

DISTRICT COURT DENVER COUNTY, COLORADO 1437 Bannock St., Denver, Colorado 80202	DATE FILED: June 22, 2023 12:16 PM FILING ID: F0250069DD093 CASE NUMBER: 2023CV31815
<p><b>Plaintiffs:</b></p> <p>DANIELLE STECCO, and TRACY BLEA,</p> <p>v.</p> <p><b>Defendants:</b></p> <p>STATE COURT ADMINISTRATOR’S OFFICE, STATE OF COLORADO, and CHAD CORNELIUS and STEVEN VASCONCELLOS, in their individual capacities</p>	<p><b>▲ COURT USE ONLY ▲</b></p>
<p><b><i>Attorneys for Plaintiffs:</i></b></p> <p>Paula Greisen, #19784, pg@greisenmedlock.com          Scott Medlock, #57210, sm@greisenmedlock.com          GREISEN MEDLOCK, LLC          6110 E. Colfax Ave., Ste. 4-216          Denver, Colorado 80220          Phone: (303) 876-7663</p>	<p>Case No.</p> <p>Division/Courtroom:</p>
<p><b>COMPLAINT AND JURY DEMAND</b></p>	

Plaintiffs Danielle Stecco and Tracy Blea, by and through their attorneys, Paula Greisen, and Scott Medlock of GREISEN MEDLOCK, LLC, submit this Complaint and Jury Demand against Defendants the State Court Administrator’s Office of the State of Colorado, and Chad Cornelius and Steven Vasconcellos, in their individual capacities, as follows:

**I. JURISDICTION AND VENUE**

1. The action arises under the laws of the State of Colorado.

2. Jurisdiction is proper pursuant to C.R.S. § 13-1-124(1)(a)-(c), based upon a business transaction, and Defendants' commission of discriminatory acts within the State of Colorado. Plaintiffs timely filed a charge of discrimination with the Colorado Civil Rights Division and the Equal Employment Opportunity Commission.<sup>1</sup> Plaintiffs have received a Right to Sue letter from the EEOC and have timely filed this action.

3. Venue is proper in this Court pursuant to C.R.C.P. Rule 98(c)(1), as Defendants have their principal place of business in Denver County, Colorado and the acts alleged occurred in that County.

## II. PARTIES

4. Plaintiff Danielle Stecco is a natural person, resided in the State of Colorado at all relevant times, and held the position of "Product Owner" in the Information Technology Systems (ITS) Division of Defendant State Court Administrator's Office for the State of Colorado (SCAO) at all relevant times.

5. Plaintiff Tracy Blea is a natural person, resided in the State of Colorado at all relevant times, and held the position of "Senior Business Analyst" in the ITS Division of SCAO at all relevant times.

6. At all relevant times, Ms. Stecco and Ms. Blea were "employees" of SCAO within the meaning of the Colorado Anti-Discrimination Act (CADA), C.R.S. § 24-34-402.

7. Defendant SCAO is the administrative office for the court systems for the State of Colorado.

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<sup>1</sup> Plaintiffs' charges were timely filed with the CCRD, which then transferred the pending charges to the EEOC, as the CCRD identified a perceived conflict of interest.

8. At all relevant times, SCAO continuously employed at least fifteen employees, and was Plaintiffs' "employer" within the meaning of CADA.

9. Chad Cornelius, a man, was the Chief Information Officer for the ITS Division that Plaintiffs worked in, supervised the Plaintiffs, and identified the ITS Division employees who would be subject to termination, including the Plaintiffs.

10. Steven Vasconcellos, a man, is the State Court Administrator for the State of Colorado, supervised the employees of the SCAO, and was ultimately responsible for the decision to terminate Plaintiffs' employment.

11. Defendants Cornelius and Vasconcellos are sued in their individual capacities for damages.

### **III. FACTUAL ALLEGATIONS**

#### ***Plaintiffs' Long and Successful Careers with SCAO.***

12. SCAO provides centralized administrative support for the court system in Colorado.

13. Among other duties, SCAO provides IT support to all Colorado courts and judicial department offices.

14. Defendant Vasconcellos was the Chief Administrator for the SCAO and had the authority to hire and fire all SCAO employees.

15. Defendant Cornelius was the Chief Information Officer for the SCAO, and had the authority to hire and fire employees within the ITS Division that Plaintiffs worked in.

***Ms. Stecco's Long Career with the Judicial Department and SCAO.***

16. Ms. Stecco was initially hired by the State of Colorado on August 15, 1995, as a Court Clerk for the El Paso County Court.

17. In 1997, Ms. Stecco was promoted to become a Systems Specialist for the SCAO and transferred to the SCAO's office in Denver as a result. Ms. Stecco excelled in this position, and in 2014, she was promoted to become a Judicial Business Information Technology Services Analyst III ("JBITS Analyst III"). At some point, the title for this position changed to "Senior Business Analyst."

18. Ms. Stecco continued to be a high performing employee, and in 2018, she was again promoted to the position of "Product Owner." As a Product Owner, Ms. Stecco led a team of IT specialists responsible for particular software "products," and communicated with stakeholder "customers" regarding their needs for the product.

19. Ms. Stecco served as one of only two Product Owners in SCAO and served as the voice of court and judicial officer customers across the Colorado State Courts. Ms. Stecco was responsible for working with stakeholders and peers to review case management software needs and requirements for court staff and judges throughout the State of Colorado. Ms. Stecco also directed product roadmaps by prioritizing development backlog for software engineering work on multiple teams, reviewed specifications for case management software including Courts, Probation, Financial, and E-Filing for both new systems and updates to existing case management systems, reviewed and approved work done by development teams, and sent final product notifications to customers.

20. Ms. Stecco was a high-performing employee with positive performance reviews throughout her long tenure with SCAO.

21. SCAO had not disciplined or issued any corrective action against Ms. Stecco in the last two years she worked for the agency.

***Ms. Blea's Long Career with the Judicial Department and SCAO.***

22. Ms. Blea was hired by the State of Colorado in 1993 as a Court Clerk for Otero County. Approximately two years later, she was promoted to work in the El Paso County District Court as a division staff member.

23. In October 2005, Ms. Blea was promoted to become a "Systems Specialist" for the SCAO and moved to Denver.

24. Ms. Blea excelled in her new position, and in 2010 was promoted to a JBITS Analyst I position.

25. In 2014, Ms. Blea was promoted to a JBITS Analyst III position, which was eventually changed to a "Senior Business Analyst" (SBA) position.

26. As an SBA, Ms. Blea's responsibilities included engaging with "customers" to create efficiencies in new and existing IT "products," and identifying tasks that could be supported through technology. Among other tasks, Ms. Blea created workflow storyboards, design prototypes, and process diagrams for new and existing IT "products."

27. Ms. Blea held this SBA position until she was terminated in July 2020.

28. At the time she was terminated, Ms. Blea was the most senior member of the ITS Department.

29. Throughout her tenure with SCAO, Ms. Blea was a high-performing employee, who consistently earned positive performance reviews.

30. SCAO had not disciplined or issued any corrective action against Ms. Blea in the last two years she worked for the agency.

***SCAO Tolerates a Culture of Gender Discrimination.***

31. Throughout their careers with SCAO, Plaintiffs were regularly discriminated against, and subjected to a toxic and hostile work environment, because of their gender.

32. For example, men in SCAO management regularly baselessly called Ms. Stecco “hysterical” and “dramatic,” while praising men who were similarly assertive. SCAO managers regularly refused to take Ms. Stecco’s opinions seriously, while adopting male employees’ ideas.

33. Many other women employed by SCAO have described the agency as a toxic work environment. Indeed, SCAO and the entire Colorado Judicial Branch long tolerated a pervasive undercurrent of sexism that influenced how SCAO leadership, including Defendants Vasconcellos and Cornelius, made hiring, firing, and promotion decisions.

34. Among other incidents, these include:

- a. The destruction of an anonymous letter alleging sexism and harassment by the former male Chief Justice of the Colorado Supreme Court;
- b. That a woman law clerk to a male judge on the Court of Appeals was given a settlement payment to prevent her from making public harassment allegations against the judge as he was being considered for appointment to the Colorado Supreme Court in order to keep him “safe” during the judicial selection process;

- c. That the former male Chief Justice took no action when a district judge sent pornography through his judicial email account to another male judge (and was shortly thereafter made the chief of a lower court);
- d. That the former male Chief Justice told women employees they needed to “dress less like a woman and more like an attorney” if they expected to advance in the department;
- e. A male judge “exposed and rubbed his hairy chest on a female employee’s back,” but had no action taken against him;
- f. A male financial manager was investigated twice for harassing women employees, and – instead of being disciplined – was given more staff to supervise and a better office;
- g. A male judicial department employee sent pictures of his penis to a vendor, and no corrective action was taken;
- h. A male judicial department employee had sex with a female vendor on state property, and no corrective action was taken, even though the vendor later said she felt coerced into having sex with him because she was concerned she would lose state business if she refused; and,
- i. A male employee directed other staff to slap a woman employee on the buttocks, and no corrective action was taken.

35. When a woman employee threatened to release a memo detailing these allegations to the public, she was given a five-year, \$2,500,000 contract to provide “leadership training” to the judicial department, in exchange for not making the memo public.

36. An independent firm that was hired to investigate the allegations in the memo found that each of them had at least “a grain of truth.”

37. Indeed, the same independent investigation found that some of the allegations were far worse than the memo originally indicated – including that the judge who exposed his “hairy chest” to a woman employee also told her to “come sit on my lap” while his shirt was unbuttoned.

38. Perhaps unsurprisingly, given this long-tolerated culture of pervasive misogyny, only one of the judicial department’s seven divisions was led by a woman.

39. Indeed, the judicial department’s outside investigation of sexism in the judicial branch found that 21% of responding employees reported they had witnessed gender-based discrimination, sexual harassment, or retaliation in the department. Seventeen percent of respondents said they had personally experienced such mistreatment. Of the small minority of employees who reported allegations of discrimination to the department before the independent investigation, 77% said they were unsatisfied with the department’s response.

***SCAO Discriminates Against Plaintiffs by Firing Them.***

40. In the spring and early summer of 2020, Defendant Cornelius began discussing that there would be a “reorganization” of the ITS Division.

41. On July 6, 2020, Defendant Cornelius called Plaintiffs and their co-workers into a meeting to inform them that their division was being “restructured.” Over seventy people attended the meeting, including Defendant Vasconcellos and other SCAO division leaders. Plaintiffs were repeatedly told during this meeting that the staffing changes would be a “reorganization,” and that it was not due to budgetary concerns.



42. When he was directly asked during the meeting whether the “reorganization” was due to budgetary concerns, Defendant Vasconcellos said, “it was strictly a reorganization.”

43. Indeed, during the same meeting, Defendants Vasconcellos and Cornelius stated that new positions would be added after any layoffs, and that any staff who had been laid off would have the opportunity to apply for these “new” positions and would be given a hiring priority.

44. Upon information and belief, Defendants Cornelius and Vasconcellos made the termination decisions as part of the “restructuring,” and were the people who ultimately made the decisions to terminate Plaintiffs.

45. On July 8, 2020, Defendants Cornelius and Vasconcellos, and an HR representative, informed Plaintiffs that SCAO was terminating their employment.

46. At the time of their termination, Plaintiffs were the most senior member of the ITS Department.

47. Indeed, Ms. Stecco had significantly more tenure than the other Product Owner, Brian Medina, a man.

48. Unlike Ms. Stecco, Defendants gave Mr. Medina an opportunity to stay and take a demotion to a “Senior Business Analyst” position. No one with SCAO presented this same opportunity to Ms. Stecco. Ms. Stecco had all the relevant skills Mr. Medina possessed, and significantly greater seniority. Upon information and belief, Defendants Cornelius and Vasconcellos approved the decision to offer Mr. Medina, but not Ms. Stecco, a demoted position.

49. Likewise, Ms. Blea was terminated from her SBA position in order to open it up for Mr. Medina.

50. Another male “Senior Business Analyst” was allowed to keep his position – after Ms. Blea was terminated to make room for Mr. Medina – even though that male SBA had recently been placed on administrative leave due to inappropriate workplace behavior, while Ms. Blea had no workplace disciplinary history.

51. If SCAO had followed the Colorado Judicial System Personnel Rules for layoffs – the State’s objective mechanism for laying off employees – then Ms. Blea would have been retained and this other male SBA would have been terminated because the Rules require that employees “issued any ... disciplinary and/or corrective action within 24 months from the date the State Court Administrator ... announces the need for layoffs” be terminated before any employee who has not been similarly disciplined (like Ms. Blea).

52. Plaintiffs both applied for other positions to continue working in SCAO, but did not even receive an interview, despite being qualified for these open jobs and having significantly greater seniority than the people who were eventually hired. Defendants hired at least one less-qualified man with less seniority for one of these open positions.

53. Both Plaintiffs were more than qualified for several of the positions created during the “reorganization,” but many of these “new” positions were filled by men with less seniority and fewer qualifications at the division.

54. In at least one case, one of the few women hired for a “new” position quit approximately a year later after she continued to be subjected to the hostile work environment Defendants tolerated within the SCAO.

55. During the July 2020 layoff, Defendants terminated significantly more women than men. The percentage of women employees in the two departments subject to this layoff decreased from 44% to 32%, while the percentage of men increased from 56% to 68%.

56. SCAO and Vasconcellos selected men for layoff at a rate of only 58% of that which women were selected for layoff, and there were more men in these departments to begin with. This is statistically significant under EEOC guidelines using the Four-Fifths Rule, which substantiates a prima facie case of disparate impact discrimination. *See* 29 C.F.R. § 1607.4(D).

57. This statistical evidence is highly relevant here, where the women who were laid off had comparable positions with their male counterparts, had equal or better performance reviews than the men, and often had more seniority than men in Plaintiffs' division.

58. Even though SCAO had clear guidelines for order of priority for layoffs, Defendants did not follow these guidelines when they decided to terminate Plaintiffs.

59. Had Defendants followed the layoff guidelines, Plaintiffs' employment would not have been terminated.

60. In fact, Defendants used no objective criteria at all in the decision making for who was laid off and who could continue employment with SCAO's ITS Department.

61. Defendants' rationale for the layoffs was entirely subjective, making it more likely to have a disparate impact based upon the gender of the employees subject to layoff. Had the objective criteria set forth by SCAO for determination of layoffs been followed, then it is unlikely such a disparate impact on SCAO's women employees would have occurred.

62. As a direct and proximate result of Defendants' unlawful discrimination against Plaintiffs, they suffered economic damages and emotional distress.

#### **IV. LEGAL CLAIMS**

##### **FIRST CLAIM FOR RELIEF**

##### **Gender Discrimination: Disparate Treatment in Violation of the Colorado Anti-Discrimination Act**

63. Plaintiffs incorporate by reference all allegations in every preceding and subsequent paragraph as if fully set forth herein.

64. Plaintiffs bring this claim under CADA, C.R.S. § 24-34-402.

65. Plaintiffs were employees of SCAO at all relevant times.

66. Plaintiffs are women, and thus members of a protected class.

67. Ms. Stecco was qualified for the position of Product Owner, as well as the position of Senior Business Analyst. At all relevant times, Ms. Stecco had been performing her job satisfactorily.

68. Ms. Blea was qualified for the position of Senior Business Analyst, as well as other positions that became available in SCAO after the “reorganization.” At all relevant times, Ms. Blea had been performing her job satisfactorily.

69. Defendants terminated Plaintiffs’ employment, an adverse employment action, under circumstances that gave rise to an inference of unlawful discrimination.

70. Likewise, Defendants refused to offer Ms. Stecco the Senior Business Analyst position, which she was otherwise well-qualified for, under circumstances that gave rise to an inference of unlawful discrimination.

71. Similarly, Defendants refused to offer Ms. Blea any of the newly “created” positions she was otherwise well-qualified for, under circumstances that give rise to an inference of unlawful discrimination.

72. As described above, and incorporated herein, Plaintiffs were treated less favorably as compared to their male counterparts.

73. Plaintiffs' gender was a determining factor in Defendants' decisions to terminate their employment, and in Defendants' decision not to offer them other "new" and available positions.

74. Defendants favored similarly-situated male employees (such as Mr. Medina) over Plaintiffs in the termination decisions, and in decisions to offer continued employment to employees who would otherwise be terminated.

75. Defendants' unlawful employment practices were intentional.

76. Defendants committed the unlawful employment practices with malice or with reckless indifference to Plaintiffs' protected rights.

77. Any nondiscriminatory reason that Defendants claim for terminating Plaintiffs' employment is a pretext for unlawful gender discrimination under CADA.

78. Plaintiffs were terminated due to Defendants' discriminatory conduct toward them, directly and proximately resulting in economic and non-economic damages, including emotional distress.

79. Plaintiffs have completed all conditions precedent necessary to bring this CADA claim.

## **SECOND CLAIM FOR RELIEF**

### **Gender Discrimination: Disparate Impact in Violation of the Colorado Anti-Discrimination Act**

80. Plaintiff incorporates by reference all allegations in every preceding and subsequent paragraph as if fully set forth herein.

81. Plaintiffs bring this claim under CADA, C.R.S. § 24-34-402.
82. Actions by the Defendants discriminated against women, including Plaintiffs, in operation, even if Defendants' employment practices appeared facially neutral.
83. Defendants' termination decisions during the July 2020 layoff constituted an employment practice.
84. Defendants' July 2020 termination and demotion decisions had a significant disparate impact on a protected group, women employees of SCAO.
85. Pursuant to the EEOC's disparate impact guidelines, because women were selected for termination at less than a rate of four-fifths of the men employed by SCAO, federal enforcement agencies consider this statistical data alone to be evidence of disparate impact discrimination. *See* 29 C.F.R. § 1607.4(D).
86. Defendants' employment practices were not consistent with any business necessity, and Defendants refused to adopt an available alternative employment practice that has less disparate impact on women employees.
87. Defendants' unlawful employment practices were intentional.
88. Defendants committed the unlawful employment practices with malice or with reckless indifference to Plaintiffs' protected rights.
89. Plaintiffs were terminated due to the disparate impact of Defendants' employment practices, directly and proximately resulting in economic and non-economic damages, including emotional distress.
90. Plaintiffs have completed all conditions precedent necessary to bring this CADA claim.

**V. RELIEF REQUESTED**

WHEREFORE, Plaintiffs Danielle Stecco and Tracy Blea respectfully request the Court enter judgment in their favor and against Defendants, and award the following relief, to the fullest extent allowed by law:

- a. Declaratory and injunctive relief, as appropriate;
- b. Actual economic damages as established at trial, including, but not limited to, back pay with pre-judgment interest, front pay, a gross-up adjustment for taxes and any subrogation interests and all other make whole relief, including all available consequential and compensatory damages;
- c. All other compensatory damages, including but not limited to pecuniary and non-pecuniary losses, physical bodily injury, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life, in the maximum amounts allowed by law;
- d. Pre-judgment and post-judgment interest at the highest lawful rates;
- e. Attorneys' fees and costs, including any expert witness fees;
- f. Pre-judgment and post-judgment interest at the highest lawful rates; and,
- g. Any such other and further relief as shall be deemed just and proper by this Court.

***PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE***

Dated this June 22, 2023.

Respectfully submitted,

*s/ Scott Medlock*  
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