

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

JACKSON NATIONAL LIFE INSURANCE COMPANY, and
JACKSON NATIONAL LIFE DISTRIBUTORS, LLC,

Defendants.

COMPLAINT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of race, color, and sex and to provide appropriate relief to La'Tonya Ford, Kimberly Funchess, Alcena Gannaway, Marietta Silva, and other aggrieved individuals. As alleged with greater particularity below, the Equal Employment Opportunity Commission (the "EEOC" or "Commission") alleges that Jackson National Life Insurance Company ("JNL") and Defendants Jackson National Life Distributors, LLC ("JNLD") engaged in unlawful discrimination by (a) denying promotions, affording less favorable terms and conditions of employment, paying disparate compensation, discharging or constructively discharging employees because of race and/or color, black and African-American, and tolerating a work environment that was hostile because of race and/or color, black and African-American; (b) denying promotions, affording less favorable terms and conditions

of employment, paying disparate compensation, and discharging or constructively discharging employees because of their sex, female, and creating and tolerating a sexually hostile work environment; and (c) retaliating against employees who filed charges of discrimination and/or opposed what they reasonably and in good faith believed were unlawful discriminatory employment practices because of sex, race, and/or color.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Colorado.

PARTIES

3. Plaintiff EEOC is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, Defendant JNL, a Michigan corporation, has continuously been doing business in the State of Colorado, and has continuously had at least 15 employees.

5. At all relevant times, Defendant JNL has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. § 20003(b), (g) and (h).

6. At all relevant times, Defendant JNLD, a Delaware corporation, has continuously been doing business in the State of Colorado, and has continuously had at least 15 employees.

7. At all relevant times, Defendant JNLD has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

8. More than thirty days prior to the institution of this lawsuit, La'Tonya Ford, Kimberly Funchess, Alcena Gannaway, and Marietta Silva filed charges with the Commission alleging violations of Title VII by Defendants.

9. The EEOC provided Defendants with notice of the charges of discrimination.

10. On March 11, 17, and 20, 2015, the Commission issued to Defendants Letters of Determination finding reasonable cause to believe that Defendants violated Title VII.

11. The Commission's determinations included an invitation for Defendants to join the Commission in informal methods of conference, conciliation, and persuasion in an attempt to eliminate and remedy the unlawful employment practices.

12. The Commission engaged in communications with Defendants to provide them the opportunity to remedy the discriminatory practices described in the Letters of Determination.

13. On September 30, 2015, the Commission issued to Defendants Notices of Failure of Conciliation advising Defendants that the Commission was unable to secure from Defendants a conciliation agreement acceptable to the Commission.

14. All conditions precedent to the institution of this lawsuit have been fulfilled.

GENERAL ALLEGATIONS

15. The hierarchy of Defendants' sale representatives responsible for marketing and distributing JNL financial products, from the lowest-paying to highest-paying position is as follows: Internal Wholesalers, Business Development Consultants (BDC), and External Wholesalers.

16. Within the classification of Internal Wholesalers, there is an additional hierarchy: Internal Wholesaler Level I, Internal Wholesaler Level II, and Senior Internal Wholesaler (also known as Level III Internal Wholesaler).

17. Internal Wholesalers and BDCs are supervised by and report to a Desk Director.

18. Desk Directors report to the Senior Vice President of Sales Development.

La'Tonya Ford

19. La'Tonya Ford, a black female, was hired by Defendants in February 2006 in Atlanta, Georgia as an Internal Wholesaler.

20. In January 2007, Ford was transferred to JNLD headquarters in Denver, Colorado to work as an Internal Wholesaler in JNLD's Regional Broker Dealer Channel ("RBD Channel").

21. At all relevant times, the Desk Director of the RBD channel in Denver was Cory Walker, a white male.

22. After transferring to Denver, Ford attended a company party at the home of the Divisional Vice President, John Poulsen.

23. At the company party, Poulsen held a bottle of vodka horizontally and told Ford to get on her knees.

24. Ford was humiliated and left the party.

25. On at least one occasion, BDC Alex Crosby asked Ford what size her breasts were.

26. On another occasion, Crosby stated to Ford "that's a nice shirt you have on" followed by "I like a little milk between my chocolate chip cookies."

27. On another occasion, Crosby told Ford, referring to another female employee, that "Casey has some really big ones."

28. On another occasion, Crosby referred to another employee's breast as "double-breasted mattress slappers."

29. After President Obama's election in 2008, Ford overheard Internal Wholesalers saying "Watermelon is going to be on sale" and "Chevy Impalas will be discounted."

30. After President Obama's election in 2008, emails circulated throughout the office using racial slurs in reference to President Obama.

31. In the first quarter of 2008, Ford had the highest sales of all Internal Wholesalers in the RBD Channel.

32. Walker awarded a \$1,500 First Place Wholesaler prize to a white male, Jeremiah Batla, who was second in sales behind Ford.

33. In 2008, Ford became a trainer of Internal Wholesalers, and trained a number of Internal Wholesalers.

34. In or around March 2009, Ford was promoted to BDC.

35. When Ford became a BDC, Walker failed to provide Ford with quarterly evaluations, despite providing all of Ford's white co-workers with quarterly evaluations.

36. Quarterly evaluations are used to determine compensation.

37. On or about September 10, 2009, Walker placed Ford on a written Performance Improvement Plan ("PIP").

38. On or about September 11, 2009, Ford wrote a complaint to Human Resources about discrimination and hostile work environment perpetuated by Walker.

39. After Ford submitted her complaint to HR, Walker began to unfairly scrutinize Ford's work performance and time management, and failed to inform her about promotional opportunities.

40. Ford subsequently complained a second time to Human Resources.

41. On or about December 7, 2009, Ford filed a charge of discrimination with the EEOC.

42. In or around late-December 2009, Defendants' HR department conducted an internal investigation into Ford's complaints.

43. As a result of the internal investigation, the PIP Walker had imposed was expunged from Ford's records.

44. As a result of the internal investigation, Ford was reassigned to report directly to Robert Blanchette, Jackson's Vice President of National Sales Development.

45. Blanchette reported to James Bossert, Jackson's Senior Vice President of Sales Development.

46. After Ford was assigned to report to Blanchette, Bossert told Blanchette to find reasons to fire Ford.

47. On at least one occasion, Bossert also referred to people of color as "pieces of shit."

48. After Ford was assigned to Blanchette, Walker frequently complained to Blanchette about Ford.

49. Upon concluding that there was no basis for Walker's complaints, Blanchette refused to discipline Ford.

50. Walker then went over Blanchette's head and complained to Bossert about Ford.

51. Despite urging from Bossert and Walker, Blanchette still refused to discipline Ford because he had no evidence Ford was not performing her job well.

52. At or around the same time, Blanchette believed two white employees, Jacob Milder and Holly Burke, should be disciplined for performance issues.

53. Blanchette raised his concerns about the job performance of Milder and Burke with Bossert.

54. Bossert instructed Blanchette not to take disciplinary action against Milder and Burke.

55. Instead, Bossert suggested that Blanchette discipline Ford.

56. In December 2009, an External Wholesaler position became available.

57. Blanchette stated to Bossert that Ford was well qualified for the External Wholesaler position.

58. Bossert stated words to the effect of “we’ll frickin’ interview her, but she won’t get it.”

59. In February 2010, sales bonuses were distributed to sales representatives.

60. Sales bonuses are calculated based on participation, attendance, and the supervisor’s discretion.

61. Although Ford was reporting to Blanchette at the time, Walker was responsible for determining Ford’s bonus.

62. The range of most bonuses in February 2010 was \$4,200 to \$5,000.

63. Walker gave Ford a bonus was \$3,100.

64. In February 2010, Ford received a “meets expectation” on her annual evaluation.

65. Although signed by Blanchette, Walker and Bossert authored the negative portions of the review.

66. One day after Blanchette gave Ford the “Meets Expectations” annual evaluation, Bossert fired Blanchette.

67. After Blanchette's termination, Bossert instructed Ford to report to him directly.

68. Like Walker, Bossert failed to give Ford quarterly evaluations while she was under Bossert's direct supervision.

69. Bossert gave all other employees he supervised quarterly evaluations.

70. In early 2010, Defendants' Human Resources Director, Gary Stone, stated that he would look for an External Wholesaler position for Ford.

71. Between January and April 2010, Defendants opened at least three External Wholesaler positions to internal candidates.

72. Between January and April 2010, Ford applied for at least three of the External Wholesaler openings.

73. All three External Wholesaler openings between January and April 2010 were filled with white males who were less qualified and experienced than Ford.

74. On May 20, 2010, Ford filed a second charge of discrimination with the EEOC.

75. Between June and August 2010, Ford interviewed for five External Wholesaler openings.

76. Of the five External Wholesaler positions Ford applied for, three were given to white males who were less qualified and experienced than Ford.

77. Between June and August of 2010, Defendants filled at least eight External Wholesaler positions with white male employees who had less qualifications and experience than Ford.

78. On August 31, 2010, immediately after conversing with Ford, BDC Kyle Portual and Internal Wholesaler Alyssa Hultman were called into Walker's office.

79. Walker told Portual and Hultman that their sales-call statistics were suffering because of distractions and that he would be monitoring their calls.

80. The next day, September 1, 2010, BDC Eric Gielow was called into Walker's office after conversing with Ford.

81. Walker told Gielow that his calls were suffering because of distractions and that Walker would be monitoring his calls.

82. In or about October 2010, two of Ford's coworkers marked a football by replacing the printed words "black rock" on the football with "black cock."

83. The coworkers then handed the ball to Ford.

84. Ford complained about this incident, but did not believe any action would be taken.

85. Ford was constructively discharged in October 2010.

Kimberly Funchess

86. Kimberly Funchess, a black female, started working for Defendants as an Internal Wholesaler in Atlanta, Georgia, in October 2005.

87. In 2006, Funchess transferred to Denver and was promoted to Senior Internal Wholesaler, reporting to Senior Vice President Brian Lane.

88. In October 2007, Lane promoted Funchess to Desk Director of the Bank Channel.

89. In 2008, Funchess began reporting to Bossert, after Lane was terminated.

90. Bossert made demeaning remarks about Funchess and Ford, calling them “lazy”, “prima donnas”, and “bitches from Atlanta.”

91. Bossert also referred to Funchess and Ford as “our two resident street walkers.”

92. When Funchess and Ford asked to speak to the CEO about upcoming External Wholesaler openings, they were told by Executive Vice President Gary Saulsbury that it was unheard of for a black employee to make over \$100,000.

93. Bossert excluded Funchess from lunches and meetings in his office with the other white desk directors.

94. In July 2009, Funchess complained to CEO Clifford Jack about race discrimination in the company and failure to promote blacks.

95. After Funchess complained to Jack, Bossert called her into his office and told her he knew she had complained and warned her to be careful.

96. In November 2009, Bossert gave Funchess an unwarranted disciplinary action.

97. In December 2009, Funchess filed a charge of discrimination.

98. In April 2010, Bossert again gave Funchess an unwarranted disciplinary action.

99. On April 14, 2010, Funchess was discharged.

100. In the period from January to April 2010, Defendants filled at least five External Wholesaler positions.

101. All five External Warehouse positions were filled by white males who had less qualifications and experience than Funchess.

Marietta Silva

102. Marietta Silva, an African-American female, began working for Defendants as an Internal Wholesaler in May 2008.

103. Silva reported to Corey Walker.

104. By the end of her first year with Defendants, Silva had one of the top-producing territories in the channel.

105. Silva and Ford were the top sales producers for 2008, and the only two Internal Wholesalers in the East Division of the RBD channel to exceed their goals.

106. Silva was passed over for promotion to a Level II Internal Wholesaler, in favor of a lower-performing white male.

107. Silva was passed over for promotion to BDC, in favor of a lower performing white male.

108. On September 18, 2009, Silva complained to Human Resources that she and Ford were being discriminated against because of their race and sex.

109. After Silva complained to HR, Walker gave Silva one or more unwarranted disciplinary actions.

110. In November 2009, Silva was transferred, causing her to lose all her existing client relationships.

111. In December 2009, Silva filed a charge of discrimination, alleging race and sex discrimination, and retaliation.

112. In December 2010, Silva was constructively discharged.

113. During 2010, Defendants filled at least six External Wholesaler positions with white male employees who had less qualifications and experience than Silva.

Alcena Gannaway

114. Alcena “Al” Gannaway, a black male, began working for Defendants as an Internal Wholesaler in January of 2006.

115. In June 2008, Gannaway was promoted to BDC.

116. In 2008, Gannaway was passed over for promotion to Desk Director in favor of three less qualified white candidates.

117. From January to March 2009, Gannaway served as Acting Desk Director, but when the position was filled on a permanent basis, Gannaway was denied the position in favor of a white employee.

118. In November 2009, Gannaway was discharged for allegedly sending an unapproved email.

119. The email Gannaway sent was, in fact, approved for distribution.

FIRST CLAIM FOR RELIEF

[Discrimination Based on Race and/or Color – U.S.C. §§ 2000e-2(a) & 2000e-5(f)(1)]

120. The allegations contained in the foregoing paragraphs are incorporated by reference.

121. Defendants discriminated against La’Tonya Ford, Kimberly Funchess, Marietta Silva, Alcena Gannaway, and other aggrieved individuals because of race and/or color in violation of section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by denying them promotions, affording them less favorable terms and conditions of employment, paying disparate compensation, and discharging or constructively discharging them because of their race and/or color, and by creating and tolerating a work environment that was hostile because of race and/or color.

122. The effect of the practices complained of above has been to deprive Ford, Funchess, Silva, Gannaway, and other aggrieved individuals equal employment opportunities, and otherwise adversely affect their status as employees because of their race and/or color.

123. The unlawful employment practices complained of above were intentional.

124. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Ford, Funchess, Silva, Gannaway, and other black and African-American black employees who were aggrieved by the discriminatory practices.

SECOND CLAIM FOR RELIEF

[Discrimination Based on Sex – 42 U.S.C. §§ 2000e-2(a) & 2000e-5(f)(1)]

125. The allegations contained in the foregoing paragraphs are incorporated by reference.

126. Defendants discriminated against La'Tonya Ford, Kimberly Funchess, Marietta Silva, and other aggrieved female employees because of their sex, female, in violation of section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by denying them promotions, affording them less favorable terms and conditions of employment, paying disparate compensation, and discharging or constructively discharging them because of their sex, and by creating and tolerating a sexually hostile work environment.

127. The effect of the practices complained of above has been to deprive Ford, Funchess, Silva, and other aggrieved female employees equal employment opportunities, and otherwise adversely affect their status as employees, because of their sex, female.

128. The unlawful employment practices complained of above were intentional.

129. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Ford, Funchess, Silva, and other female employees who were aggrieved by the discriminatory practices.

THIRD CLAIM FOR RELIEF

[Retaliation – 42 U.S.C. §§ 2000e-3(a)]

130. The allegations contained in the foregoing paragraphs are incorporated by reference.

131. Defendants engaged in unlawful employment practices, in violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3(a), by retaliating against Ford, Funchess, Silva, and other aggrieved individuals, because they filed charges of discrimination and/or opposed what they reasonably and in good faith believed were unlawful discriminatory employment practices because of sex, race and/or color.

132. The effect of the practices complained of above has been to deprive Ford, Funchess, Silva, and other aggrieved individuals of equal employment opportunities, and otherwise adversely affect their status as employees, because they filed charges of discrimination and/or opposed practices made unlawful by Title VII.

133. The unlawful employment practices complained of above were intentional.

134. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Ford, Funchess, Silva, and other employees aggrieved by the unlawful employment practices.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with

them, from engaging in unlawful employment discrimination because race, color, sex, and retaliation.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for female, black and African-American employees and applicants, and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendants to make whole La'Tonya Ford, Kimberly Funchess, Marietta Silva, Alcena Gannaway, and other aggrieved individuals, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement with an appropriate promotion, or front pay in lieu thereof.

G. Order Defendants to make whole La'Tonya Ford, Kimberly Funchess, Marietta Silva, Alcena Gannaway, and other aggrieved individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in above, in amounts to be determined at trial.

H. Order Defendants to make whole La'Tonya Ford, Kimberly Funchess, Marietta Silva, Alcena Gannaway, and other aggrieved individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

I. Order Defendants to pay La'Tonya Ford, Kimberly Funchess, Marietta Silva, Alcena Gannaway, and other aggrieved individuals punitive damages for their

discriminatory conduct described above, that was malicious or done with reckless indifference for the employees' federally protected rights, in amounts to be determined at trial.

J. Grant such further relief as the Court deems necessary and proper in the public interest.

K. Award the Commission its costs of this action.

P. David Lopez
General Counsel

Gwendolyn Reams
Associate General Counsel

Mary Jo O'Neill
Regional Attorney
Phoenix District Office

Rita Byrnes Kittle
Supervisory Trial Attorney

s/ Mike Imdieke

Michael Imdieke
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

AP Docket

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service; **OR "AP Docket."**
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Colorado

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff(s)

V.

JACKSON NATIONAL LIFE INSURANCE COMPANY
and JACKSON NATIONAL LIFE DISTRIBUTORS, LLC

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

JACKSON NATIONAL LIFE INSURANCE COMPANY and
JACKSON NATIONAL LIFE DISTRIBUTORS, LLC
c/o THE CORPORATION COMPANY - REGISTERED AGENT
7700 E. ARAPAHOE RD. , SUITE 220
CENTENNIAL, COLORADO 80112-1268

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: