

DISTRICT COURT, GARFIELD COUNTY STATE OF COLORADO 109 8th Street, Suite 104 Glenwood Springs, Colorado 81601 Phone: (970) 928-3065	DATE FILED: August 26, 2019 7:45 PM FILING ID: 9F0D2D81A404D CASE NUMBER: 2019CV30132
Plaintiff: Laura Brown v. Defendant West Valley Insulation	^ Court Use Only ^
Attorney for Plaintiff: Andrew C. Quisenberry, Esq., #43805 BACHUS & SCHANKER, LLC 1899 Wynkoop Street, Suite 700 Denver, Colorado 80202 Phone Number: (303) 893-9800 Fax Number: (303) 893-9900 E-mail address: Andrew.Quisenberry@coloradolaw.net	Case Number: Courtroom:
COMPLAINT AND JURY DEMAND	

Plaintiff Laura Brown, by and through undersigned counsel, brings this Complaint and Jury Demand against Defendant West Valley Insulation and states as follows:

NATURE OF ACTION

Plaintiff Luran Brown (“Brown” or “Plaintiff”) loyally served as an employee of Defendant West Valley Insulation (“West Valley” or “Defendant”). Plaintiff brings this action for damages against West Valley Jacobson as a result of its discrimination, harassment, and retaliation against Plaintiff in violation of the Colorado Anti-Discrimination Act (“CADA”), C.R.S. § 24-34-401, et seq.

PARTIES AND VENUE

1. Plaintiff is a former employee of West Valley and was a resident of Garfield County, Colorado during her employment with Defendant.
2. Plaintiff, a female, is a member of a protected class of individuals as defined by C.R.S. § 24-34-402.

3. Defendant is an employer as defined by C.R.S. § 24-34-401(3) with a principal office located at 150 W Main Street, Silt, CO 81652.

4. Venue is proper in the District Court of Garfield County, Colorado, pursuant to Colo. R. Civ. P. 98(c).

ADMINISTRATIVE HISTORY

5. Plaintiff has timely and properly exhausted her administrative remedies pursuant to C.R.S. § 24-34-306 by filing an initial Charge with the Colorado Civil Rights Division (“CCRD”), CCRD Charge No. FE2019239358, EEOC Charge No. 32A-2018-00526, on or about June 6, 2018, based upon grounds of gender discrimination, harassment, and retaliation.

6. This lawsuit is timely filed within 90 days after the CCRD’s mailing of the Closing Action and Notice of Right to Sue May 30, 2019.

FACTUAL ALLEGATIONS

7. Plaintiff incorporates the preceding allegations by reference as if fully stated herein.

8. West Valley hired Brown, a female, on or about December 31, 2014.

9. Brown performed her job responsibilities satisfactorily during her employment at West Valley.

10. In or about January 2016, Stephen Michael Neff (“Neff”), part owner of West Valley, began to sexually harass Brown.

11. Neff would tell Brown that people who wear sexy clothing deserved to be raped because men are sexual creatures.

12. Neff explained this is why he cheated on his wife and why he was lonely.

13. Neff would provide Brown with money in exchange for a hug.

14. Neff would state to Brown that he would be happy to take care of her.

15. Neff frequently commented on Brown’s appearance and her body condition.

16. Neff continued to make these comments during Brown’s employment with West Valley.

17. Brown complained of sexual harassment to Alma Cornejo and Ashley Chavez about Neff's behavior on multiple occasions.

18. On or about February 8, 2018, Neff accused Brown of poor job performance.

19. On or about February 12, 2018, West Valley terminated Brown via text message from Neff due to lack of communication.

FIRST CAUSE OF ACTION

**Discrimination in Violation of the Colorado Anti-Discrimination Act
(C.R.S. § 24-34-402(1)(a))**

20. Plaintiff incorporates the preceding allegations by reference as if fully stated herein.

21. West Valley is an employer as defined by C.R.S. § 24-34-401(3).

22. Brown is a member of a protected class of individuals based on gender as defined by C.R.S. § 24-34-402(1)(a).

23. Brown was an employee as defined by C.R.S. § 24-34-401(2) and at all times was qualified to perform the functions of her job.

24. West Valley willfully and intentionally subjected Brown to discrimination when Neff made sexually explicit comments to Brown.

25. West Valley knew its actions violated CADA or was recklessly indifferent in that regard.

26. As a direct and proximate result of the foregoing actions and conduct of West Valley, Brown has suffered, and will continue to suffer, economic damages including loss of back wages, front wages, employee benefits, as well as non-economic damages including pain and suffering, humiliation, mental anguish, and inconvenience. Brown also seeks attorney's fees, costs and expenses, and other damages to be determined at trial. Brown claims damages for these losses and injuries under C.R.S. § 24-34-405.

SECOND CAUSE OF ACTION

**Hostile Work Environment – Harassment in Violation of the
Colorado Anti-Discrimination Act
(C.R.S. § 24-34-402(1)(a))**

27. Plaintiff incorporates the preceding allegations by reference as if fully stated herein.

28. Brown was subjected to harassing treatment because of her gender.

29. The comments and treatment Brown experienced were unwelcome.

30. The treatment was sufficiently severe and pervasive to alter the conditions of Brown's employment and created an environment abusive hostile to her gender.

31. Brown found the working environment to be hostile.

32. A reasonable person in Brown's circumstances would find the environment in which Brown worked to be hostile.

33. As a direct and proximate result of the foregoing actions and conduct of West Valley, Brown has suffered, and will continue to suffer, economic damages including loss of back wages, front wages, employee benefits, as well as non-economic damages including pain and suffering, humiliation, mental anguish, and inconvenience. Brown also seeks attorney's fees, costs and expenses, and other damages to be determined at trial. Brown claims damages for these losses and injuries under C.R.S. § 24-34-405.

THIRD CAUSE OF ACTION

Retaliation in Violation of the Colorado Anti-Discrimination Act (C.R.S. § 24-34-402(1)(e)(IV))

34. Plaintiff incorporates the preceding allegations by reference as if fully stated herein.

35. Brown engaged in protected activities by reporting discrimination and harassment that she experienced in the workplace.

36. West Valley's conduct in subjecting Brown to the adverse employment actions of ignoring her reports of harassment and her subsequent termination are in violation of C.R.S. § 24-34-402(1)(e)(IV).

37. The effect of these statutory violations was to deprive Brown of rights and privileges enjoyed by persons who have not engaged in activities protected by CADA.

38. These statutory violations were intentional.

39. These statutory violations were willful and wanton, and/or were done with malice or with reckless indifference to Brown's statutorily protected rights.

40. As a direct and proximate result of the foregoing actions and conduct of West Valley, Brown has suffered, and will continue to suffer, economic damages including loss of back wages, front wages, employee benefits, as well as non-economic damages including pain

and suffering, humiliation, mental anguish, and inconvenience. Brown also seeks attorney's fees, costs and expenses, and other damages to be determined at trial. Brown claims damages for these losses and injuries under C.R.S. § 24-34-405

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Laura Brown prays for judgment against Defendant West Valley Insulation in an amount to be determined at trial, pre-judgment and post-judgment interest, costs and expert witness fees, and for such other and further relief as provided by statute and that the Court may deem proper.

DATED: August 26, 2019.

Respectfully submitted,

/s/Andrew C. Quisenberry

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