

**Fill in this information to identify the case:**Debtor Air Pros Colorado LLCUnited States Bankruptcy Court for the: Northern District of Georgia  
(State)Case number 25-10360**Modified Official Form 410  
Proof of Claim****12/24**

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

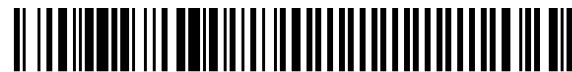
**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

1. Who is the current creditor?	<u>Cathy Love</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b> <u>Cathy Love</u> <u>King Employment Law</u> <u>1670 York Street</u> <u>Denver, CO 80206</u>  Contact phone <u>303-479-3997</u> Contact email <u>smith@kingemploymentlaw.com</u>  Uniform claim identifier (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b>   Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☒ No  
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_

7. How much is the claim? \$ 300,000. Does this amount include interest or other charges?  
☒ No  
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
Employment Discrimination

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.  
**Nature or property:**  
☐ Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amount should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
☐ Fixed  
☐ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☒ No  
☐ Yes. Identify the property: \_\_\_\_\_



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ \_\_\_\_\_

☐ Up to \$3,350\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$15,150\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?

☒ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(3) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

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

Executed on date 06/12/2025  
MM / DD / YYYY

/s/Diane S. King  
Signature

Print the name of the person who is completing and signing this claim:

Name Diane S. King  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

Contact phone \_\_\_\_\_ Email \_\_\_\_\_



# Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 927-7076 | International (310) 751-2650

<b>Debtor:</b> 25-10360 - Air Pros Colorado LLC <b>District:</b> Northern District of Georgia, Newnan Division		
<b>Creditor:</b> Cathy Love King Employment Law 1670 York Street  Denver, CO, 80206 <b>Phone:</b> 303-479-3997 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> smith@kingemploymentlaw.com	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded <b>Related Document Statement:</b>	
	<b>Has Related Claim:</b> No <b>Related Claim Filed By:</b>	
	<b>Filing Party:</b> Authorized agent	
	<b>Other Names Used with Debtor:</b>	
<b>Amends Claim:</b> No <b>Acquired Claim:</b> No		
<b>Basis of Claim:</b> Employment Discrimination	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 300,000	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> No <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b> <b>Annual Interest Rate:</b> <b>Arrearage Amount:</b> <b>Basis for Perfection:</b> <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Diane S. King on 12-Jun-2025 3:23:15 p.m. Pacific Time <b>Title:</b> <b>Company:</b>		

Diane S. King  
Paula Greisen  
Meredith A. Munro



Marianna McLean  
Scott Medlock\*

\*Also Licensed in Texas

June 7, 2022

**Via EEOC Portal**

Matthew Nitta  
US Equal Employment Opportunity Commission  
Denver Field Office  
303 East 17th Avenue, Suite 410  
Denver, CO 80203  
matthew.nitta@eeoc.gov

Re: *Cathy Love v. Air Pros, LLC*  
EEOC Charge No. 541-2022-00655

Dear Mr. Nitta:

As you know, our firm represents Cathy Love in her Class-Based Charge of Discrimination against Air Pros, LLC. We are writing in response to Air Pros' April 7, 2022, position statement.

As discussed in more detail below, Ms. Love was discriminated against because of her sex and was sexually harassed and retaliated against by Air Pros when she complained. From the second day she started work at Air Pros until the day she was fired, Ms. Love was sexually harassed – verbally assaulted, ogled, and physically intimidated by male employees, including many managers. She was one of many of victims of sexual harassment and discrimination in the Colorado offices, many of whom we list below in Part II. We have evidence to support that the sexual harassment and discrimination pervaded other Air Pro offices around the country, as well. The corporate HR office knew about the sexual harassment and discrimination, but did not enforce their “zero tolerance” policy and did nothing to protect the women.

Accordingly, we believe Ms. Love, and multiple other women, have strong legal claims against Air Pros for gender-based discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e et. seq. We request that the EEOC closely investigate this active indifference to a systemic problem at Air Pros, which likely continues, and we hope to make Ms. Love and other women available for interviews and to provide additional information as requested.

## I. FACTS

The following facts are taken from interviews of Ms. Love and multiple witnesses. The witnesses and summaries of their statements are described in Part II below.

### ***1. Background: Ms. Love Was A Skilled Employee, Recruited to the Job.***

On October 12, 2020, Ms. Love started work at Air Pros in its Colorado Springs office as a CSR. Ms. Love had 22 years of experience as a customer service representative (CSR), 7 years of which were in the HVAC industry. Ms. Love had been recruited to work at One Source Home Services (which Air Pros purchased approximately one month before her start date<sup>1</sup>), by David DelSignore, the National Director of Call Center Operations & Internal Marketing, who oversaw call centers in five states. Ms. Love and Mr. DelSignore had worked together previously, and Mr. DelSignore knew her to be an excellent worker.

Ms. Love's husband, Robert Ness, had been employed at One Source (and later Air Pros) as the excavation Manager since July 18, 2020. He had 43 years of experience as a plumber at the time he was hired.<sup>2</sup>

Within a month or two after Ms. Love started at Air Pros, Ms. Love's supervisors, Mr. DelSignore and Cheinette Van Wyk, promoted her to the accounting department as a collection's specialist, and Ms. Love received a \$1.00/hour raise. With this promotion, Ms. Love's direct supervisor became Ms. Van Wyk. This new position was a good fit for Ms. Love, as she had extensive accounting experience, including a degree in office management. In this position, she called clients to update the status of unpaid invoices, collected payments, analyzed payment reports and had other general office duties.

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<sup>1</sup> One Source had offices in Colorado Springs, only. The owners of One Source, Jason, Mike and Scott Bidwell, remained employed at Air Pros after the purchase/sale and reported to Roscoe Brister. Although they were rarely in the Colorado Springs offices after the purchase/sale, they were very close with the managers who sexually harassed Ms. Love and the other female employees and were undoubtedly aware of what was happening.

<sup>2</sup> Air Pros suggests that Ms. Love is not married to Mr. Ness. Not only is this not true (she and her husband are married under common law, which Colorado has recognized as legal and binding since 1877), it is also irrelevant.

**2. Ms. Love Was Sexually Harassed on the Second Day She Started Work.**

On October 13, 2020, HVAC Manager Aaron Buckley loudly – in front of many of her new co-workers – asked Ms. Love if she would “*fuck*” him for \$1 million. Shocked, Ms. Love said no. Buckley then asked Ms. Love if she would “*fuck*” him for \$2 million. Ms. Love again said no, and Buckley then asked her if she would “*fuck*” him if he was not married. Another Manager, Brandon Driscoll, was present, but said nothing. Ms. Love was embarrassed and felt humiliated.

After work that day, Ms. Love complained to Mr. DelSignore about Buckley’s verbal assault. Because Ms. Van Wyck, who handled HR matters on the local level in Colorado, had already left for the day, they decided to talk to her the next morning. They discussed asking one of the women who witnessed the verbal assault to attend the meeting to corroborate what had happened because Ms. Love and Mr. Buckley were worried that nothing would be done because Ms. Love was a woman and, alone, would have no support (they were right).

The next morning, at an in-person, all-tech staff meeting attended by 150 technicians and their managers, Buckley “joked” about his verbal assault on Ms. Love. She was not at the meeting, although her husband was. Dustin Hood, then a Manager in the plumbing division, was at the meeting. (Shortly thereafter, in November 2020, Hood was promoted to Regional Operations Manager.)

Later that day, on October 14, 2020, Ms. Love and Mr. DelSignore met with Ms. Van Wyck. Ms. Love described Buckley’s verbal assault, and Mr. DelSignore gave Ms. Van Wyck a hand-written statement that Ms. Love had prepared at his request earlier that morning. Ms. Van Wyck told Mr. DelSignore to report the incident to Hood, which he did. In fact, Mr. DelSignore handed Ms. Love’s written complaint about Buckley to Hood. According to the Air Pros Employee Handbook, Hood should have given the written complaint to the corporate heads of HR for investigation, John Kurkis and Annalina Schnebacher. However, no one in HR – local or corporate – ever contacted Ms. Love or Mr. DelSignore.

A few days later, Buckley again “joked” about his verbal assault on Ms. Love at a manager’s meeting in his office, attended by Manager Dustin Booker and Robert Ness (Ms. Love’s husband). Buckley said: “*I just wanted to see if [Ms. Love] was a cock sucking whore or if I’d be broke.*”

Buckley faced no consequences for his harassment. According to witnesses, he wielded substantial power because he was a top salesman and was close friends with the other managers. Indeed, in January 2021, Air Pros transferred Buckley to its Fort Worth, Texas location and gave him a promotion to General Manager. Until he was transferred to Texas, Buckley continued to

ogle Ms. Love, making her feel extremely uncomfortable. Ms. Love heard that Buckley was transferred because of yet another complaint made against him by a woman (the wife of an employee) whom he had interviewed for a job at Air Pros. This reaction – transfer and promote – instead of termination for violating EEO laws is in marked contrast to how Air Pros handled Ms. Love’s purported mistakes that it uses to justify firing her.

### **3. Continuing Harassment Against Ms. Love and Other Women at Air Pros.**

Buckley was just one of many men who sexually harassed Ms. Love and the other women at Air Pros. As detailed below in Part II, multiple individuals described witnessing or being the direct victim of sexual harassment and discrimination. Drug use and sex among the employees – including managers – was commonplace, and it led to an “anything goes” atmosphere. As one witness put it, *“every female there was a victim to some extent.”*

The main sexual harassers, in addition to Buckley, were Manager Dustin Hood, Manager William (Bill) Gibson, Manager Brian Boyle, and Terrence McMillian, CRS. All of them were close friends, part of a disturbing “boys club.”

Manager Dustin Hood would look down Ms. Love’s shirt when she bent over and would say things like, *“stand like that a little longer”* or *“stick your butt out a little more, you’re giving me a hard-on.”* Hood did this to many women around the office, telling them to wear low cut shirts and walk around without a bra so their “titties” were “bouncy.” One day while Ms. Love was talking to Jennifer Bernaski, Hood walked up behind Ms. Bernaski and said, *“you’re giving me a woody.”* On days when Ms. Love cooked the staff breakfast, Hood would say things to her like, *“you just need to be naked in my kitchen.”* He would get physically close to Ms. Love and the other women, often backing them into corners. Hood was known to come to work drunk, drink on the job, and he flaunted the fact that he is a swinger. According to one witness, he showed employees photos of his wife’s and his girl-friend’s breasts on his cell phone.

Manager William (Bill) Gibson. Gibson became the plumbing Manager after Dustin Hood was promoted in November 2020. On several occasions, Ms. Love noticed him trying to look down her shirt. He would say things like, *“I can make her [a female employee] cheat, because she’s not satisfied until she’s had me.”* Gibson would grab women’s breasts as a sort of sick “initiation” into the job. He also made hateful comments about gays and lesbians, like *“we just need to fire the gay and lesbian sons of bitches.”*

Manager Brian Boyle. Boyle was a Call Center Manager. He was extremely condescending of the women. He would intentionally make women, including Ms. Love, feel stupid. He would tell Ms. Love to *“sit down and shut up,”* and would say things like, *“women shouldn’t be in the [HVAC] industry.”*



Terence McMillian. McMillian was a CSR. He was widely known as being a sexual pervert who hit on the female employees, would try to touch and hug them, and would ask them for rides home. One witness told us that she brought mace with her to work for protection. From early on in Ms. Love's employment, McMillian tried to flirt with Ms. Love, asking her personal questions about her love life, and making her feel very uncomfortable. Nonetheless, because he was friends with Hood, Gibson, and other male managers, he was not fired. He was eventually let go not because of his sexual harassment, but because he was not a good CSR.

Often, the managers would gang up together. For example, Ms. Love recalls, early on in her employment at Air Pros Hood and Buckley telling Elizabeth Dollar to strip and pose naked on top of the car that one of the owners, Mike Bidwell, was buying. She also heard them ask Ms. Dollar whether the "curtains" "matched the drapes." (Ms. Dollar was a red head.)

Manager Conduct Emboldened Sexual Harassment by Peers. The fact that managers harassed the women with impunity emboldened many technicians to do the same. Certain plumbers would make comments about trying to break up couples, saying things like "*just because she's married doesn't mean she won't fuck.*"

#### **4. *Other Forms of Sexual Discrimination.***

In addition to sexual harassment, Air Pros discriminates against its female employees in other areas. For example, Air Pros primarily hires or puts women into traditional roles, like CSR, and reserves tech positions for men. If a woman is hired into a tech position, Air Pros gives them the lower paying jobs and finds a way to push or force them out soon after she is hired.

Ms. Love believes she earned less than the man she replaced as collections specialist (John Kerchis), even though she had more duties than he did, and she had an accounting degree and he did not. Mr. DelSignore believes that women managers (there were only a few) were paid less than male managers.

#### **5. *The Sexual Harassment Severely Negatively Affected Ms. Love.***

The male employees' unwanted verbal harassment, ogling, and physical touching occurred almost daily, and it severely impacted Ms. Love. For example, she worried about what she should wear to work. At times she had trouble sleeping. She often felt on edge at work. When she saw one of the harassers come into her work area, she would try to hide or would engage a co-worker in conversation to avoid him. Of course, this made it more difficult for Ms. Love to perform her job.

**6. *Additional Complaints Were Futile.***

Ms. Love made additional complaints to Ms. Van Wyk, verbal, particularly early on in her employment. However, Ms. Love understood that complaining was futile. Ms. Van Wyk, who did not have formal HR training and was only nominally in charge of HR, could not enforce any type of prohibition on sexual harassment. And, after Hood was promoted to General Manager in November 2020, he was in charge of HR. He had refused to protect her from Buckley and he himself was a harasser, so Ms. Love knew that she could not complain to him. Because she needed her job, Ms. Love tried to put her head down. She refused to pretend to play along with the sexual “jokes,” do drugs, permit the men to see her breasts or touch her, or to have sex with them.

**7. *Air Pros Retaliates Against Ms. Love for Complaining about Sexual Harassment and for Not Playing Along.***

In retaliation for Ms. Love’s complaints and her refusing to engage with the men in a sexual way, Air Pros fired her husband in late October/early November 2021. Not ironically, he was falsely accused of sexual harassment. (A few months later, just before Air Pros fired Ms. Love, they asked her to convince her husband to return to work for Air Pros, but he declined.)

Then, on January 1, 2021, Air Pros placed Ms. Love on a 90-day Performance Improvement Plan (PIP). Before the expiration of the 90 days of the PIP, on March 29, 2021, Air Pros fired her. That morning, Hood called Ms. Love into his office and told her she was being fired. He told her to sign the Employee Discipline Form and Discharge Document Form, Exhibit C to Respondent’s Position Statement. Because the statements on the documents were false, Ms. Love refused to sign them. Hood then said, “*You can give me a blow job and keep your job.*” Ms. Love responded, “*I’m done. You can fire me, but I won’t sign this.*” Ms. Van Wyck was present.

Ms. Love left Hood’s office and drove to the Air Pros Call Center (located on Hathaway Drive in Colorado Springs) to speak with Mr. DelSignore. It was agreed that she could work with him in the Call Center, so she worked the rest of the day there. However, the next morning, Mr. DelSignore told her that he had received an email from Kirkus in the corporate HR office telling him that Ms. Love could not work in the Call Center as she was ineligible for rehire.

We detail in Part IV below that the purported reasons for Ms. Love being placed on a PIP and then fired were baseless, a pretext for unlawful discrimination and retaliation.

## II. WITNESSES AND SUMMARY OF THEIR KNOWLEDGE

Almost uniformly, the witnesses with whom we spoke talked about having to put on blinders and ignore the sexually harassing environment in order to keep their jobs. Many were reluctant to talk about their experiences, explaining that they had tried to forget them. *These women's claims have been exhausted as a result of Ms. Love filing a Class-Based Charge of Discrimination.* What follows is a synopsis of each witnesses' statements:

### A. Other Women Who Were Victims of, or Witness to, Sexual Harassment and Discrimination.

1. Udele (Bodnar) Harvey (719-648-5384 or udelel@gmail.com). Ms. Harvey started work at One Source in October 2019 and quit in May 2021 after a promised promotion was not given to her. We interviewed Ms. Harvey, and she is willing to talk to the EEOC.

Ms. Harvey started at One Source as a CSR, was made the lead, and then demoted and replaced with a woman who looked the part that Air Pros wanted: short skirt, fake eyelashes, and makeup, etc. Ms. Harvey told us that the women who were ok with being sexualized were the highest paid, were promoted, or at least kept their jobs.

Ms. Harvey corroborated that Hood would blatantly flirt with the female employees, particularly the single mothers, and would try to give them massages, and that Gibson would grab women's breasts.

She also told us that McMillian sexually harassed many of the female employees. He would tell Ms. Harvey, "*I want to go to your house after work,*" and "*you must be lonely without your husband at home.*" He would stare at her and get close to her. She always kept mace on her. Ms. Harvey knows that he engaged in this conduct with other women, including in particular Melissa Gonzales. Ms. Harvey complained to the manager leads on floor, and by their responses it was clear that they were aware that McMillian had sexually harassed women at other companies.

2. Chenette Van Wyk (719-740-8431). Ms. Van Wyk was employed from 2019 to November 2022. We interviewed Ms. Van Wyk, and she is willing to talk to the EEOC.

Ms. Van Wyk was hired at One Source to do accounting work. Because there was no HR, she helped perform this function, as well. She did not have HR training prior to working for One Source, and was not given any training at One Source or at Air Pros. She copied a sexual harassment policy she found on the internet and asked Scott Bidwell to review it. Although management went over the policy as a group, she does not believe the policy was ever provided to employees. (Ms. Love was never given a copy of any sexual harassment policy.) Ms. Van Wyk said that, at the meeting when management went over the policy, Buckley made fun of it, stating it is not harassment if it is "not unwanted."

Ms. Van Wyk described the employees/work life at Air Pros as having a “prison mentality” – nothing was prohibited. Men talked about women’s body parts, sexual positions, and made dirty jokes. She remained working at the company because she needed the money to survive. She told us that she has tried to forget working at the company.

When asked whether she recalls whether there were any investigations made into the complaints of sexual harassment, Ms. Van Wyk said was not aware of any investigation ever having been undertaken.

3. Carrian Poma. (719-314-5054 or pomacarrian@gmail.com) Ms. Poma started at One Source/Air Pros in May of 2020 as a dispatcher, moved to the customer service center in January 2021, and then quit in May or June of 2021.

Ms. Poma told us that, at Air Pros, “*every female there was a victim to some extent.*” The men (including managers) would have open conversations amongst themselves about which female employee was “*fuckable*” and “*how many fingers would get her off.*”

A month or two into her employment, Buckley grabbed both of her breasts, and said, “*it ain’t nothing, it’s just how I initiate people.*” Buckley is a friend of the Bidwells, and she was afraid of losing her job, so she said nothing. He would brag about being with the bloods and the banditos (gangs) and that he got to “*fuck*” a lot of “*bitches*” because of his ranking in the gangs. Ms. Poma recalls hearing Buckley tell one woman (Ms. Bernaski) to unbutton her top see her breasts better. He did lines of cocaine in the office. He made fun of a female dispatcher’s “camel toe.” Buckley would intentionally sit close to Ms. Poma to be an irritant; he appeared to enjoy having power over her and other women. Ms. Poma described Buckley as a racist and said that he used the N word.

Ms. Poma informed us that Hood would often brag about going to swinger’s clubs. He told her that his son had twice been accused of rape, but that those “*bitches*” were lying.

Ms. Poma can also corroborate that women were treated less favorably than men in regard to meeting goals and in receiving promotions. Female technicians had to work harder to prove themselves and were second-guessed. Women were rarely promoted, and men would take credit for women’s work, but nothing was done even when the women complained.

4. Cassandra Carter. (848-467-6929 or cassandracarter13@gmail.com). Ms. Carter was employed at One Source/Air Pros as one of the few female HVAC maintenance technicians from approximately September 2020 to June 2021.

Ms. Carter told us that management would give the best jobs and pay to women who would sleep with them or who would seem to play along with the sexually harassing conduct. She told us that every woman who walked through that door was objectified, and that she felt

that she had to just put up with it. She informed the corporate head of HR, John Kurkis, that her boyfriend, who was an Air Pros employee, physically abused her and intimidated her at the office (including slashing his wrists in front of her in a company vehicle), but the company refused to fire him.

5. Erena Rossell. (719-367-8919 or rossellerena@gmail.com).

Ms. Rossell was employed at Air Pros as a CSR from approximately October 2020 until October 2021. Ms. Rossell. She can corroborate that women were paid less than men for the same work. She was one of the most experienced CSRs and the lowest paid. She believes the men started at a higher wage.

6. Desiree Martinez (719-766-2079 or desisunflower1234@gmail.com)

Ms. Martinez was employed during the period of Ms. Love's employment. We believe she was another victim of sexual harassment and discrimination, as well.

7. Desiree Scott (719-493-5136)

Ms. Scott was employed during the period of Ms. Love's employment. We believe she was another victim of sexual harassment and discrimination, as well.

**B. Corroborating Male Witnesses.**

8. David DelSignore (406-581-1490 or ddelsignore05281980@gmail.com) Mr. DelSignore was employed with One Source and Air Pros from approximately June 2020 to October 1, 2021, when he quit. He is interested in talking with the EEOC.

Mr. DelSignore will corroborate that he recruited Ms. Love and considered her an excellent CSR. He will also corroborate that she complained about being sexually harassed at Air Pros, that he verbally told Hood about her complaint regarding Buckley, and gave Hood her written statement about Buckley.

Mr. DelSignore also has information about how other women were mistreated at Air Pros, including verbal abuse of a sexual nature and unwanted touching. The sexual harassment was so pervasive that ever know about it. Many of the men, including the managers, thought that women did not belong in the HVAC industry and would, for example, have "*the girls*" get coffee and do clean up chores during meetings and retreats. The also "bragged" that they were having sex with their assistants. One woman, Fedra Alvarez, complained to him in approximately July 2021 about Hood and Gibson. She made a written statement which he forwarded to corporate HR, but he believes Air Pros never investigated.

Several of the witnesses said that Mr. DelSignore was the only male Manager who cared about them and tried to help, but that the other managers and executives did not respect him because he is a homosexual.

9. Brian Buck (719)-641-4457. Mr. Buck was the recruiting and marketing director of One Source/Air Pros beginning in February 2020; he went part time in May 2021 and then quit in July 2021. At times, he assisted in HR, although he did not have HR training.

Mr. Buck described Air Pros as being “*not a good place to work as a human,*” and told us he “has tried to block everything out.”

Mr. Buck told us that Hood would show people his phone and say, “*look at my wife’s breasts,*” and “*check out my girlfriend’s tits.*” Hood would also talk about which women in the office were “*hot,*” and say things like, “*check out that ass.*”

He corroborated that McMillian was widely known to be a pervert who hit on the women, calling them “*hot mama,*” and that he would try to hug them. McMillian was eventually fired not because he sexually harassed the women, but because he was not a good CSR.

Mr. Buck told us that Buckley physically assaulted him once, punching him to the ground when Mr. Buck was kneeling in front of a desk, talking to another employee. He complained to Ms. Van Wyk, but nothing was done, he believes because of the money Buckley made for the company.

Mr. Buck told us that he saw employees having sex in vans in the parking lot (including one supervisor and his direct report), and that he also saw people doing drugs in the offices.

As is clear from the above, the sexual harassment discrimination, and retaliation is systemic at Air Pros, as is evidenced by the many witnesses we interviewed. Indeed, we have reason to believe that sexual harassment conduct was not limited to Air Pros’ offices in Colorado but included other offices, including in Washington, and we can provide you the name and contact information of a woman we believe was yet another victim.

Despite the rampant nature of the sexual harassment, Air Pros’ corporate office failed to investigate and protect their employees from sexual harassment. Although Air Pros gave lip service to a “zero tolerance” for sexual harassment and discrimination, it failed to adhere to it. The Employee Handbook it provided the EEOC as an exhibit to its Position Statement was not created until after Air Pros terminated Ms. Love’s employment, and she was never given a copy. And the witnesses with whom we spoke told us that they did not receive sexual harassment training.

### III. ARGUMENT

#### A. Ms. Love Exhausted Her Title VII Claims.

Air Pros contends that because Ms. Love filed her Charge on November 24, 2021, any event that occurred prior to January 28, 2021 (300 days prior) is time-barred. Air Pros goes on to contend that the only date Ms. Love cites in her Charge is the date Buckley asked her to “*fuck*” him, on October 13, 2020, and thus her claims of discrimination and retaliation are time-barred. This is argument ignores both the facts and the law.

A hostile work environment claim is composed of a series of separate acts that collectively constitute one “unlawful employment practice.” 42 U. S. C. § 2000e-5(e)(1). Provided that one act contributing to the claim occurs within the filing period, the *entire* time period of the hostile environment (including events more than 300 days prior to a discrete act such as termination) may be considered by a court for the purposes of determining liability. *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 117-118 (2002).

Ms. Love’s Charge is based on her *entire* employment at Air Pros – from the day Buckley loudly asked her to “*fuck*” him in front of a roomful of people to the day she was fired in retaliation for complaining about sexual harassment, and every day in between, including when her complaints against Buckley and other men were ignored, and when she was ogled, touched without her consent, and verbally assaulted. Ms. Love filed her Charge on November 24, 2021, well within the 300-day deadline for her sexual harassment and discrimination/retaliation claim. And, of course, the purpose of the exhaustion requirement has been met here – Respondent has full knowledge of the Charge and an opportunity to respond, and the EEOC has not been deprived of any opportunity to attempt conciliation. *See Jones v. UPS, Inc.*, 502 F.3d 1176, 1185 (10th Cir. 2007) (dual purposes of exhaustion).

The suggestion that Ms. Love’s Charge was insufficient because it purportedly did not provide dates for each instance of sexual harassment is equally without merit. Title VII does not define what constitutes a “charge” of discrimination necessary to satisfy exhaustion. *Edelman v. Lynchburg College*, 535 U.S. 106, 112 (2002). Title VII mandates only that a charge be verified and in writing and grants the EEOC broad discretion to determine in what form a charge must come and what information it must contain. *See* 42 U.S.C. § 2000e-5(b). As you know, the EEOC regulations only require that a charge – in whatever form – contain information that is “sufficiently precise to identify the parties, and to describe generally the action or practices complained of.” 29 C.F.R. § 1601.12(b). The information must appear to an “objective observer that the filing “taken as a whole” suggests that the employee requests the agency to activate its machinery and remedial processes” *Federal Express Corp. v. Holowecki*, 552 U.S. 389, 398 (2008.) Ms. Love has fully satisfied this obligation.

**B. Unlawful Sexual Harassment, Discrimination, and Retaliation.**

The above facts more than establish a *prima facie* case of sexual harassment and gender discrimination pursuant to *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973); *see Plotke v. White*, 405 F.3d 1092, 1102 (10th Cir. 2005) (“not onerous burden”).

As described above, on an almost daily basis, Ms. Love endured verbal assaults of a sexual nature, was ogled, was physically intimidated and touched inappropriately, and saw other women being repeatedly demeaned and harassed. *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21 (1993) (“[w]hen the workplace is permeated with ‘discriminatory intimidation, ridicule, and insult,’ that is ‘sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment,’ Title VII is violated.”)(citations omitted). Air Pro’s argument – that Title VII is not a “general civility code” – while true, is inapplicable here. The abusive conduct described above was not sporadic, nor was it occasional teasing. The fact that other women were similarly harassed supports her claim, of course. *E.g., Hirase-Doi v. U.S. West Communications, Inc.*, 61 F.3d 777, 782 (10th Cir. 1995) (evidence of a general work atmosphere, including evidence of harassment of other women, may be considered in evaluating a hostile work environment claim); *accord Cruz v. Coach Stores, Inc.*, 202 F.3d 560 (2nd Cir. 2000).

Finally, Ms. Love can establish that her termination was in retaliation for her engaging in protected activity by complaining and, further, for refusing to engage with the men. *Somoza v. Univ. of Denver*, 513 F.3d 1206, 1211-12 (10th Cir. 2008) (to establish a *prima facie* case for retaliation in violation of Title VII, an employee must present evidence, that if true, establishes that (1) she engaged in protective activity; (2) her employer took material adverse action against her; and (3) the existence of a causal connection between the protected activity and the adverse action). Ms. Love made several complaints about the sexual harassment, beginning with her verbal and written complaint on October 13 and 14, 2020 and continuing through at least November 2020 until she realized the futility. Within three months, she was put on a PIP and then fired two months later. This is sufficient on its own to establish unlawful retaliation, and certainly in this context of escalating punishment. *See Compton v. Pappas Rest., Inc.*, Civ. No. 14-cv-01192-MSK-CBS. 2015 U.S. Dist. LEXIS 120695 (D. Colo. Sept. 10, 2015) (because plaintiff presented facts from which a fact-finder could reasonably infer a pattern of retaliatory conduct, she sufficiently alleged a causal connection between her protected conduct and the reduction in her shifts five to six months later); *accord Marx v. Schnuck Markets, Inc.*, 76 F.3d 324, 329 (10th Cir. 1996).

**IV.  
REBUTTAL – PRETEXT FOR TERMINATION**

Air Pros’ purported justification for Ms. Love’s termination is unworthy of belief. *Riggs v. AirTran Airways, Inc.*, 497 F.3d 1108 (10th Cir. 2007). There is nothing in Ms. Love’s personnel file to support the PIP or the termination, *see* Exhibit (Love personnel file), and Air



Pros does not provide any witness support for her termination. Ms. Love had extensive experience as both a CSR and as a collection specialist, and Mr. DelSignore wanted to keep her employed at Air Pros. Therefore, it was not a rational business decision to fire her.

1. PIP.

*Allegations Regarding Using her Cell Phone and Speaking to Her Husband at Work.*

Ms. Love denies talking to her husband while at work unless it was during lunch or a break. She appropriately used her cell phone during working hours to contact technicians to respond to issues regarding collections, to dispatch technicians to their next location, or to contact management about work matters.

*Allegations that Love telling other employees she was in charge of Payroll, undermining Janell Mitchell, and Purportedly Provided Compensation Information to Other Air Pros Employees.*

Prior to receiving the PIP, Ms. Love had never heard these allegations. Ms. Love did not hold herself out as being in charge of payroll. She and Ms. Mitchell briefly shared an office. Ms. Love never gave anyone information that they were not to permitted to have. Ms. Love only recalls that she once provided an employee a pay scale document from his own file, but this was at the direction of Ms. Van Wyck.

2. Termination.

*Allegation Regarding Key Performance Indicators – 5 calls an hour.*

Ms. Love hit all her marks, including making at least 5 accounts receivable calls per hour. Air Pros records in-and-out bound calls and also logs calls. These documents will show that Air Pros' contention that Ms. Love missed her key performance indicators is false. The EEOC should ask for these records.

*Allegations Regarding Cancellation Policy.*

About three weeks prior to her termination, upper management changed their customer cancellation policy, but did not provide support for implementing the changes. Ms. Love emailed multiple people, including Bristle and Hood, for a copy of the new policy, but they never gave her one. Further, any mistake regarding a cancellation policy was minor, likely one that other employees committed without being fired. Of course, the fact that men could violate Title VII with impunity, but Ms. Love was fired for trivial mistakes evidences pretext.

*Allegations Regarding Call Procedures.*

Ms. Love made her collection calls and only sent out the approved demand and collection letters that the upper Management (Roscoe Brister) approved. Indeed, corporate approved all letters before they were sent to customers.

*Failure to “Stay[] in Lane” and Purported Coaching Sessions.*

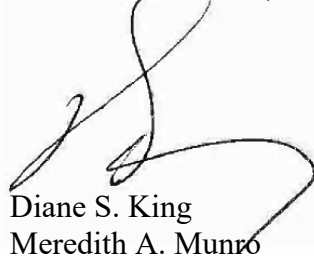
If by “staying in her lane,” Air Pros is referring to her refusal to engage the men in sexual banter, etc., Air Pros is correct – Ms. Love refused to do that. The statement that Ms. Love had received “multiple documented coaching” sessions is false. Ms. Love had not received any coaching sessions, and Air Pros has not produced the so-called “coaching documentation” it purports to have. Moreover, Ms. Love had 30 days left on her 90-day PIP, the job market was tight, and she was an experienced employee. There was no rational reason to fire her.

**V.  
CONCLUSION**

For the reasons set forth above, we strongly urge the EEOC to find cause that Air Pros systemically harassed, discriminated, and retaliated against Ms. Love and other women at Air Pros due to their sex. Please let us know if we can provide any further information. Ms. Love is available for an interview, as are the many witnesses we list in this Rebuttal.

Sincerely,

KING & GREISEN, LLP



Diane S. King  
Meredith A. Munro

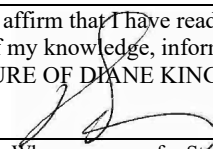
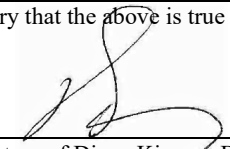
<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <b>CHARGE NUMBER</b> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Colorado Civil Rights Division and EEOC (State or local Agency, if any)			
Name (Indicate Mr., Ms., Mrs.) Ms. Cathy Love		Home Phone No. (Incl Area Code) 719-744-4576	Date of Birth  Email Address cathy.love18@gmail.com
Street Address P.O. Box 552		City, State and ZIP Code Point Blank, TX 77364	
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 Air Pros, LLC		No. Employees, Members ~35	Phone No. (Include Area Code) 877-668-9263
Street Address 4218 N. Nevada Ave. #110		City, State and ZIP Code Colorado Springs, CO 80907	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest October 2020                      March 2021 <input type="checkbox"/> Continuing Action	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I. <b>Jurisdiction:</b> The Equal Employment Opportunity Commission has jurisdiction over the subject matter of this charge because the allegations and Respondent are covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII").</p> <p>II. <b>Personal Harm:</b> Air Pros, LLC, ("Air Pros"), discriminated against me and my female colleagues because of our sex and sexually harassed us. Air Pros also retaliated against me and my fellow colleagues when we complained of the same.</p> <p>Air Pros has as a pattern or practice of discriminating against women with respect to hiring, promotions, work assignments, pay, training, discipline and termination, and other terms and conditions of employment; and subjecting female employees, including myself, to a discriminatory hostile work environment. Women who complain about discrimination receive no assistance from human resources and are subjected to retaliation for complaining.</p> <p>This discrimination and retaliation, including the hostile work environment caused by Air Pros, has caused and continues to cause me substantial economic and emotional harm.</p> <p>III. <b>Respondent's Defense:</b> Unknown.</p>			
<b>PARTICULARS CONTINUED ON FOLLOWING PAGE</b>			
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.		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 DIANE KING ON BEHALF OF COMPLAINANT	
I declare under penalty of perjury that the above is true and correct.  11/24/2021 Date		NOTARY – When necessary for State and Local Agency Requirements SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, date, year)	
Signature of Diane King on Behalf of Complainant			

<p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p>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</p> <p><input checked="" type="checkbox"/> EEOC</p> <p align="right"><b>PAGE 2</b></p>
<p align="center">Colorado Civil Rights Division and EEOC (State or local Agency, if any)</p>	

**IV. Discrimination Statement:** Air Pros discriminated against me and my female colleagues in as much as:

- (a) I am an experienced customer service representative, ("CSR"), with 22 years of experience. I also have extensive accounting experience. I started at Air Pros as a CSR on October 13, 2020. I had been hired by OneSource, L.L.C., a month earlier, but Air Pros subsequently bought OneSource, which delayed my start date. My husband started at OneSource as a plumber on July 18, 2020. He had 43 years of experience as a plumber at the time.
- (b) The sexual harassment started on my second day at Air Pros. On October 15, 2020, the former HVAC Manager, Aaron Buckley, asked me if I would "fuck" him for \$1 million. When I said no, he asked me if I would "fuck" him for \$2 million. I again said no, to which he asked me if I was not married would I "fuck" him. For the third time, I said no. The next morning, at the all-tech staff meeting, attended by 150 technicians and their managers, Buckley joked about our exchange. My husband was at the meeting, but I was not.
- (c) A few days after this harassing exchange, we were all in a company meeting, which included my husband. Buckley again told everyone what happened between us as if it were a joke. He added, "I just wanted to see if [I] was a cock sucking whore or if I'd be broke," presumably referring to the money he was offering to pay me for sex acts.
- (d) I reported this sexual harassment to my supervisor, David Delsignore. He dutifully reported the harassment to his supervisor Roscoe Bristo III, who would make the decision about how to handle the harassment. In response, Air Pros transferred Buckley to its second Texas location in Fort Worth and gave him a promotion to general manager of that location.
- (e) Other male managers engaged in similar behavior towards me and my female colleagues.

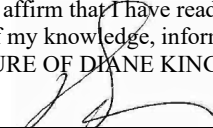
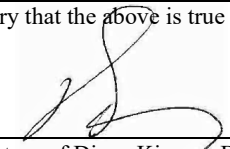
Particulars continued on following page

<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 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 DIANE KING ON BEHALF OF COMPLAINANT</p> 
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center"></p> <p>11/24/2021 Date</p> <p align="center">Signature of Diane King on Behalf of Complainant</p>	<p>NOTARY – When necessary for State and Local Agency Requirements SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, date, year)</p>

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<p align="center">Colorado Civil Rights Division and EEOC (State or local Agency, if any)</p>	

- (f) For example, Manager Dustin Hood started looking down my shirt when I bent over and would say things like, “stand like that a little longer” or “stick your butt out a little more, you’re giving me a hard-on.” He did this to many women around the office, telling them to bend over, wear low cut shirts, walk around without a bra so their “titties” were “bouncy.” When people complained, including myself, other women, and some sympathetic male colleagues, the company again gave Hood a promotion from “plumbing manager” to Operations Manager. The harassment of female employees from this manager and others continued.
- (g) In retaliation for my complaints of the continuing sexual harassment, Air Pros fired my husband based on a false accusation. I stayed because I had no choice.
- (h) That hostile work environment continued, with male managers making overt comments about my and other women’s appearance, sex, and them wanting to have sex with us. I and the others, from what I saw, rejected these harassing advances. I and others also complained to whoever we could about this inappropriate treatment of us, however, Air Pros, from what I saw, did not do anything about it.
- (i) On March 29th, Air Pros’ owner was in town and fired me for a pretextual reason. He said I had not followed Air Pros’ customer cancellation procedures and, as a result, made mistakes on some invoices. This policy was new, and Air Pros had not given me the information I needed to follow it despite my asking for the information. I believe the owner really fired me because of my sex, my failing to accept the sexual advances managers made towards me, and in retaliation for opposing that harassment.
- (j) The owner then offered to “reassign” me to Air Pros’ national call center; however, the call center said it could not hire me because of the unfounded allegations of me not following policy.
- (k) I was terminated and deemed un-rehire-able due to sex discrimination and retaliation for complaining of the same. To my knowledge, sexual harassment and discrimination at Air Pros continues for other women.

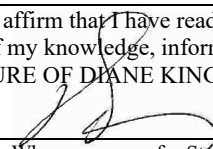
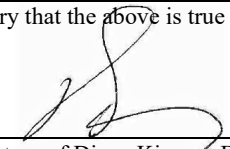
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<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>I 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 DIANE KING ON BEHALF OF COMPLAINANT</p> 
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center"></p> <p>11/24/2021 Date</p> <p align="center">Signature of Diane King on Behalf of Complainant</p>	<p>NOTARY – When necessary for State and Local Agency Requirements SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, date, year)</p>

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<p align="center">Colorado Civil Rights Division and EEOC (State or local Agency, if any)</p>	

- (l) In addition to sexual harassment, Air Pros discriminates against its female employees in other areas. That is, Air Pros primarily hires or puts women into traditional roles, like customer service roles or in the call-center and reserves the tech positions for men. If a woman is hired into a tech position, Air Pros gives them the lower paying jobs and finds a way to push or force them out soon after she is hired.
- (m) Air Pros also uses sex to sell its services by ensuring traditionally attractive women are pictured on their advertising despite its fleet of technicians being primarily men.
- (n) And finally, Air Pros disproportionately adds responsibilities onto its female employees while also paying them less than their male counterparts.
- V. WHEREFORE: I pray that the EEOC grant such relief as may exist within their power and which they may deem necessary and proper.

Particulars continued on following page

<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 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 DIANE KING ON BEHALF OF COMPLAINANT</p> 
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**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM/NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (5/01).
- 2. AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117.
- 3. PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- 4. ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII or the ADA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsown declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA, it is unlawful for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against anyone, or for a union to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.