

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

Civil Action No.

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**JOHN HUNTZ and TIFFANY HUNTZ,**

Plaintiffs,

v.

**BILL ELDER as Sheriff of El Paso County Sheriff's Office, and EL PASO  
COUNTY SHERIFF'S OFFICE,**

Defendants.

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**FIRST AMENDED COMPLAINT**

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COME NOW, Plaintiffs John Huntz and Tiffany Huntz, and for their First Amended Complaint against the Defendants, allege the following:

**Introduction**

1. Plaintiffs bring this action pursuant to Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.* to redress violations of Mrs. Huntz's right to work in an environment free from gender discrimination, and for both Mrs. Huntz and Mr. Huntz to be free from retaliation because of opposition to discrimination. Mr. Huntz also brings claims for disability discrimination under the Americans with Disabilities Act

**Jurisdiction**

2. The Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1331 & 1343; 42 U.S.C. § 12117; and 42 U.S.C. 2000e-5.

### **Venue**

3. The unlawful employment actions described below were committed in the state of Colorado. Venue is proper in the United States District Court for the District of Colorado under 28 U.S.C. § 1391(b).

### **Exhaustion of Administrative Remedies**

4. Plaintiffs filed timely charges of discrimination with the U.S. Equal Employment Opportunity Commission in Denver, CO. Mrs. Huntz's charge of discrimination alleged discrimination on the basis of her gender and retaliation for opposing discrimination. Mr. Huntz's first charge of discrimination alleged retaliation.

5. On March 3, 2016, Plaintiffs received their Right to Sue letters from the U.S. Department of Justice.

6. This action was commenced within 90 days of Plaintiff's receipt of those Right to Sue letters.

7. On October 9, 2015, Mr. Huntz filed a second charge of discrimination with the U.S. Equal Employment Opportunity Commission in Denver, CO, that alleged disability discrimination.

8. On May 2, 2016, after the expiration of more than 180 days from the date of the filing of the second charge of discrimination, Mr. Huntz requested that a Right to Sue Letter be issued. Mr. Huntz received that Right to Sue Letter on August 1, 2016.

9. Mr. Huntz's claims for disability discrimination in violation of the Americans with Disabilities Act were asserted in this action within ninety days of his receipt of the second Right to Sue Letter.

### **Parties**

10. John Huntz is a resident of Colorado Springs, CO, and was formerly employed as a Sergeant in the El Paso County Sheriff's Office.

11. Tiffany Huntz is a resident of Colorado Springs, CO, and was formerly employed by the El Paso County Sheriff's Office as a Dispatch Supervisor.

12. Bill Elder is the elected Sheriff of El Paso County.

13. The El Paso County Sheriff's Office is a law enforcement organization which operates under the authority of the Sheriff and is responsible for conducting various law enforcement and detention functions within El Paso County, Colorado.

### **General Allegations**

14. Paragraphs 1 through 13 are incorporated herein.

15. John Huntz and Tiffany Huntz are married.

16. Mr. and Mrs. Huntz have been married since November 29, 2003.

17. Tiffany Huntz is female.

18. John Huntz commenced his employment with the El Paso County Sheriff's Office (hereafter "EPSO") as a sworn law enforcement officer on April 3, 2003.

19. Mr. Huntz worked in various positions with the EPSO, including detentions, school resource officer, training, and patrol.

20. From 2012 until March, 2014, Commander Rob King was Mr. Huntz's second and third level supervisor.

21. In March 2014, Mr. Huntz was assigned to work in the EPSO Training Section.

22. Mr. Huntz's assignment to the Training Section was as the Academy Director.

23. When Mr. Huntz was assigned to the Academy Director position, he was informed that the position was a three year detail and that he would be working in that position until March 2017.

24. After his reassignment to the Training Section, Mr. Huntz's second level supervisor was Commander Bob McDonald.

25. On January 12, 2015, less than one year into his three year assignment to the Training Section, Mr. Huntz was notified that he was being transferred to the Detentions Bureau.

26. Mr. Huntz's transfer to the Detentions Bureau was effective January 15, 2015.

27. Mr. Huntz was involuntarily transferred to the Detentions Bureau.

28. Tiffany Huntz commenced her employment with the EPSO on July 12, 2004.

29. Mrs. Huntz was hired as an Emergency Services Dispatcher II, an entry level dispatcher position.

30. After one year of employment, Mrs. Huntz completed her probationary period and became an Emergency Services Dispatcher I.

31. In May or June 2007, Mrs. Huntz began receiving training from the Federal Bureau of Investigation ("FBI") and the Colorado Springs Police Department ("CSPD") as a civilian crisis negotiator.

32. Mrs. Huntz completed the FBI and CSPD training courses and received a special assignment from the EPSO as an on-call crisis negotiator in late 2007.

33. On January 1, 2009, Mrs. Huntz was promoted to an Assistant Dispatch Supervisor position.

34. In February 2011, Mrs. Huntz received a lateral transfer from Assistant Dispatch Supervisor to a Dispatch Training Coordinator position.

35. Mrs. Huntz most recently worked as a Dispatch Supervisor on the midnight shift.

36. In 2012 until late 2013 or early 2014, Commander Brad Shannon was the second level supervisor responsible for supervising Mrs. Huntz's dispatcher duties.

37. In 2012 until late 2013 or early 2014, Commander Rob King was the second level supervisor responsible for supervising Mrs. Huntz's crisis negotiator duties.

38. In late 2013 or early 2014, Commander Bob McDonald replaced Commander Shannon as the supervisor over Mrs. Huntz's dispatcher duties.

39. Starting in October 2012, Commander Rob King began to subject Mrs. Huntz to hostile work environment sexual harassment.

40. Mrs. Huntz would often have conversations with Commander King. Some of those comments were friendly and professional.

41. On many occasions when Commander King spoke with Mrs. Huntz and no one else was present, he would make inappropriate comments about Mrs. Huntz's body, her figure, and her breasts.

42. Commander King's comments about Mrs. Huntz's body, her figure, and her breasts made Mrs. Huntz very uncomfortable.

43. Commander King's comments about Mrs. Huntz's body, her figure, and her breasts made Mrs. Huntz particularly uncomfortable because Commander King had supervisory authority over both Mrs. Huntz and Mr. Huntz and she was concerned about reprisal or adverse action from Commander King against both herself and her husband.

44. Commander King's comments about Mrs. Huntz's body, her figure, and her breasts were not welcomed, solicited, or invited by Mrs. Huntz.

45. Commander King made numerous comments about Mrs. Huntz's body, her figure, and her breasts while interacting with Mrs. Huntz on-duty and off-duty.

46. In late October 2012, there was an electoral campaign for a sales tax to increase revenue for the EPSO.

47. Mrs. Huntz was distributing campaign signs supporting the measure, and dropped off some signs at Commander King's house.

48. When she brought the signs into Commander King's garage, Mrs. Huntz saw approximately 15-20 photos of nude or semi-nude women hanging on the wall.

49. Mrs. Huntz noticed that one of the pictures of a nude woman appeared to be of Commander King's wife, and asked him if that was his wife.

50. Commander King told Mrs. Huntz that the nude picture was in fact a picture of his wife.

51. Commander King then said to Mrs. Huntz that he wanted a similar picture of her to hang on his wall so he could "stare at it too."

52. Commander King's comment made Mrs. Huntz very uncomfortable.

53. Commander King's request that Mrs. Huntz provide him with a naked picture of herself for him to stare at was not welcomed, solicited, or invited by Mrs. Huntz.

54. Commander King's request that Mrs. Huntz, his subordinate employee, provide him with a naked picture of herself for him to stare at offended Mrs. Huntz.

55. After that conversation in October 2012, Commander King asked Mrs. Huntz to give him a naked picture of herself on multiple occasions.

56. All of Commander King's subsequent requests to Mrs. Huntz for naked pictures of herself were not welcomed, solicited, or invited by Mrs. Huntz.

57. All of Commander King's subsequent requests to Mrs. Huntz for naked pictures of herself offended Mrs. Huntz.

58. Commander King did not ask male employees of the EPSO to provide him with naked pictures.

59. In other conversations, Commander King would comment about Mrs. Huntz's choice of clothing and how her clothes made her body look.

60. Commander King did not comment about male employees' clothing choices or how those clothing choices made the male employees' bodies look.

61. For example, in one conversation Commander King said that a dress Mrs. Huntz was wearing made her look very curvy.

62. Mrs. Huntz did not welcome, solicit, or invite Commander King's comment about how her dress made her look.

63. Mrs. Huntz was offended that her supervisor made comments about how her body looked.

64. In another conversation, Commander King told Mrs. Huntz that her dress made her look really “busty.”

65. In the conversation when Commander King told Mrs. Huntz that her dress made her look really “busty,” he then proceeded to ask about Mrs. Huntz’s breast size, and asked her if her breasts were size DD.

66. Mrs. Huntz did not welcome, solicit, or invite Commander King’s comments and inquiries about her breasts or her breast size.

67. Mrs. Huntz was offended that her supervisor Commander King made comments about her breasts and inquiries about the size of her breasts.

68. In a conversation that happened in August or September 2013, Commander King asked Mrs. Huntz how he could get his wife and Mrs. Huntz “together” for a sexual encounter. Commander King then commented that he had dreamed about his wife and Mrs. Huntz having sex.

69. Mrs. Huntz was shocked by Commander King’s comments about his wife and Mrs. Huntz having sex and did not respond.

70. Mrs. Huntz did not welcome, solicit, or invite Commander King’s comments about Mrs. Huntz engaging in a sexual encounter with his wife.

71. Mrs. Huntz was offended by Commander King’s comments about her engaging in a sexual encounter with his wife.



72. All of Commander King's sexual comments and requests made Mrs. Huntz very uncomfortable.

73. Mrs. Huntz was particularly uncomfortable with Commander King's comments because he was the second level supervisor over both Mr. and Mrs. Huntz.

74. In his role as the second level supervisor over Mr. and Mrs. Huntz, Commander King had the authority to take disciplinary action against either Plaintiff.

75. Commander King's authority over, and ability to discipline, both Plaintiffs, made Mrs. Huntz fearful of reporting his conduct.

76. Throughout the time that Commander King was making harassing and discriminatory comments to Mrs. Huntz, he remained the supervisor over her crisis negotiator duties.

77. Throughout latter part of the time that Commander King was making harassing and discriminatory comments to Mrs. Huntz, Commander McDonald was the supervisor over Mrs. Huntz's dispatch duties.

78. Commander King and Commander McDonald are close friends.

79. On at least one occasion, Commander McDonald told Mrs. Huntz that he and Commander King are "best friends."

80. Mrs. Huntz told Mr. Huntz about Commander King's comments and conduct toward her.

81. Not long after Commander King made the comment to Mrs. Huntz about setting up a sexual encounter between his wife and Mrs. Huntz, Mr. Huntz transferred

from his patrol position to a school resource officer position because in that position, he would not have any contact with Commander King.

82. In May 2014, Mrs. Huntz made report of the sexual harassment she had been subjected to by Commander King.

83. Mrs. Huntz had not made an earlier report because of her fear of retaliation by Commander King and his supporters within the EPSO.

84. Commander King remained the supervisor over Mrs. Huntz's crisis negotiator duties until May 2014 when he was placed on administrative leave.

85. Commander King was placed on administrative leave for a matter unrelated to Mrs. Huntz's complaint of sexual harassment.

86. After Mrs. Huntz complained to the EPSO about Commander King creating a hostile work environment, Commander King, in late May 2014, continued that hostile work environment when he began publicly accusing Mrs. Huntz of having a sexual relationship with then-Sheriff Terry Maketa.

87. Commander King's public accusations that Mrs. Huntz had a sexual relationship with Sheriff Maketa continued and made worse the abusive working environment that Mrs. Huntz had been subjected to.

88. Commander King's public accusations that Mrs. Huntz had a sexual relationship with Sheriff Maketa were not welcomed by Mrs. Huntz.

89. Mrs. Huntz was offended by Commander King's public accusations that she had a sexual relationship with Sheriff Maketa.

90. One of Commander King's purposes in publicly accusing Mrs. Huntz of having a sexual relationship with Sheriff Maketa was to embarrass and humiliate Mrs. Huntz.

91. Following Commander King's placement on administrative leave, Mr. Huntz was informed by various employees of the EPSO that he had "a target" on his back.

92. Mr. Huntz understood those warnings about being a target to mean that Commander King and his friends and supporters would attempt to retaliate against him because of Mrs. Huntz's report that she had been sexually harassed by Commander King.

93. In early September 2014, Mrs. Huntz was interviewed by an EPSO Internal Affairs detective about her report of Commander King's sexual harassment.

94. Following Mrs. Huntz's interview about her report of sexual harassment, the EPSO interviewed Commander King.

95. The EPSO determined that Commander King's actions toward Mrs. Huntz violated EPSO policies.

96. Despite the determination that Commander King violated EPSO policies, no remedial action was ever taken against Commander King as a result of Ms. Huntz's report of sexual harassment.

97. Other female employees have also made complaints to the EPSO that they had been sexually harassed by Commander King or that Commander King has engaged in inappropriate, gender-based conduct toward them.

98. These other sexual harassment complaints were made before Mrs. Huntz reported that she had been sexually harassed by Commander King.

99. At the time Mrs. Huntz was subjected to sexual harassment by Commander King, the EPSO was aware that he had previously directed inappropriate behavior of a sexual nature at female employees.

100. Despite the EPSO's knowledge that Commander King had previously been accused of sexual harassment, the EPSO took no action to protect Mrs. Huntz or other females from sexual harassment or inappropriate conduct by Commander King.

101. On September 12, 2014, within a few days of Mrs. Huntz's interview by Internal Affairs about her sexual harassment report, Mrs. Huntz was informed by her direct supervisor that Commander McDonald had ordered that she have no communication with him whatsoever.

102. Commander McDonald specifically directed that Mrs. Huntz was required to go through my direct supervisor with any communications that were intended for Commander McDonald.

103. Commander McDonald did not issue this directive to any other employees he supervised.

104. Prior to Commander McDonald's order that Mrs. Huntz not communicate with him, Mrs. Huntz was regularly required to communicate with Commander McDonald as part of her work duties.

105. Commander McDonald directed Mrs. Huntz to not communicate with him because of her complaint about Commander King's sexual harassment and because of her participation in the investigation of the complaint of sexual harassment.

106. Prior to Mrs. Huntz's complaint and participation in the investigation of the complaint, she regularly communicated with Commander McDonald as a requirement of the performance of her job duties.

107. Between the date that Mrs. Huntz was interviewed about her complaint of sexual harassment and the date that Commander McDonald directed her to stop communicating with him, nothing occurred that would have caused Commander McDonald to radically alter Mrs. Huntz's ability to perform her job.

108. Mrs. Huntz's complaint of sexual harassment and her participation in the investigation of her complaint caused Commander McDonald to impose the communication restriction on her.

109. Commander McDonald's directive prohibiting Mrs. Huntz from communicating directly with him rendered the performance of Mrs. Huntz's duties unnecessarily difficult and created problems with her ability to effectively perform her job.

110. Commander McDonald knew that by prohibiting Mrs. Huntz from communicating directly with him, he would be making it considerably more difficult for Mrs. Huntz to perform the duties of her position.

111. Commander McDonald made the decision to make it considerably more difficult for Mrs. Huntz to perform her job duties in order to punish Mrs. Huntz for her

complaint of sexual harassment and participation in the investigation of the complaint of sexual harassment against Commander McDonald's best friend Commander King.

112. Commander McDonald's refusal to communicate with Mrs. Huntz created a very uncomfortable work environment for Mrs. Huntz.

113. Refusing to communicate with an employee and making the performance of the employee's job duties more difficult in response to a complaint of discrimination would chill or dissuade reasonable employees from reporting discrimination.

114. After Commander McDonald prohibited Mrs. Huntz from communicating with him, Mrs. Huntz was left in a hyper-vigilant state where she was constantly fearful of additional retaliation.

115. Commander King also retaliated against Mrs. Huntz for reporting his sexual harassment.

116. Commander King publicly, and falsely, accused Mrs. Huntz of having a sexual affair with then El Paso County Sheriff Maketa.

117. Commander King caused the false allegations about the affair to be reported to the media in Colorado Springs and Denver starting in late-May 2014 and continuing for months thereafter.

118. Commander King did not make the public accusations about Mrs. Huntz having a sexual relationship with Sheriff Maketa until after Mrs. Huntz reported the sexual harassment she had been subjected to by Commander King.

119. No reasonable employee would complaint about discrimination if as a result of engaging in protected activity, that employee would become the subject of widely disseminated false accusations of sexual misconduct.

120. False accusations of engaging in sexual misconduct that are published to the media would dissuade any reasonable employee from exercising his or her rights under Title VII.

121. The hostility to which Mrs. Huntz was subjected at work, and in public, because of Commander King's accusations that Mrs. Huntz had a sexual relationship with Sheriff Maketa caused her to suffer significant emotional distress which rendered her unable to work.

122. Prior to Commander King's reports to the media that Mrs. Huntz had a sexual relationship with Sheriff Maketa, Mrs. Huntz was able to work, and would have continued working.

123. Because of Mrs. Huntz's inability to work due to the emotional and physical stress she suffered as a result of the hostility directed at her because of Commander King's false public accusations about a sexual relationship with Sheriff Maketa, she went on FMLA leave on October 15, 2014.

124. In December 2014 at the Recruit Academy graduation, Commander King approached Mr. Huntz and told him "I'm coming back and this will all go away" or words to that effect.

125. Mr. Huntz understood Commander King's comment to be a threat against he and Mrs. Huntz.

126. Commander King remained on administrative leave until early January 2015 when Sheriff Elder returned him to work.

127. At or around the same time that Commander King was returned to work, Mr. Huntz received notice that he was being involuntarily transferred from the Training Section to the Detentions Bureau.

128. In the Detentions Bureau position Mr. Huntz was being transferred to he would be working under Commander King' supervision.

129. At the time of the decision to transfer Mr. Huntz from Training to Detentions, there were still more than two years remaining on his detail to the Training Section.

130. When Mr. Huntz learned that he was being involuntarily transferred with more than two years remaining on the detail to the Training Section, he questioned the reason for the transfer.

131. In response to Mr. Huntz's request for an explanation of the involuntary transfer, he was told by Commander Rodney Gehrett, a close friend of Commander King's, that the transfer "was based on the needs of the Sheriff's Office," and that "the Detention Bureau is short one sergeant position."

132. Commander Gehrett further stated that Mr. Huntz's move to the Detention Bureau "will fill the supervisor vacancy that exists there."

133. Commander Gehrett's explanation of the justification for the involuntary transfer of Mr. Huntz is false.



134. Moving Mr. Huntz to the Detention Bureau did not fill the supervisor vacancy that existed there at that time.

135. Mr. Huntz was transferred into the position that had been occupied by Sergeant Isaac Petterson.

136. Upon Mr. Huntz's transfer into the position that had been occupied by Sgt Petterson, Sgt. Petterson was transferred into the Academy Director position Mr. Huntz had been detailed to.

137. Prior to the transfer of Sgt. Petterson and Mr. Huntz, Sgt. Petterson had told Mr. Huntz on multiple occasions that he (Sgt. Petterson) hated working in the jail and was mad that Mr. Huntz had been chosen for the position as the Academy Director as he (Sgt. Petterson) wanted the job for himself.

138. When Mr. Huntz was transferred to the Detention Bureau, there was no increase in supervisors in the Detention Bureau, and the same supervisor vacancy that existed before the transfer existed after the transfer.

139. As of March 2015, the Detention Bureau remained short one sergeant position.

140. Mr. Huntz's transfer to the Detention Bureau also included a shift change.

141. As part of the involuntary transfer, Mr. Huntz was involuntarily transferred to the midnight shift.

142. On January 12, 2015, Mrs. Huntz received a letter from Undersheriff Breister informing her that her FMLA leave had expired and that she was required to return to work.

143. Undersheriff Breister's letter also stated that upon Mrs. Huntz's return to work he would address her "performance issues."

144. Prior to Mrs. Huntz's absence from work on FMLA leave, there were no issues with her work performance.

145. Undersheriff Breister was not employed by the EPSO from 2013 until the beginning of January, 2015.

146. As Undersheriff Breister was not employed by the EPSO from 2013 until the beginning of January, 2015, he had no knowledge of Mrs. Huntz's work performance.

147. Mrs. Huntz understood Undersheriff Breister's comment about addressing performance issues to be a threat that she would be disciplined or terminated upon her return to work.

148. Undersheriff Breister is friends with Commander King.

149. Undersheriff Breister made the threat to Mrs. Huntz because of her complaints about the sexual harassment she was subjected to by Undersheriff Breister's friend, Commander King.

150. On January 13, 2015, Sgt. Petterson, who Mr. Huntz replaced in Detentions and who replaced Mr. Huntz in Training, told Mr. Huntz he was sorry about the transfer.

151. Sgt Petterson also told Mr. Huntz that the EPSO command staff had planned for the transfer to occur, that it was "a test," and that Mr. Huntz was being tested.

152. It is well known within the EPSO that involuntary transfers to the Detention Bureau are punitive measures.

153. Working in the Detention Bureau requires work in the El Paso County jail.

154. It is also well known within the EPSO that involuntary transfers to the midnight shift are punitive, particularly when the transfer to the midnight shift accompanies a transfer to the jail.

155. Working in the jail is an undesirable assignment.

156. Working in the jail is a particularly undesirable assignment for experienced officers, as it can prevent career advancement.

157. EPSO employees are often involuntarily transferred to the jail as a punishment or for their perceived slights of the EPSO Command staff.

158. EPSO employees are often transferred to the jail to prevent them from advancing their careers and to attempt to force them to quit.

159. Mr. Huntz was involuntarily transferred to the jail on the midnight shift as a punishment for his wife's complaint that Commander King sexually harassed her.

160. Mr. Huntz would not have been involuntarily, and punitively, transferred to the midnight shift in the jail if Mrs. Huntz had not complained about Commander King's sexual harassment.

161. On March 5, 2015, Mrs. Huntz was informed that her employment was to be terminated effective March 13, 2015 because of her inability to return to work.

162. Mrs. Huntz was unable to return to work because she would be returning to a hostile work environment that was worse than the one she left.

163. Commander King was still working for the EPSO as of the date Mrs. Huntz was required to return to work.

164. After Commander King was returned to work from administrative leave, he was labeled as a “hero” by the current Sheriff for his actions in falsely accusing Mrs. Huntz of having an affair with Sheriff Maketa.

165. Commander King was never subjected to any remedial action for his harassment of Mrs. Huntz.

166. Commander King was permitted to retaliate against Mr. and Mrs. Huntz, and was labeled a hero for doing so.

167. Defendant’s actions toward Commander King emboldened him and showed that he is “untouchable.”

168. Any reasonable employee working in the environment that Mrs. Huntz would have been required to return to work in would have felt that she had no choice but to quit.

169. Mrs. Huntz was subjected to a sexually harassing hostile work environment, retaliation for her opposition to sexual harassment, and to a constructive discharge from her employment.

170. Mr. Huntz was subjected to retaliation because of Mrs. Huntz’s opposition to sexual harassment.

171. The discrimination and retaliation to which both Mr. and Mrs. Huntz have been subjected has caused them to suffer a great deal of past and future pecuniary

loss, including loss of benefits and seniority, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life.

172. John Huntz has a permanent impairment to his shoulder.

173. The impairment to Mr. Huntz's shoulder is a physiological disorder that affects his musculoskeletal system, limiting his ability to move his arm and shoulder.

174. The impairment to Mr. Huntz's shoulder substantially limits him in the major life activities of reaching and lifting, and for a time, prevented him from using his right arm for anything other than typing or writing.

175. Mr. Huntz is significantly less able to reach or lift with his right arm as compared to most of the people in the general population.

176. Mr. Huntz had surgery on his shoulder on April 16, 2015 and was on a medical leave from work following the surgery.

177. Mr. Huntz's doctor estimated that Mr. Huntz would need medical leave through October 16, 2015 to recover from the surgery.

178. On August 13, 2015, Mr. Huntz was released to commence strength training as part of the rehabilitation from his surgery.

179. When Mr. Huntz was released to start strength training, his medical providers did not release him to use a firearm.

180. Mr. Huntz could not return to work as a Deputy Sheriff on August 13, 2015 because he was not permitted to use a firearm.

181. Mr. Huntz's medical provider stated that Mr. Huntz would be unable to use a firearm until September 14, 2015.

182. Mr. Huntz had been using FMLA leave to recover from the surgery, and his FMLA leave expired on or about August 13, 2015.

183. As Mr. Huntz's FMLA expired and he was not yet medically able to return to work, he requested that he be provided with a medical leave of absence from the Sheriff's Office until September 14, 2015, the day he would be released to use a firearm.

184. Mr. Huntz specifically requested that he be granted the medical leave of absence as a reasonable accommodation of his disability.

185. On August 14, 2015, Defendant's attorney responded to the request for reasonable accommodation and asked for additional information about Mr. Huntz's ability to perform other essential functions of his job.

186. Defendant's attorney asked that the additional information about Mr. Huntz's ability to perform his job be provided by August 21, 2015.

187. On August 19, 2015, two days before the deadline for providing the requested additional information about his disability, the Sheriff terminated Mr. Huntz's employment.

188. At the time his employment was terminated, Mr. Huntz had requested that he be provided with 30 days of unpaid medical leave as a reasonable accommodation of his disability.

189. Unpaid medical leave for a period of thirty days is a reasonable accommodation.

190. The Sheriff was aware of Mr. Huntz's request for a reasonable accommodation and could have granted the requested accommodation without any undue hardship to the Sheriff's Office.

191. The Sheriff failed to accommodate Mr. Huntz's disability.

192. The Sheriff terminated Mr. Huntz's employment because Mr. Huntz requested a reasonable accommodation of his disability.

193. The discrimination to which Mr. Huntz was subjected caused him to suffer a great deal of emotional distress and economic loss.

**First Claim for Relief (Title VII- Hostile Work Environment Sexual Harassment on behalf of Plaintiff Tiffany Huntz)**

194. Plaintiffs reallege all prior paragraphs and incorporate them herein.

195. Mrs. Huntz has exhausted her administrative remedies under Title VII of the Civil Rights Act of 1964, as amended.

196. Defendant discriminated against Mrs. Huntz because of her gender in violation of Title VII, 42 U.S.C. § 2000e-(2)(a), by engaging in, tolerating or failing to prevent the gender-based harassment alleged herein and by failing to take affirmative action to correct and redress these unlawful employment practices.

197. During Mrs. Huntz's employment, Mrs. Huntz was subjected to offensive and unwelcome comments by Commander King.

198. Commander King's conduct was unwelcome.

199. Mrs. Huntz did not solicit or invite the conduct and she perceived the conduct to be offensive and/or undesirable.

200. This conduct and other incidents of harassment described above were motivated by Mrs. Huntz's gender.

201. The conduct suffered by Mrs. Huntz was sufficiently pervasive and/or severe to alter and did alter a condition of her employment and created an abusive working environment.

202. Mrs. Huntz was detrimentally affected by the conduct and such conduct would have detrimentally affected a reasonable woman in her position.

203. Defendant knew or should have known of the harassment described herein and Commander King's propensity to engage in such gender-based harassment and failed to implement prompt and appropriate corrective action.

204. The harassment directed at Mrs. Huntz was either intended to cause her severe emotional distress or was perpetrated with malice or reckless indifference to the likelihood that it would cause such distress. Defendant is, therefore, liable to Mrs. Huntz for all damages proximately resulting from the distress she has suffered relating to the conduct of Commander King.

**Second Claim for Relief (Retaliation—Title VII—42 U.S.C. § 2000e-2 on behalf of Plaintiff Tiffany Huntz)**

205. Plaintiffs reallege all prior paragraphs and incorporate them herein.

206. Mrs. Huntz has exhausted her administrative remedies under Title VII of the Civil Rights Act of 1964, as amended.

207. Mrs. Huntz engaged in protected activity by opposing discrimination though her report of Commander King's sexual harassment to Defendant.



208. Mrs. Huntz was subjected to materially adverse actions by Defendant in retaliation for her complaints of violations of Title VII.

209. Mrs. Huntz's complaints about sexual harassment and her participation in the investigation of her sexual harassment complaint caused Defendant to subject her to materially adverse actions.

210. Mrs. Huntz suffered damages as a result of Defendant's retaliatory conduct.

**Third Claim for Relief (Retaliation—Title VII—42 U.S.C. § 2000e-2 on behalf of Plaintiff Tiffany Huntz)**

211. Plaintiffs reallege all prior paragraphs and incorporate them herein.

212. Mr. Huntz has exhausted his administrative remedies under Title VII of the Civil Rights Act of 1964, as amended.

213. Mr. Huntz's wife, Tiffany Huntz, engaged in protected activity by opposing discrimination through her report of Commander King's sexual harassment to Defendant.

214. Mr. Huntz was subjected to materially adverse actions by Defendant in retaliation for Mrs. Huntz's complaints of violations of Title VII.

215. Mrs. Huntz's complaints about sexual harassment and her participation in the investigation of her sexual harassment complaint caused Defendant to subject Mr. Huntz to materially adverse actions.

216. Mr. Huntz suffered damages as a result of Defendant's retaliatory conduct.

**Fourth Claim for Relief (Americans with Disabilities Act- Disability Discrimination on behalf of Plaintiff John Huntz)**

217. Plaintiffs reallege all prior paragraphs and incorporate them herein.

218. Plaintiff John Huntz has exhausted his administrative remedies under the Americans with Disabilities Act.

219. Mr. Huntz is a qualified individual with a disability or alternatively has a record of a disability or is regarded as having a disability.

220. Mr. Huntz requested a reasonable accommodation of his disability.

221. Defendant failed to engage in the interactive process with Mr. Huntz.

222. Defendant refused to provide Mr. Huntz with a reasonable accommodation.

223. Defendant terminated Mr. Huntz's employment because he requested a reasonable accommodation of his disability.

224. Defendant's acts and omissions violated Mr. Huntz's rights under the Americans with Disabilities Act, 42 U.S.C. § 12112.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following relief, pursuant to 42 U.S.C. §§ 1981, 1988, 2000e-5(g), and Colo. R. Civ. P. 54:

- a. Nominal damages;
- b. Reinstatement and back pay, or an order of front pay in lieu of reinstatement;
- c. Nonpecuniary and compensatory damages, including damages for emotional distress and consequential damages;
- d. Injunctive relief;

- e. A declaration that Defendant's conduct violated Plaintiff's rights under Title VII and the Americans with Disabilities Act;
- f. Pre- and post-judgment interest at the highest rate allowed by law;
- g. Costs and reasonable attorneys fees; and
- h. All other legal or equitable relief to which Plaintiff is entitled.

**DEMAND FOR A JURY TRIAL**

Plaintiffs demand a jury trial for all issues triable by jury.

Respectfully submitted this 24th day of August, 2016.

CORNISH & DELL'OLIO, P.C.

s/Ian D. Kalmanowitz

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