

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

LISA BRAZIE
12191 Regency Run Court, #12
Cincinnati, OH 45240

Plaintiff,

vs.

INNOMARK COMMUNICATIONS
420 Distribution Circle
Fairfield, OH 45014

Defendant.

Case No. **1:10 CV 057**

Judge **SPIEGEL, J.**

**COMPLAINT WITH
JURY DEMAND**

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

10 FEB - 1 PM 3:16

FILED
JAMES BONINI
CLERK

Plaintiff, Lisa Brazie, for her Complaint against Defendant, Innomark Communications, asserting claims of sexual harassment and retaliation under state law and Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, among other claims, states as follows:

PARTIES/JURISDICTION/VENUE

1. Plaintiff Lisa Brazie resides at the address listed in the caption.
2. Innomark Communications ("Innomark" or "Defendant") is an Ohio company with its headquarters located in Fairfield, Ohio.
3. Innomark is subject to the personal jurisdiction of this Court.
4. Venue is proper in this Court because a substantial part of the events or omissions giving rise to the claim asserted in this action occurred in this judicial district. See 29 U.S.C. § 1391(b).
5. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1331 as Plaintiff asserts a statutory claim under federal law in this action.

FACTS

6. Lisa Brazie was hired by Defendant as a receptionist on June 5, 2006 and was a loyal and dedicated employee throughout her employment.

7. On November 12, 2007, Ms. Brazie was promoted to administrative assistant for vice-president of the permanent division, John Knab.

8. Ms. Brazie's promotion included many added responsibilities. She was the main contact for the marketing department, and she played an integral role in organizing all trade shows in which Innomark participated. With her promotion, Ms. Brazie also routinely attended meetings in both of Innomark's buildings, which are known at the company by their street addresses – *i.e.*, the “375 Building” and “420 Building,” respectively.

9. In March 2008, in her capacity as administrative assistant, Ms. Brazie traveled to Chicago to oversee a trade show that she helped organize for Innomark.

10. Gary Boens, the co-owner and president of Innomark, also attended the trade show.

11. Regrettably, during the first evening of the trade show, president Boens made unwanted sexual advances on Ms. Brazie, which she rejected.

12. The following day at the trade show, Boens stated to Ms. Brazie, among other co-workers, that “Gary was a baddy boy” the prior evening.

13. Upon returning from the Chicago trade show, Ms. Brazie made a complaint about Boens's harassment to Innomark's logistics manager, Mike Maratea.

14. Maratea responded by telling Ms. Brazie that there was a history of sexual harassment at Innomark and that “sexual harassment is nurtured here.”

15. Innomark took no steps to address her complaint.

16. Approximately two weeks later, Knab informed her that she was no longer permitted in Innomark's 420 Building, where Boens's office was located.

17. Ms. Brazie previously had done a substantial amount of work in the 420 Building, including regularly meeting with sales representatives.

18. Shocked by this decision, Ms. Brazie asked Knab why she had been banned from the 420 Building. Knab replied, "I can't protect you." When Ms. Brazie asked what this meant, Knab did not respond.

19. After her ban from the 420 Building, Ms. Brazie was subjected to unwelcome conduct by an employee in the information and technology department, which she brought to the attention of manager Maratea. Again, Innomark took no steps to address her concerns.

20. Fed up with the situation, Ms. Brazie filed a sexual harassment charge with the Ohio Civil Rights Commission ("OCRC") on August 15, 2008. In the charge, she described the harassment by president Boens.

21. Immediately after Innomark learned of the charge, management began taking away job responsibilities and work assignments from Ms. Brazie.

22. Prior to filing her OCRC charge, Ms. Brazie had been an integral part of organizing and scheduling Defendant's participation in national trade shows. She had organized a six-figure project for a Chicago trade show in March 2008 and had organized a trade show in Arkansas in May 2008. Additionally, Ms. Brazie had been a member of the committee responsible for scheduling and organizing two of Defendant's upcoming trade shows, a San Francisco show scheduled for September 2008 and a Las Vegas show scheduled for March 2009 until she filed with the OCRC.

23. After filing her charge, Innomark management removed all of her responsibilities regarding upcoming trade shows, in San Francisco and Las Vegas, and they excluded her from meetings to prepare for these shows.

24. Management also removed Ms. Brazie from meetings and projects with inside and outside sales representatives with whom she had previously worked. Management even refused to allow Ms. Brazie to attend meetings with two sales representatives who had requested, specifically, to work with Ms. Brazie.

25. Innomark even removed job duties that the company previously had specifically trained her to perform. In June 2008, Ms. Brazie attended three weeks of computer training – and the company spent thousands of dollars on computer software and equipment – so she could design and create instruction sheets for their products. This was a task that she performed well and for which management congratulated her. Yet after she filed the OCRC charge, management took away this responsibility and the computer equipment itself.

26. In response to being stripped of all of her work and responsibilities, Ms. Brazie e-mailed Knab repeatedly, asking why all of her responsibilities had been taken away.

27. For about a month, Mr. Knab did not respond to these emails.

28. When he finally did respond, Knab merely replied, “ask Gary [Boens].”

29. Knab’s reply confirmed her suspicions: Boens was the one who decided to take away all of her job responsibilities, in retaliation for her complaining to the OCRC about his harassment.

30. Ms. Brazie realized that the harassment and retaliation at Innomark was not going to stop. Emotionally drained from the experience, Ms. Brazie had no choice but to resign, on October 1, 2008.

31. On November 3, 2008, Ms. Brazie filed a second charge with the OCRC regarding the retaliation. After conducting a thorough investigation, the OCRC issued a probable cause finding against Innomark. (Copy of the OCRC's Letter of Determination, dated August 13, 2009, attached herewith as "Exhibit A.")

32. Electing to pursue an action on her own behalf, Ms. Brazie sought to voluntarily withdraw her complaint with the OCRC, which granted her request on or about December 10, 2009.

33. Plaintiff has timely filed this action.

FIRST CLAIM FOR RELIEF
(Sexual Harassment – O.R.C. § 4112.02(A))

34. Plaintiff incorporates the allegations set forth above as if fully restated herein.

35. Sexual harassment is a form of sex discrimination prohibited under O.R.C. § 4112.02(A) as enforced through O.R.C. § 4112.99.

36. The sexually harassing conduct described herein created a hostile work environment for Plaintiff. The harassment was unwelcome, and it was severe and pervasive.

37. Defendant is strictly liable for the sexual harassment of Plaintiff by Defendant's president, Gary Boens.

38. Also, the sexual harassment was known or should have been known by Defendant, and Defendant failed to implement an anti-harassment policy that was effective in practice in reasonably preventing and correcting such harassing behavior. By its actions and omissions, Defendant ratified the harassment.

39. In its actions and omissions, Defendant has engaged in willful and malicious conduct against Plaintiff and has shown a reckless and/or conscious disregard for Plaintiff's rights under the law.

40. As a direct and proximate result of the foregoing, Plaintiff has suffered injuries and damages for which she is entitled to recover against Defendant as set forth herein under O.R.C. § 4112.02(A), as enforced through O.R.C. § 4112.99.

SECOND CLAIM FOR RELIEF
(Sexual Harassment – Title VII)

41. Plaintiff incorporates the allegations set forth above as if fully restated herein.

42. Sexual harassment is a form of sex discrimination prohibited under Title VII.

43. The sexually harassing conduct described herein created a hostile work environment for Plaintiff. The harassment was unwelcome, and it was severe and pervasive.

44. Defendant is strictly liable for the sexual harassment of Plaintiff by Defendant's president, Gary Boens.

45. Also, the sexual harassment was known or should have been known by Defendant, and Defendant failed to implement an anti-harassment policy that was

effective in practice in reasonably preventing and correcting such harassing behavior. By its actions and omissions, Defendant ratified the harassment.

46. In its actions and omissions, Defendant has engaged in willful and malicious conduct against Plaintiff and has shown a reckless and/or conscious disregard for Plaintiff's rights under the law.

47. As a direct and proximate result of the foregoing, Plaintiff has suffered injuries and damages for which she is entitled to recover against Defendant as set forth herein under Title VII.

THIRD CLAIM FOR RELIEF
(Retaliation – O.R.C. Chapter 4112)

48. Plaintiff incorporates the allegations set forth above as if fully restated herein.

49. By filing a charge with the OCRC, Plaintiff engaged in protected activity as described in O.R.C. § 4112.02(I).

50. After becoming aware of Plaintiff's OCRC filing, Defendant retaliated against Plaintiff, by taking away her job duties, refusing to assign her work and then refusing to respond when she inquired about the lack of work.

51. Through its actions, Defendant has engaged in willful and malicious conduct against Plaintiff and has shown a reckless and/or conscious disregard for Plaintiff's rights under the law.

52. As a direct and proximate result of the foregoing, Plaintiff has suffered injuries and damages for which she is entitled to recover against Defendant as set forth herein under ORC Chapter 4112.

FOURTH CLAIM FOR RELIEF

(Retaliation – Title VII)

53. Plaintiff incorporates the allegations set forth above as if fully restated herein.

54. By filing a charge with the OCRC, Plaintiff engaged in protected activity as described in section 704(a) of Title VII.

55. After becoming aware of Plaintiff's OCRC filing, Defendant retaliated against Plaintiff, by taking away her job duties, refusing to assign her work and then refusing to respond when she inquired about the lack of work.

56. Through its actions, Defendant has engaged in willful and malicious conduct against Plaintiff and has shown a reckless and/or conscious disregard for Plaintiff's rights under the law.

57. As a direct and proximate result of the foregoing, Plaintiff has suffered injuries and damages for which she is entitled to recover against Defendant as set forth herein under Title VII.

FIFTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress)

58. Plaintiff incorporates the allegations set forth above as if fully restated herein.

59. The harassing and retaliatory conduct described herein was intended to cause Plaintiff emotional distress, and such conduct did proximately cause her serious emotional distress.

60. This conduct was of such an extreme and outrageous character as to be utterly intolerable in a civilized community.

61. Plaintiff complained to management, and/or management reasonably should have known, about the harassing and retaliatory conduct described herein. Also, conduct was perpetrated, at least in part, by Defendant's president, Gary Boens.

62. In its actions and omissions, Defendant has engaged in willful and malicious conduct against Plaintiff and has shown a reckless and/or conscious disregard for Plaintiff's rights under the law.

63. As a direct and proximate result of the foregoing, Plaintiff has suffered injuries and damages for which she is entitled to recover against Defendant as set forth herein.

SIXTH CLAIM FOR RELIEF
(Constructive Termination)

64. Plaintiff incorporates the allegations set forth above as if fully restated herein.

65. Defendant's harassing and retaliatory conduct was so severe that Plaintiff was forced to quit her employment as a result.

66. Under the foregoing circumstances, Plaintiff's separation of employment with Defendant constituted constructive termination.

67. As a direct and proximate result of this unlawful termination, Plaintiff has suffered injuries and damages for which she is entitled to recover against Defendant as set forth herein.

WHEREFORE, Plaintiff, Lisa Brazie, demands judgment against Defendant, Innomark Communications, in an amount to be determined at trial, for the following:

- A. Lost pay and benefits;
- B. Compensatory damages;

- C. Punitive damages;
- D. Pre- and post-judgment interest at the rate allowed by law;
- E. Attorney fees, costs and expenses incurred in the investigation and prosecution of this action; and
- F. Such other and further relief which the Court deems just, proper and equitable under the circumstances.

Dated: February 1, 2010.

Respectfully submitted,

/s Stephen A. Simon
Stephen A. Simon (0068268)
Paul H. Tobias (0032415)
Christopher R. Cline (0083853)
Tobias, Kraus & Torchia
414 Walnut Street
Suite 911
Cincinnati, OH 45202
Tel: (513) 241-8137
Fax: (513) 241-7863
E-mail: TKT@TKTlaw.com
E-mail: SteveS@TKTlaw.com
Trial Attorneys for Plaintiff

JURY DEMAND

Plaintiff requests a trial by jury on all issues triable to a jury.

/s Stephen A. Simon
Stephen A. Simon (0068268)



Governor Ted Strickland

August 13, 2009

Lisa Brazie
12191 Regency Run Ct. #12
Cincinnati, OH 45240

Gary Boens, Owner
Innomark Communications
420 Distribution Circle
Fairfield, Ohio 45014

LETTER OF DETERMINATION
Lisa Brazie v. Innomark Communications
(CIN) 75 (34089) 11032008; 22A 2009 00974C

OHIO
CIVIL RIGHTS
COMMISSION

G. Michael Payton
Executive Director

Commissioners
Eddie Harrell, Jr.
Chairman

Leonard Hubert
Grace Ramos
Rashmi Yajnik

On November 3, 2008 Charging Party, Lisa Brazie, filed an affidavit with the Ohio Civil Rights Commission alleging that Respondent, Innomark Communications, engaged in an unlawful discriminatory practice. Specifically, Charging Party alleged that Respondent forced her to resign her employment in retaliation for engaging in protected activities. All jurisdictional requirements for filing a charge had been met.

Charging Party engaged in a protected activity on August 15, 2008 when she filed a charge of sexual harassment, OCRC charge number 75 (33959) 08152008. Charging Party began her employment with Respondent on June 5, 2006 as a receptionist. In December 2007, she was promoted to Administrative Assistant in marketing.

Charging Party asserts that on August 21, 2008, once Respondent was notified of her OCRC filing, they began removing duties, responsibilities and equipment from her. Charging Party states she was left with essentially no work from August 21, 2008 until she resigned on October 1, 2008.

Respondent denies any retaliation against Charging Party. Respondent asserts that when Charging Party started her new position in Marketing in December 2007, her work group was very busy planning for a Trade Show in Chicago in March 2008 and a Trade Show in Arkansas in April 2008. After those shows, the amount of work assigned to her from her work group dramatically decreased. Respondent acknowledges the decrease and states in an effort to provide her with additional work, they invested several thousand dollars upgrading her computer with newer hardware and software so that she could take over creating instruction sheets for product displays. This would free up the design team and provide Charging Party with additional work. Unfortunately, according to Respondent, Charging Party failed to master the skills necessary for this work and ultimately, abandoned the project. Respondent attempted to filter overflow from other departments to keep Charging Party busy, and stated that other departments were reluctant to give her their overflow because of her reputation for clerical mistakes and lack of attention to detail. Respondent denies Charging Party's assertion that they removed her office equipment. Respondent asserts they only re-arranged the office furniture in her area to make room for display samples and that the power cord to the scanner was misplaced during the rearranging. Respondent states there was another scanner available for use; however, she did not need the original scanner because by that time she was no longer creating the instruction sheets project for which the scanner was given to her.

DAYTON
REGIONAL OFFICE
40 W. 4th Centre
40 W. 4th Street
Suite 1900
Dayton, OH 45402
937. 285 6500 Phone
888. 278 7101 Toll Free
(937) 285 6606 Fax
www.crc.ohio.gov

Exhibit A

Dayton Regional Office

Case Name: Lisa Brazie v. Innomark Communications

Case Number: (CIN) 75 (34089) 11032008, 22A 2009 00974C

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The OCRC mailed notification of charge number (CIN) 75 (33959) 08152008 to Respondent on August 18, 2008, which arrived to Respondent on or about August 20, 2008.

Charging Party states she noticed changes in her duties almost immediately after the charge was received beginning on August 21, 2008. Prior to the filing of the charge, Charging Party had begun to plan for future shows in Las Vegas and San Francisco. Charging Party was asked by her Supervisor, John Knab, to begin working on the GlobalShop 2009 (Las Vegas) show on August 11, 2008. She also registered for the San Francisco POP show on August 18, 2008. On August 20, 2008, a co-worker named Charging Party in an email expressing that he was going to be working with Charging Party on the Black Hawk/San Francisco POP show. However, on August 21, 2008, Charging Party was informed she would not be working with the co-worker. On September 16, 2008, she was told she would not be attending the San Francisco show. Charging Party alleges she was excluded from a meeting that she set up on September 30, 2008 with a sales representative she had previously worked with. When Charging Party inquired as to why she was being excluded from advertising and shows, Supervisor John Knab told her to "Ask Gary". Charging Party believes that the statement is in reference to her previous charge alleging sexual harassment by Respondent's owner, Gary Boens. Respondent denies this, stating the statement was taken out of context and was limited to a particular meeting. Respondent asserts that the meeting involved upper level management and was well over her head.

The investigation reveals Charging Party made repeated appeals to Respondent for work to do beginning August 27, 2008. On September 30, 2008 Charging Party told Knab "it really sucks coming to work every day and just sitting at my desk with no work". On October 1, 2008 she inquired to Knab, "...since my entire job responsibilities have been taken away from me, can you tell me what am I supposed to do? Should I just sit here, at my desk every day and continue to do word searches?" Charging Party alleges that Knab never responded to her inquires. Respondent acknowledges that after the Chicago and Arkansas shows were concluded, her work did decrease but, had she not resigned, she would have been part of the planning for trade shows in the first quarter of 2009, which began in November 2008. However, Respondent had a show in September 2008 in San Francisco that Charging Party had already begun working on until she was relieved of those duties. She was also pulled from working on the Black Hawk project on August 21, 2008. Furthermore, on August 11, 2008, at Knab's request, Charging Party began to work on the GlobalShop 2009 (Las Vegas) show, though in their position statement, Respondent states planning didn't begin until November 3, 2008. Additionally, Charging Party alleges in addition to removing work from her, Knab began to strictly enforce policies that had never been discussed prior to her OCRC filing. For example, Knab began to insist that Charging Party fill out vacation forms for time off. She had never been asked to do so during her entire employment with Respondent.

Although Respondent asserts Charging Party had a reputation for clerical mistakes and a lack of attention to detail, they offer no evidence of such. Charging Party was initially hired as a temporary for nearly 4 months before Respondent hired her on permanently. Charging Party's 2007 evaluation states the evaluator is "very pleased with Lisa's performance." There is no

Dayton Regional Office

Case Name: Lisa Brazie v. Innomark Communications

Case Number: (CIN) 75 (34089) 11032008, 22A 2009 00974C

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mention of clerical errors or lack of attention to detail. If in fact, Respondent believed this to be true, it seems unlikely that Respondent would have promoted her from her receptionist position to an Administrative Assistant to senior management and make her primarily responsible for coordination of such large scale projects such as trade shows. According to Charging Party's job description, her duties include coordination and participation in trade shows. Charging Party did coordinate and attend two shows prior to her engaging in protected activities. She had begun planning on two future shows. However, after Respondent was notified of her OCRC charge, it appears that her involvement in those duties was reduced to the point that she was left with essentially no work until she resigned in October 2008.


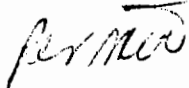
The investigation concluded that it is **probable** that the Charging Party was discriminated against in retaliation for engaging in protected activities

DECISION

Based on the investigation conducted in this matter, the Ohio Civil Rights Commission has determined that there is **PROBABLE CAUSE** to believe that the Respondent engaged in an unlawful discriminatory practice under Section 4112 of the Ohio Revised Code and hereby orders that this matter be scheduled for **CONCILIATION**.

FOR THE COMMISSION

Husani Kitwana
Dayton Regional Supervisor

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Lisa Brazie, 12191 Regency Run Court, #12, Cincinnati, OH 45240

(b) County of Residence of First Listed Plaintiff Hamilton
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Stephen A. Simon/Paul H. Tobias, Tobias, Kraus & Torchia, 414 Walnut Street, Suite 911, Cincinnati, OH 45202 (513) 241-8137

DEFENDANTS

Innmark Communications, 420 Distribution Circle, Fairfield, OH 45014

County of Residence of First Listed Defendant Butler
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII

Brief description of cause:
Harassment/Retaliation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
2/1/10

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Court Name: US District Court SDO
Division: 1
Receipt Number: 100CIN007525
Cashier ID: lang
Transaction Date: 02/01/2010
Payer Name: TOBIAS KRAUS AND TORCHIA

CIVIL FILING FEE
For: TOBIAS KRAUS AND TORCHIA
Case/Party: D-OHS-1-10-CV-000057-001
Amount: \$350.00

CHECK
Remitter: TOBIAS KRAUS AND TORCHIA
Check/Money Order Num: 29454
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

A fee of \$45.00 will be assessed on
all returned checks.