

1 RICHARD SEGERBLOM, ESQ.
Nevada Bar No. 1010
2 704 South Ninth Street
Las Vegas, Nevada 89101
3 [REDACTED]
4 Attorney for Plaintiff

5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF NEVADA
7

8 HELEN GREEN,

9 Plaintiff,

10 vs.

COMPLAINT
(Jury Demanded)

11 TEAMSTERS LOCAL 995,
12 TEAMSTERS JOINT COUNCIL 42,
and INTERNATIONAL
13 BROTHERHOOD OF TEAMSTERS,

14 Defendants.
15

16
17 COMES NOW Plaintiff and complains of Defendants as follows:

18 First Cause of Action

19 I.

20 This is a civil rights in employment case based upon Title VII. The Plaintiff
21 is a resident of Clark County, Nevada and at all times herein was employed by the
22 Defendants as the President and a business agent of Teamsters Local 995.

23 II.

24 The Defendants are joint employers for purposes of Title VII because they
25 share common pension, health and welfare insurance, and personnel administration
26 for their officers and business agents. Defendant Teamsters Local 995 is a local
27 union based in Clark County, Nevada. Defendant Teamsters Joint Council 42 is
28 the parent body which supervises and controls the officers and employees of Local

1 995. Defendant International Brotherhood of Teamsters charters Teamster Local
2 995 and provides the By-Laws which govern Local 995. Under those By-Laws
3 Defendant International Brotherhood of Teamsters is required "to remove any or
4 all officers" of Teamster Local 995 when they engage in improper conduct.

5 III.

6 The Plaintiff has been subjected to sexual discrimination, sexual harassment
7 and retaliation during her employment both as President and as a business agent.
8 Specifically, the Plaintiff's supervisor, Secretary/Treasurer Mike Magnani, used his
9 position to coerce the Plaintiff into a sexual relationship with him. While
10 ostensibly engaged in union business and being paid by the Defendants, Magnani
11 would use union funds to pay for the Plaintiff to travel with him around the state
12 and nation so that he could pursue the sexual relationship. When the Plaintiff
13 sought to break off that relationship, Magnani engaged in a concerted effort to
14 harass and intimidate her in retaliation for her refusal to have sex with him.

15 III.

16 The Plaintiff complained about the retaliatory harassment to Magnani's
17 supervisor, Jim Santangelo. In complaining to Santangelo, the Plaintiff was
18 informing both Defendant Joint Council 42 and Defendant International
19 Brotherhood of Teamsters of Magnani's illegal behavior because Santangelo was
20 the President of Joint Council 42 and a Vice President and Member of the
21 Executive Board of the International. Santangelo told the Plaintiff that if she
22 would drop her complaint he would make sure that Magnani stopped the
23 harassment, and if he didn't, he would remove Magnani from his position. Despite
24 Santangelo's representations Magnani continued to retaliate against the Plaintiff by
25 creating a hostile work environment and the Defendants did nothing to stop him.

26 IV.

27 The Plaintiff has been terminated from her business agent position in

1 retaliation for her complaint and she has been harassed in her position as President
2 in retaliation for her complaint. The Plaintiff filed her initial Charge of
3 Discrimination on February 6, 2009 and after she was terminated filed an Amended
4 Charge of Discrimination. A copy of the Amended Charge is attached hereto and
5 the facts set forth in that document are hereby incorporated by reference.

6 V.

7 As a direct result of the Defendants' unlawful conduct the Plaintiff has
8 suffered financial harm, severe emotional distress, physical injuries and emotional
9 distress related to those injuries. The above described acts of Defendants were
10 intentional and done with a conscious disregard for Plaintiff's federally protected
11 rights.

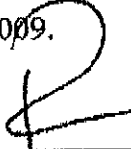
12 VI.

13 The Plaintiff has obtained a right to sue letter and this lawsuit has been filed
14 within 90 from her receipt of that letter, a copy of which is attached hereto.

15 WHEREFORE, Plaintiff prays for the following relief:

- 16 1. Reinstatement to the position of business agent, including all backpay,
17 seniority, benefits and prejudgment interest;
18 2. Injunctive relief prohibiting future retaliation;
19 3. Compensatory damages in the amount of \$300,000;
20 4. Punitive damages in the amount of \$300,000;
21 5. Attorney's fees and costs of suit; and
22 6. Such other and further relief as the Court may wish to entertain.

23 DATED this 12th day of November, 2009.

24
25 
26 RICHARD SEGERBLOM, ESQ.
27 704 South Ninth Street
28 Las Vegas, Nevada 89101
Attorney for Plaintiff

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA
 EEOC

Amended
34B-2009-00622

Nevada Equal Rights Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Helen Green

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

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

**International Brotherhood of Teamsters,
Teamsters Joint Council 42**

No. Employees, Members

Unknown

Phone No. (Include Area Code)

(202) 624-6800

Street Address

City, State and ZIP Code

25 Louisiana Avenue N.W., Washington, D.C. 20001

Name

Teamsters Local 995

No. Employees, Members

15-100

Phone No. (Include Area Code)

(702) 385-0995

Street Address

City, State and ZIP Code

300 Shadow Lane, Las Vegas, NV 89106

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

06-01-2008 09-15-2009

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I believe I am discriminated against because of my sex and because of retaliation. From on or about June 2008 and continuing to September 15, 2009, I was subjected to quid pro quo sexual harassment and retaliation. I filed my complaint with the Nevada Equal Rights Commission on February 6, 2009.

On May 1, 2000, I was hired as a Business Agent and have been President since 2004. At the time of my termination, I served as the President and A Business Agent of the union.

Sexual Harrasment: Since September 2006, I had attempted to end a relationship with Mike Magnani, Principal Officer and an agent/employee of all 3 unions listed above. I was subjected to a hostile work environment. Since June 2008 and continuing to the date of my termination on September 15, 2009, Mr. Magnani used intimidation, threats of job loss, and constant harassment to create a work atmosphere which was unbearable. He made harassing statements, which falsely inferred that I was trying to undermine his authority. On September 15, 2008, Mr. Magnani accused me of trying to sneak out of the Hotel that we were staying in San Diego with the Executive Board in an attempt to "f---" him. On December 22, 2008, Mr. Magnani informed me that I was no longer permitted to attend negotiations. Mr. Magnani continued to threaten me with job loss at that time as well.

RECEIVED

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.

NOTARY - When necessary for State and Local Agency Requirements

OCT 28 2009

I declare under penalty of perjury that the above is true and correct.

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.

SIGNATURE OF COMPLAINANT **EEOC**
Las Vegas, Local office

Helen Green

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

<i>Date</i>	<i>Charging Party Signature</i>
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EEOC Form 9 (5/01)

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34B-2009-00622

Nevada Equal Rights Commission

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

Retaliation/Harassment: Mr. Magnani subjected me to a hostile work environment after I forwarded a copy of my EEOC complaint to Mr. Jim Santangelo, Teamster Joint Council 42 President and International Vice President on February 10, 2009. He continued to exclude me from the daily operations of the union and, ultimately, terminated my employment on September 15, 2009. He also made threats, such as leaving an intimidating note on his door: "Play with fire and you will get burned, You will get caught breaking into my office and Lynette's office and you will be fired. Everyone in the office is sure they know who it is ... Think you are cute. We'll see. Someone is watching! Mike." Mr. Magnani took this action and others like it to create an extremely hostile work environment and to encourage and allow Bill Burgos to harass and intimidate me.

It is my contention that I suffered this and other acts of hostility in the work place because I no longer wished to engage in a relationship with Mr. Magnani and because I filed the charge of discrimination.

I am discriminated against because of my sex, female, and retaliated against for complaining of discriminatory practices, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED

OCT 28 2009

Las Vegas Local office

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.

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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.
 SIGNATURE OF COMPLAINANT

Helen Green

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)