19 CORPORATIONS I-V,)

20 Defendants.)

21 NATURE OF THE ACTION

22 COMES NOW the Plaintiffs by and through their attorney undersigned and bring
23 this action under the Arizona Civil Rights Act, for employment discrimination including
24 disparate treatment and hostile work environment and under the Arizona Employment
25 Protection Act, for wrongful termination in violation of the Arizona Civil Rights Act and
26 the employment policies of Wells Fargo, Plaintiffs, by and through counsel, alleges as
27 follows:
28

1 **JURISDICTION AND PARTIES**

2 1. Plaintiffs Alma Oliva and Iris Navarrete are residents of Maricopa County,
3 Arizona, and Defendants either do business in or are residents of Maricopa County,
4 Arizona.

5 2. The matters complained of herein occurred in Maricopa County, Arizona.

6 3. The employment relationship between Plaintiff and Defendant Wells Fargo
7 Bank occurred in the State of Arizona.

8 4. The amount in controversy exceeds the minimum jurisdictional amount of
9 the Court.

10 5. This action is brought pursuant to Arizona Civil Rights Act A.R.S. §41-
11 1463(B).

12 6. Plaintiffs Alma Oliva and Iris Navarrete have filed charges of
13 discrimination with the Arizona Civil Rights Division and have both received a right to
14 sue letter allowing them to pursue this charge.

15 **FACTUAL BACKGROUND**

16 7. Plaintiff Alma Oliva has performed duties as an exemplary employee for
17 Wells Fargo Bank since 1998 and has worked continuously as a lead teller, Ms. Oliva
18 was terminated from her employment on or about March 25, 2008.

19 8. Plaintiff Iris Navarrete has performed duties as an exemplary employee for
20 Wells Fargo Bank since 2007 and has worked continuously as a teller, Ms. Navarrete
21 terminated her employment on or about June 19, 2008 due to the hostile work
22 environment at Wells Fargo.

23 9. Plaintiffs both worked at the same Wells Fargo branch with Defendant
24 Moss as their supervisor.

25 10. Plaintiffs are both of Hispanic decent and fluent Spanish speakers.

26 11. Throughout their tenure at Wells Fargo Plaintiffs allowed Wells Fargo to
27 reach non-English speaking customers, by speaking to them in Spanish.
28

1 12. Defendant Moss is Caucasian did not like Plaintiffs speaking to Spanish-
2 only customers in Spanish and began to harass Plaintiffs about speaking Spanish.

3 13. Wells Fargo's policy manual stresses diversity specifically Wells Fargo
4 intends to "Leverage diversity as a competitive advantage" by "Serv[ing] our
5 marketplace with products and services that meet the needs of our diverse customer
6 base" and Wells Fargo maintains a Spanish-only website
7 <https://www.wellsfargo.com/spanish>.

8 14. Despite Wells Fargo's policy and intention to attract Spanish-only speakers,
9 Plaintiffs were told to speak to all customers in English by Defendant Moss.

10 15. On or about February 22, 2008 Ms. Oliva complained to Mike Coda in
11 Human Resources about the harassment she was receiving from Defendant Moss for
12 speaking Spanish with Spanish-only speaking customers.

13 16. On or about June 2, 2008 Defendant Moss gave Ms. Navarrete an informal
14 warning for Attendance despite Ms. Navarrete providing Doctors visit information,
15 Caucasian workers were not required to provide any information for tardiness, nor were
16 they warned.

17 17. The Wells Fargo branch is in a highly Hispanic area with many Spanish-
18 only speakers.

19 18. Every other Hispanic employee previously employed at the Wells Fargo
20 branch with Plaintiffs has been terminated or has terminated their employment due to
21 Defendant Moss.

22 19. After her termination Ms. Oliva continued to seek employment in the
23 banking industry and was hired by Wachovia, once Wachovia was acquired by Wells
24 Fargo she was again terminated.
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT ONE

(Arizona Civil Rights Act – Discrimination Based on National Origin)

20. Plaintiffs incorporate and reallege the allegations of Paragraphs 1 through 19 as if fully set forth herein.

21. Defendants terminated the employment of Plaintiffs because they are of Hispanic Origin and intentionally harassed and allowed a pervasive hostile work environment and intentional discrimination to occur. Defendants' actions evidence a total disregard for Plaintiffs exceptional performance, experience, professional abilities, competency and skill and evidence outrageous behavior that was willful and wanton on the part of Defendants with the intent to and effect of placing in jeopardy, harming, or terminating employment relationship of Plaintiffs, and contrary to the public policy of the United States and the State of Arizona. Defendants acted with an "Evil Mind" to cause Plaintiffs severe distress and inability to perform their job. Defendants' knew their actions caused Plaintiffs injury. Defendants terminated Ms. Olivia's second employment stint with Wells Fargo in retaliation for her filing an EEOC charge, complaining of national origin discrimination.

COUNT TWO

(Wrongful Termination In Violation of The Arizona Employment Protection Act)

22. Plaintiff incorporates and realleges the allegations of Paragraphs 1 through 21 as if fully set forth herein.

23. Defendants Wells Fargo's and Pat Moss' termination of Plaintiffs employment was based on their national origin, Hispanic, in violation of the Arizona Civil Rights Act. Wells Fargo has a policy of diversity in the workplace and encourages using diversity to increase the customer base, terminating the employment of Plaintiffs for speaking Spanish is in violation of this policy. The public policy of Arizona is that the employment relationship is contractual in nature and that an employee should not be terminated based on a breach of that relationship.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

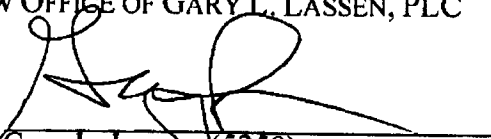
24. Plaintiffs hereby demand a jury trial.

WHEREFORE, Plaintiffs demand judgment in their favor against Defendants as follows:

- A. Awarding Plaintiffs compensatory damages in an amount to be proven at trial;
- B. Awarding Plaintiffs past and future wages lost and value of benefits;
- C. Awarding Plaintiffs all costs incurred in this action;
- D. Award attorneys' fees under A.R.S. §12-341.01; and
- E. Awarding Plaintiffs such other and further relief as this Court deems just and proper.

DATED this 12th day of June, 2009.

LAW OFFICE OF GARY L. LASSEN, PLC

By: 

Gary L. Lassen (5259)
2020 North Central Avenue
Suite 1100
Phoenix, AZ 85004
Attorney for Plaintiffs