

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO**

*2:34 pm, May 13, 2021*

**JEFFREY P. COLWELL, CLERK**

Civil Action No.

(To be supplied by the court)

Olivia Ballage, Plaintiff

v.

Hope & Home,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, Defendant(s).

*(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)*

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**A. PLAINTIFF INFORMATION**

*You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.*

(Name and complete mailing address): Olivia Ballage, [REDACTED]  
[REDACTED]

(Telephone number and e-mail address): [REDACTED]

**B. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."*

Defendant 1:  
Ross Wright (Name and complete mailing address): Hope & Home C/O Registered Agent

(Telephone number and e-mail address if known): (719) 575-9887

Defendant 2:  
(Name and complete mailing address)  
  
(Telephone number and e-mail address if known)

**C. JURISDICTION**

*Identify the statutory authority that allows the court to consider your claim(s): (check all that apply)*

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq.  
(employment discrimination on the basis of race, color, religion, sex, or national origin)

Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101, et seq. (employment discrimination on the basis of a disability)

Age Discrimination in Employment Act, as amended, 29 U.S.C. §§ 621, et seq.

(employment discrimination on the basis of age)

\_\_\_ Other: *(please specify)*

**D. STATEMENT OF CLAIM(S)**

*State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

CLAIM ONE: Sex, discrimination, hostile work environment, retaliation based on sex

The conduct complained of in this claim involves the following: *(check all that apply)*

\_\_\_ failure to hire  
employment

different terms and conditions of

\_\_\_ failure to promote

\_\_\_ failure to accommodate disability

\_\_\_ termination of employment

\_\_\_ retaliation

other: *(please specify)*: Constructive discharge, withheld paychecks, promotion to demotion

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

\_\_\_ race

\_\_\_ religion

\_\_\_ national origin

\_\_\_ age

\_\_\_ color

sex

\_\_\_ disability

Supporting facts:

I am an African American woman. In spring of 2019 I underwent hip surgery, which substantially limits one or more major life activities, including walking, standing, and sitting. I was employed by respondent Hope & Home from 2015 until I was constructively discharged on July 12th, 2019. My most recent position was in the First Reserve Department. Throughout my employment my performance was satisfactory or better.

**SEX DISCRIMINATION:** Respondent (Hope & Home/Ross Wright), acting by or through its agents or employees, discriminated against me and other female employees by, among other things: (a) withholding paychecks from me after I returned from maternity leave while others on maternity leave did not get paychecks withheld from them, (b) staring at our breasts while

talking to us, (c) looking us up and down in a sexual manner, (d) making inappropriate comments about our physical appearance (speaking about our looks at events as well as wanting us to look a certain way), and (e) destructively discharging me on July 12, 2019 after finding out that Ross Wright was sexually pursuing another female employee JS (my moral compass was off along with finally pinpointing some of my uncomfotability around Ross). The upper management at Hope & Home is thoroughly aware of Ross's behavior as they have been notified and investigated but it has been stated by JH that incentives and raises are a part of the silence.

**D. STATEMENT OF CLAIM(S) CONTINUED...**

*State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

CLAIM TWO: Title VII, race, discrimination, hostile work environment, retaliation based on race

The conduct complained of in this claim involves the following: *(check all that apply)*

failure to hire  different terms and conditions of employment

failure to promote  failure to accommodate disability

termination of employment  retaliation

other: *(please specify)*: Constructive discharge, withheld paychecks, promotion to demotion

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

race  religion  national origin  age

color  sex  disability

Supporting Facts:

This claim incorporates all previous allegations.

RACE DISCRIMINATION: Respondent (Hope & Home/Ross Wright), acting by or through its agents or employees, discriminated against me and similarly-situated African-American employees based on our race by, among other things: (a) failing to hire a qualified candidate

(with masters degree) of color, Jasmine over a less-qualified white candidate, Sylvia; (b) demanding that we terminate a person of color because he wore his hair in dreadlocks, despite his excellent performance (this was before my time but I was informed of this by a former employee WN who worked there during and after this incident; (c) terminating the employee who refused to fire that person of color; (d) claiming that I would “play that card” in reference to my race when I asked to work from home while on maternity leave (this was stated in conversation by JH whom worked closely with RW); and (e) constructively discharging me on July 12, 2019.

**D. STATEMENT OF CLAIM(S) CONTINUED...**

*State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as “D. STATEMENT OF CLAIMS.”*

CLAIM THREE: Americans with Disabilities Act discrimination and failure to accomodate

The conduct complained of in this claim involves the following: *(check all that apply)*

- failure to hire
- failure to promote
- termination of employment
- different terms and conditions of employment
- failure to accommodate disability
- retaliation
- other: *(please specify)*: Constructive discharge, failure to give pay increase, demotion, failure to engage in interactive process

Defendant’s conduct was discriminatory because it was based on the following: *(check all that apply)*

- race
- color
- religion
- sex
- national origin
- disability
- age

Supporting Facts:

This claim incorporates all previous allegations.

DISABILITY DISCRIMINATION: Respondent (Hope & Home/Ross Wright/Marian Percy), acting by or through its agents or employees, discriminated against me based on my disability (I was disabled due to a hip injury- torn labrum to be exact) by, among other things: (a) requiring me

to work while on medical leave; (b) demoting me after promising me a promotion expressly because of my medical condition (Marian promised the promotion during our weekly home supervision meeting- Hope & Home was great at building me up to let me down); (c) pressuring me to work while recovering from surgery; (d) failing to give me a promised salary increase after promoting me (MP), despite requiring me to take on additional responsibilities such as being on-call 24/7 for my caseload, taking on a significantly more challenging caseload, travelling all over the CO area, and having no separation between work and home; (e) failing to engage in the interactive process when I informed them of my disability by taking matters into their own hands & making decisions without collaborating with me (coming to conclusions on my health that only my doctors had the range of scope to comment on, including demoting me to a position that required me to only do paperwork; (f) failing to provide reasonable accommodations; and (g) constructively discharging me on July 12, 2019.

**D. STATEMENT OF CLAIM(S) CONTINUED...**

*State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

**CLAIM FOUR: Americans with Disabilities Act**

The conduct complained of in this claim involves the following: *(check all that apply)*

- failure to hire
- failure to promote
- termination of employment
- other: *(please specify):*
- different terms and conditions of employment
- failure to accommodate disability
- retaliation

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

- race
- color
- religion
- sex
- national origin
- disability
- age

**Supporting Facts:**

This claim incorporates all previous allegations.

**RETALIATION:** Respondent (Hope & Home), acting by or through its agents or employees,

retaliated against me after I engaged in protected activity of requesting reasonable accommodation for my disability by, among other things: (a) demoting me after promising me a promotion (Marian Percy) expressly because of my medical condition; (b) failing to give me a promised salary increase (MP) after promoting me, despite requiring me to take on additional responsibilities; (c) failing to engage in the interactive process when I informed it of my disability; (d) disregarding my doctor’s recommendations when demoting me; and (e) constructively discharging me on July 12, 2019.

**E. ADMINISTRATIVE PROCEDURES**

Did you file a charge of discrimination against defendant(s) with the Equal Employment Opportunity Commission or any other federal or state agency? *(check one)*

- Yes *(You must attach a copy of the administrative charge to this complaint)*
- No

Have you received a notice of right to sue? *(check one)*

- Yes *(You must attach a copy of the notice of right to sue to this complaint)*
- No

**F. REQUEST FOR RELIEF**

*State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF."*

Pre and post judgement economic damages, interest, punitive damages, lost pay, benefits and front pay, compensatory damages, costs.

- I would like to demand a jury.

**G. PLAINTIFF’S SIGNATURE**

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

(Plaintiff's signature) 

(Date) 5/12/2021

(Form Revised December 2017)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Olivia Ballage**  
[Redacted]

From: **Denver Field Office**  
**950 17th Street**  
**Suite 300**  
**Denver, CO 80202**

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.	EEOC Representative	Telephone No.
<b>541-2020-02057</b>	<b>Philip Gross, Supervisory Investigator</b>	<b>(720) 779-3637</b>

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

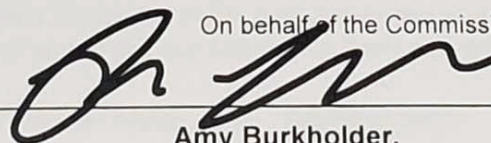
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

  
On behalf of the Commission  
for  
**Amy Burkholder,**  
Director

**February 26, 2021**  
(Date Issued)

cc: **HOME & HOME**  
**SWEENEY & BECHTOLD, LLC**  
**Sherman & Howard L.L.C.**

EEOC Form 5 (11/09)

<p style="text-align: center;"><b>CHARGE OF DISCRIMINATION</b></p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p>
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**Colorado Civil Rights Division** \_\_\_\_\_ and EEOC  
*State or local Agency, if any*

Name <i>(indicate Mr., Ms., Mrs.)</i> <b>Ms. Olivia Ballage</b>	Home Phone <i>(Incl. Area Code)</i> [REDACTED]	Date of Birth [REDACTED]
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Street Address [REDACTED]	City, State and ZIP Code [REDACTED]	Email Address [REDACTED]
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Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name <b>Hope &amp; Home</b>	No. Employees, Members <b>50+</b>	Phone No. <i>(Include Area Code)</i> <b>(719) 575-9887</b>
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Street Address <b>4945 N 30th Street</b>	City, State and ZIP Code <b>Colorado Springs, CO 80919</b>
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Name	No. Employees, Members	Phone No. <i>(Include Area Code)</i>
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Street Address	City, State and ZIP Code
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<p>DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i></p> <p><input checked="" type="checkbox"/> RACE    <input type="checkbox"/> COLOR    <input checked="" type="checkbox"/> SEX    <input type="checkbox"/> RELIGION    <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input checked="" type="checkbox"/> RETALIATION    <input type="checkbox"/> AGE    <input checked="" type="checkbox"/> DISABILITY    <input type="checkbox"/> GENETIC INFORMATION</p> <p><input type="checkbox"/> OTHER <i>(Specify)</i></p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <table style="width:100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">Earliest</td> <td style="text-align: center; font-size: small;">Latest</td> </tr> <tr> <td style="text-align: center;"><b>March 2017</b></td> <td style="text-align: center;"><b>July 2019</b></td> </tr> <tr> <td colspan="2" style="text-align: center; border: none;"> <input type="checkbox"/> CONTINUING ACTION                 </td> </tr> </table>	Earliest	Latest	<b>March 2017</b>	<b>July 2019</b>	<input type="checkbox"/> CONTINUING ACTION	
Earliest	Latest						
<b>March 2017</b>	<b>July 2019</b>						
<input type="checkbox"/> CONTINUING ACTION							

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s)):*  
I, Olivia Ballage, on behalf of myself and others similarly situated, allege as follows:

I. I am an African American woman. In spring of 2019 I underwent hip surgery, which substantially limits one or more major life activities, including walking, sitting, and standing. I was employed by Respondent Hope & Home from 2015 until I was constructively discharged on July 12, 2019. My most recent position was in the First Reserve Department. Throughout my employment, my performance was satisfactory or better.

**II. SEX DISCRIMINATION:** Respondent, acting by or through its agents or employees, discriminated against me and other female employees by, among other things: (a) withholding paychecks from me after I returned from maternity leave; (b) staring at our breasts while talking to us; (c) looking us up-and-down in a sexual manner; (d) making inappropriate comments about our physical appearance; and (e) constructively discharging me on July 12, 2019.

**III. DISABILITY DISCRIMINATION:** Respondent, acting by or through its agents or employees, discriminated against me based on my disability by, among other things: (a) requiring me to work while on medical leave;

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i></p>
<p>_____ <i>Date</i></p>	<p>_____ <i>Charging Party Signature</i></p>

**Olivia Ballage**  
**Charge of Discrimination**  
**Page 2**

**III. DISABILITY DISCRIMINATION (cont.):** (b) demoting me after promising me a promotion expressly because of my medical condition; (c) pressuring me to work while recovering from surgery; (d) failing to give me a promised salary increase after promoting me, despite requiring me to take on additional responsibilities; (e) failing to engage in the interactive process when I informed it of my disability, including demoting me to a position that required me to only do paperwork; (f) failing to provide reasonable accommodations; and (g) constructively discharging me on July 12, 2019.

**IV. RACE DISCRIMINATION:** Respondent, acting by or through its agents or employees, discriminated against me and similarly-situated African-American employees based on our race by, among other things: (a) failing to hire a qualified candidate of color over a less-qualified white candidate; (b) demanding that we terminate a person of color because he wore his hair in dreadlocks, despite his excellent performance; (c) terminating the employee who refused to fire that person of color; (d) claiming that I would “play that card” in reference to my race when I asked to work from home while on maternity leave; and (e) constructively discharging me on July 12, 2019.

**V. RETALIATION:** Respondent, acting by or through its agents or employees, retaliated against me after I engaged in protected activity of requesting reasonable accommodation for my disability by, among other things: (a) demoting me after promising me a promotion expressly because of my medical condition; (b) failing to give me a promised salary increase after promoting me, despite requiring me to take on additional responsibilities; (c) failing to engage in the interactive process when I informed it of my disability; (d) disregarding my doctor’s recommendations when demoting me; and (e) constructively discharging me on July 12, 2019.

MY NAME MAY BE USED IN THE PROCESSING OF THIS CHARGE.