

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DIANE R. WILLIAMS,

Plaintiff,

v.

GENE L. DODARO
Acting Comptroller General of the
U.S. Government Accountability Office

Defendant.

Civil Action No. JBD-07-1452_

Date: May 4, 2009

AMENDED COMPLAINT

(Age, Sex, and Race Discrimination and Retaliation in Federal Employment)

Diane R. Williams hereby sues Gene L. Dodaro, Acting Comptroller General of the United States, for age, race and sex discrimination, retaliation, and a hostile and abusive work environment in Federal employment.

Jurisdiction

1. This Court has jurisdiction over this action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16, and the Age Discrimination in Employment Act, 29 U.S.C. §621, et seq.

Venue

2. Venue properly lies in this Court under 28 U.S.C. §1391(e)(2) and 42 U.S.C. §2000e-5(f). The Plaintiff was employed in this judicial district, and the discriminatory and retaliatory acts occurred in this judicial district.

Exhaustion of Administrative Remedies

3. The Plaintiff has exhausted her administrative remedies prior to filing this lawsuit. The Plaintiff filed an administrative formal complaint of employment discrimination with her agency with respect to her non-promotion in 2006 and the written reprimand in July 2006. On July 13, 2007, the Plaintiff was issued a notice of right to sue by her agency, and the Plaintiff filed suit within the stated 30-day period of that notice on August 10, 2007.

4. Additionally, the Plaintiff filed an administrative formal complaint of employment discrimination with respect to her termination of employment. On April 24, 2009, the Plaintiff was issued a notice of her right to sue by her agency, and hereby amends her complaint of discrimination within the stated 30-day period of that notice.

Parties

5. The Plaintiff, Diane R. Williams, an African-American female who is at least 40-years-old, is a citizen of the United States and a resident of the State of Maryland. At all times relevant to this suit, she was employed with the Personnel Appeals Board, Office of the General Counsel, of the U.S. Government Accountability Office.

6. The Defendant is the Acting Comptroller General of the United States. As such, he is the head of the U.S. Government Accountability Office (GAO). He is sued solely in his official capacity.

Factual Basis of the Complaint

7. At the time of the events giving rise to this complaint, the Plaintiff worked as a Senior Trial Attorney in the Personnel Appeals Board's Office of the General Counsel. In January 2006, the Plaintiff requested a promotion to a GS-15 position within the PAB's Office of the General Counsel. When the Plaintiff's request was denied, she stated her intention to, and did, file a complaint regarding the Defendant's pay policies and practices.

8. Soon thereafter, the Defendant issued the Plaintiff a written reprimand. This disciplinary action was soon followed by other acts of reprisal due to the Plaintiff's prior protected activities. These acts, which occurred in rapid succession, included issuing the Plaintiff a second written reprimand; threatening not to approve her leave requests; imposing requirements on the Plaintiff regarding work hours and leave that were not placed upon other employees; proposing to suspend and then suspending her for five days for a non-existent transgression; disparaging the Plaintiff's job performance to her co-workers; physically confronting the Plaintiff in a hostile and threatening manner; questioning the Plaintiff's co-workers about her activities and whereabouts, even though the Plaintiff had merely gone to the restroom; and interfering with the Plaintiff's performance of her job duties, thereby making her job duties more onerous. The Defendant had not proposed or taken any disciplinary actions against the Plaintiff prior to her stating her intention to file an employment discrimination

complaint. After the Plaintiff filed an employment discrimination complaint, the Defendant imposed harsher discipline on the Plaintiff.

9. The Plaintiff filed additional EEO complaints of discrimination against the agency in May 2008, and September 2008. On November 20, 2008, the Plaintiff was deposed in a matter before Federal District Court. The matter involved a former employee's complaint of discrimination against the agency. The Plaintiff's testimony during that hearing was favorable to the former employee. The Defendant appeared at the deposition and participated with defense counsel. The Plaintiff had also been investigated for her efforts in trying to obtain evidence in an EEO matter she was working on against the agency in the summer of 2008.

10. On December 1, 2008, the Defendant proposed the Plaintiff's removal from the agency. On December 31, the agency issued a decision upholding the Plaintiff's proposed removal. The case in which the Plaintiff was deposed and the case in which her participation was investigated were both referenced in the agency's removal letter.

11. The Defendant's stated reasons for engaging in the aforementioned acts are not the true reasons for its actions, but instead are pretext to hide its discriminatory animus. The Plaintiff did not engage in any conduct for which she could or would have been disciplined in the absence of the Defendant's unlawful and retaliatory animus. Further, the Plaintiff performed her job duties and met the Defendant's reasonable and legitimate expectations.

12. The Defendant's conduct, as specified above, violates Title VII and the Age Discrimination in Employment Act in that the Defendant discriminated against the Plaintiff in the terms, conditions, and privileges of her employment, and subjected her to retaliation because she had previously engaged in protected activities. Because of these violations, the Plaintiff has

suffered and continues to suffer economic injury in that she was denied a promotion or other pay increase and was removed from her position with the agency, and, thus, lost pay and other benefits. Because of the Defendant's unlawful retaliation, the Plaintiff has suffered and continues to suffer emotional and mental distress, anguish, humiliation, and loss of reputation, all of which have diminished her enjoyment of life and caused her other pain and suffering.

Count One

(Discrimination in Pay and Promotions)

13. The foregoing paragraphs are realleged and incorporated by reference here.

14. The Defendant's conduct as alleged above constitutes discrimination on the basis of race in violation of Title VII. The stated reasons for the Defendant's conduct were not the true reasons, but instead pretext to hide the Defendant's discriminatory animus.

Count Two

(Discrimination in Pay and Promotions)

15. The foregoing paragraphs are realleged and incorporated by reference here.

16. The Defendant's conduct as alleged above constitutes discrimination on the basis of sex in violation of Title VII. The stated reasons for the Defendant's conduct were not the true reasons, but instead pretext to hide the Defendant's discriminatory animus.

Count Three

(Discrimination in Pay and Promotions)

17. The foregoing paragraphs are realleged and incorporated by reference here.

18. The Defendant's conduct as alleged above constitutes discrimination on the basis of age in violation of the Age Discrimination in Employment Act. The stated reasons for the Defendant's conduct were not the true reasons, but instead pretext to hide the Defendant's discriminatory animus.

Count Four

(Retaliation for Engaging in Protected Activities)

19. The foregoing paragraphs are realleged and incorporated by reference here.

20. The Defendant's conduct as alleged above constitutes retaliation against the Plaintiff because she engaged in activities protected by Title VII and the ADEA. The stated reasons for the Defendant's conduct were not the true reasons, but instead pretext to hide the Defendant's discriminatory animus.

Count Five

(Hostile and Abusive Working Environment)

21. The foregoing paragraphs are realleged and incorporated by reference here.

22. The Defendant's conduct as alleged above constitutes a hostile and abusive working environment in violation of Title VII and the ADEA. The stated reasons for the Defendant's

conduct were not the true reasons, but instead pretext to hide the Defendant's discriminatory animus.

Count Six

(Retaliation for Engaging in Protected Activities-Termination)

23. The foregoing paragraphs are realleged and incorporated by reference here.

24. The Defendant's conduct as alleged above constitutes retaliation against the Plaintiff because she engaged in activities protected by Title VII and the ADEA. The stated reasons for the Defendant's termination of the Plaintiff's employment were not the true reasons, but instead pretext to hide the Defendant's discriminatory animus.

Relief Requested

WHEREFORE, the Plaintiff requests that the Court award her:

- 1) A retroactive promotion to the GS-15 level, with all attendant back pay, benefits, and other emoluments of employment;
- 2) Compensatory damages in an amount sufficient to compensate for the pecuniary and nonpecuniary injuries she has suffered, such as but not limited to damages for emotional distress and pain and suffering, and front pay, in an amount to be determined by the jury.
- 3) Expungement of her personnel records;
- 4) Costs and reasonable attorney's fees incurred in connection with this lawsuit; and
- 5) such other damages and relief as is deemed just.

JURY DEMAND

The Plaintiff requests trial by jury.

_____/s/_____
Michael J. Kator (366936)
KATOR, PARKS & WEISER
1200 18th Street, N.W.
Suite 1000
Washington, D.C. 20036
(202) 898-4800

Attorney for the Plaintiff