

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

CIVIL ACTION NUMBER: 1:24-cv-03139

CASSIDY CORDOVA,

Plaintiff,

v.

SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT;
JAKE MAYHEW;
AARON GOEDEKER; and
JEREMY COOK,

Defendants.

COMPLAINT AND JURY DEMAND

Cassidy Cordova, through her undersigned attorneys, states as follows for her Complaint against South Metro Fire Rescue Fire Protection District, Jake Mayhew, Aaron Goedecker, and Jeremy Cook:

INTRODUCTION

1. Ms. Cordova is a black woman and a former Paramedic/Firefighter for Defendant South Metro Fire Rescue Fire Protection District (“SMFR”). In or around June 2023, SMFR issued Ms. Cordova a written reprimand based on one unsubstantiated patient complaint. After Ms. Cordova raised concerns that she was being disciplined unfairly because of her race and gender, SMFR immediately engaged in a pattern of retaliation against her, which culminated in her unjustified dismissal on August 14, 2023.

2. Ms. Cordova asserts claims against: (1) SMFR for race- and sex-based discrimination and retaliation in violation of the Colorado Anti-Discrimination Act (“CADA”), Colo. Rev. Stat. § 24-34-401 *et seq.*, and Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e *et seq.*; (2) SMFR for race-based discrimination and retaliation under 42 U.S.C. § 1981 (“Section 1981”) and 42 U.S.C. § 1983 (“Section 1983”); and (3) Jake Mayhew, Aaron Goedeker, and Jeremy Cook for aiding and abetting SMFR’s discriminatory and unfair employment practices in violation of CADA, Colo. Rev. Stat. § 24-34-402(1)(e)(I).

PARTIES

3. Plaintiff Cassidy Cordova is a black woman, a former employee of SMFR, and a citizen and resident of Littleton, Colorado.

4. Defendant SMFR is a Colorado fire protection district that provides emergency and prevention services to over twelve municipalities in the South Metro Denver area.

5. Defendant Jeremy Cook is a Lieutenant for SMFR and a citizen and resident of Parker, Colorado.

6. Defendant Aaron Goedeker is a Battalion Chief for SMFR and a citizen and resident of Parker, Colorado.

7. Defendant Jake Mayhew is a District Chief for SMFR and a citizen and resident of Parker, Colorado.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

9. Ms. Cordova asserts claims for discrimination and retaliation under Title VII and Sections 1981 and 1983.

10. Ms. Cordova also asserts claims under CADA that are so related to her federal claims that they form part of the same case or controversy. *See* 28 U.S.C. § 1367(a).

11. This Court has personal jurisdiction over SMFR because it is a fire protection district in Colorado.

12. The Court has personal jurisdiction over Defendants Cook, Goedecker, and Mayhew because they are citizens and residents of Colorado.

13. Venue is proper in this Court because all the acts and omissions giving rise to Ms. Cordova's claims occurred in the District of Colorado.

14. Ms. Cordova filed timely charges with the Colorado Civil Rights Division and Equal Employment Opportunity Commission on or about December 6, 2023.

15. Ms. Cordova received her Notice of Right to Sue from the Colorado Civil Rights Division on September 5, 2024.

16. Ms. Cordova received her Notice of Right to Sue from the Equal Employment Opportunity Commission on October 8, 2024.

17. Ms. Cordova has met all procedural requirements for, and has timely filed, her claims for discrimination and retaliation, pursuant to CADA and Title VII.

FACTS

18. Ms. Cordova was hired by SMFR as a Paramedic/Firefighter on or around February 28, 2022.

19. At the time of her hire, Ms. Cordova brought with her almost a decade of experience working in emergency medical services ("EMS").

20. After joining SMFR, Ms. Cordova completed a 16-week training academy and then assumed the role of probationary Paramedic/Firefighter.

21. Ms. Cordova was one of only a few black female Paramedic/Firefighters at SMFR during her employment. The vast majority of Paramedic/Firefighters were white and male.

22. To achieve non-probationary status, Ms. Cordova was required to undergo a sequence of training, testing, and skills-based practice at various fire stations for each component of her position, EMS and firefighting.

23. At the various stations where Ms. Cordova worked, non-white and female employees were subjected to hostile and less favorable treatment because of their race and gender.

24. Ms. Cordova witnessed employees and supervisors make sexist and racially inappropriate comments, hold female employees to higher performance standards, express doubt about female employees' ability to fulfill the physical demands of their roles, and treat female employees as generally weaker, less capable, and less intelligent than their male counterparts.

25. The racist and sexist behavior by employees and supervisors specifically included the following:

- a. Talking over female employees;
- b. Referring to women as "bitches";
- c. Excluding female employees from work-related outings;
- d. Making disparaging comments about black employees' "Afro" hairstyles;
- e. Berating and belittling black patients for their life choices;
- f. Showing training videos containing racially stereotyped depictions of black people;
- g. Suggesting that sexual assault allegations were likely fabricated;
- h. Claiming that President Obama was born in Kenya;
- i. Making anti-LGBTQ comments;

- j. Verbally encouraging male employees, but not female employees, during practical skills testing; and
- k. Permitting male employees, but not female employees, to take the second portion of the firefighter practical test regardless of whether they passed the first portion.

26. On multiple occasions, Ms. Cordova was personally subjected to racist and sexist mistreatment.

27. Male employees and supervisors openly questioned Ms. Cordova's recommendations for patient care and treatment, subjected her to unfair and heightened performance standards, and failed to support her when she was mistreated by patients based on her race and gender.

28. When Ms. Cordova spoke up about the discriminatory and unfair treatment, SMFR refused to address her concerns and penalized her for being unwilling to accept feedback.

29. In or around December 2022, for example, Ms. Cordova received a failing score on the paramedic practical test for the purported reason that she needed to show better "command presence" during emergency calls.

30. This criticism was unsupported. Ms. Cordova was an experienced and capable paramedic and had taken the lead in numerous emergency situations prior to joining SMFR. Moreover, on occasions when Ms. Cordova had tried to be more assertive at SMFR, she had been criticized for being too aggressive and nitpicky. Male Paramedic/Firefighters were not subjected to this same double standard.

31. Ms. Cordova expressed concerns to her lieutenant about the scoring of her practical test and the unfair double standard to which she was being subjected.

32. Rather than address her concerns, the lieutenant rated Ms. Cordova lower in the “Acceptance of Feedback” category on her End-of-Tour performance evaluation.

33. In or around the same time period, a patient made several belittling remarks to Ms. Cordova after they had disagreed about a treatment plan.

34. Ms. Cordova observed that the patient had not treated her lieutenant, a white male, in a similar manner, and expressed to her lieutenant that she believed the patient had been hostile toward her because of her (Ms. Cordova’s) race.

35. Ms. Cordova’s lieutenant was not supportive. He told Ms. Cordova that he did not “experience the interaction the same way” and faulted her for the negative interaction with the patient.

36. The foregoing responses by Ms. Cordova’s lieutenants was emblematic of a broader culture in which white male colleagues and supervisors were not receptive to, and even hostile toward, Ms. Cordova’s attempts to discuss concerns about unfair treatment and her unique experiences as a black female Paramedic/Firefighter.

37. In at least one instance, male colleagues cautioned Ms. Cordova not to “make waves” or voice her opinions because she was still “earning her place.” Ms. Cordova is not aware of any white or male employees who were given a similar directive.

38. On another occasion, a captain told Ms. Cordova not to talk about her experiences as a black woman because it made people “uncomfortable.”

39. Despite the discrimination Ms. Cordova faced because of her race and gender, she excelled as a probationary Paramedic/Firefighter and was routinely commended for her strong performance, including her willingness to learn, her receptiveness to feedback, and her ability to build a strong rapport with patients, colleagues, and hospital staff.

40. In or around April 2023, Ms. Cordova passed the final test for the paramedic training program and transferred to Station 46 to focus on her firefighting skills under the direct supervision of Lieutenant Jeremy Cook.

41. Battalion Chief Aaron Goedeker and District Chief Jake Mayhew were Ms. Cordova's second- and third-level supervisors, respectively.

42. After her transfer to Station 46, Ms. Cordova continued to demonstrate strong performance and receive regular praise for her hard work and positive attitude.

43. In or around May 2023, however, Ms. Cordova learned that SMFR had received a complaint from the parents of a pediatric patient whom she had treated at the end of April. According to the complaint, Ms. Cordova had acted annoyed about having to go to the patient's home in the middle of the night and was dismissive of the parents' concerns.

44. These allegations were unfounded. During SMFR's investigation of the complaint, Ms. Cordova's on-scene supervisor, Lieutenant Dan Wills, confirmed to Battalion Chief Goedeker that there had been no issues with Ms. Cordova's attitude or performance during the emergency call.

45. Lieutenant Cook also informed Battalion Chief Goedeker that there had been no general issues with Ms. Cordova's attitude or performance since her transfer to Station 46.

46. Despite the lack of evidence corroborating the patient complaint or any other alleged performance issues on the part of Ms. Cordova, Battalion Chief Goedeker informed Ms. Cordova on June 6, 2023 that SMFR had decided to issue her a written reprimand.

47. In response, Ms. Cordova denied the allegations against her and complained that she was being unfairly disciplined because of her race and gender.

48. Under SMFR’s Disciplinary and Appeal Process Policy (the “Disciplinary Policy”), proposed written reprimands must be documented on the appropriate disciplinary form and shared with the employee’s District Chief.

49. SMFR then holds a formal disciplinary meeting, after which the employee’s immediate supervisor and Battalion Chief are responsible for making a final determination as to what discipline to impose.

50. On June 7, 2023, Ms. Cordova attended a formal disciplinary meeting regarding the written reprimand.

51. During that meeting—which was attended by Battalion Chief Goedecker, District Chief Mayhew, and two human resources representatives—Ms. Cordova again denied any wrongdoing and expressed her belief that she was being discriminated against based on her race and gender.

52. During a separate meeting on or around June 7, Ms. Cordova shared these same concerns with Lieutenant Cook.

53. SMFR did not take any steps to investigate or address Ms. Cordova’s concerns of unfair treatment. Instead, District Chief Mayhew and Battalion Chief Goedecker informed Ms. Cordova that if she was unhappy with the culture at SMFR, it was her responsibility to change it.

54. SMFR also moved forward with its decision to issue Ms. Cordova the written reprimand.

55. As Ms. Cordova’s District Chief and her Battalion Chief, District Chief Mayhew and Battalion Chief Goedecker approved, recommended, and/or directed the issuance of the written reprimand.

56. After issuing the written reprimand, SMFR further retaliated against Ms. Cordova for her complaints.

57. In or around June, Lieutenant Cook and Battalion Chief Goedecker denied Ms. Cordova the opportunity to take the final skills test necessary to become a non-probationary firefighter.

58. At the time of this denial, Ms. Cordova had completed all of the firefighter training required of her and was performing well on her practice skills tests.

59. Accordingly, there was no reason for Lieutenant Cook and Battalion Chief Goedecker to delay Ms. Cordova's final test, and they did not provide any logical justification for doing so.

60. Lieutenant Cook and Battalion Chief Goedecker delayed Ms. Cordova's final test in retaliation for her complaints of discrimination.

61. In or around the same time period, Lieutenant Cook asked Ms. Cordova to remove an opaque nose ring and rainbow earring she was wearing.

62. Ms. Cordova immediately complied with these requests without issue and was not subjected to any disciplinary action.

63. A few weeks later, Ms. Cordova replaced the opaque nose ring with a clear nose ring to treat an infection that had developed at the piercing site.

64. Ms. Cordova reasonably believed the clear nose ring to be compliant with SMFR's appearance regulation policy, which prohibited only "visible body piercings." In addition, white line employees had worn clear nose rings without incident throughout Ms. Cordova's employment at SMFR.

65. In or around the beginning of August, Lieutenant Cook informed Ms. Cordova that the clear nose ring also violated SMFR's appearance regulation policy.

66. Ms. Cordova immediately removed the nose ring at Lieutenant Cook's request.

67. Less than one week later, Ms. Cordova was called into a disciplinary meeting with Lieutenant Cook, Battalion Chief Goedeker, District Chief Mayhew, Division Chief of Operations Jeff Tasker, and a human resources manager to address allegations that she had acted insubordinate and violated SMFR's policies by wearing a nose ring.

68. During the meeting, Ms. Cordova explained that she had believed the clear nose ring to be compliant with SMFR's policies.

69. Ms. Cordova's union representative also stated during the meeting that white line employees had worn clear nose rings without repercussion.

70. Three days later, and without any further investigation or discussion, Lieutenant Cook, Battalion Chief Goedeker, and Deputy Chief of Emergency Services John Curtis informed Ms. Cordova that SMFR was terminating her employment based on her purported "failure to comply with South Metro's policy and the instructions of her supervisor."

71. Pursuant to SMFR's Disciplinary Policy, Ms. Cordova's immediate supervisor, Battalion Chief, District Chief, and Deputy Chief were responsible for making the final decision to terminate Ms. Cordova.

72. That final decision was not subject to review or appeal.

73. Lieutenant Cook, Battalion Chief Goedeker, and District Chief Mayhew approved, recommended, and/or directed Ms. Cordova's dismissal knowing it was unjustified.

74. Lieutenant Cook, Battalion Chief Goedecker, and District Chief Mayhew approved, recommend, and/or directed Ms. Cordova's dismissal because of her race, sex, and/or prior complaints of discriminatory treatment.

FIRST CLAIM FOR RELIEF

Race-Based Discrimination and Retaliation Under Section 1981 and Section 1983 – Against SMFR

75. The foregoing allegations are realleged and incorporated herein by reference.

76. As a black woman, Ms. Cordova is a member of a protected class under Section 1981.

77. Ms. Cordova was an employee of SMFR.

78. SMFR is a "person" within the meaning of 42 U.S.C. § 1983.

79. Ms. Cordova engaged in statutorily protected activity when she complained about race-based discrimination.

80. SMFR discriminated and retaliated against Ms. Cordova based on her race and prior protected activity when it issued her a written reprimand in or around June 2023 and terminated her employment, without justification.

81. The foregoing acts were taken and/or approved by SMFR employees with final policymaking authority with respect to those acts.

82. In discriminating and retaliating against Ms. Cordova, SMFR acted deliberately and maliciously and in conscious disregard of Ms. Cordova's rights under federal law.

83. Because of SMFR's discriminatory and retaliatory acts, Ms. Cordova has suffered damages, including lost wages and benefits, emotional pain and suffering, mental anguish, and other non-pecuniary losses.

SECOND CLAIM FOR RELIEF

**Race- and Sex-Based Discrimination and Retaliation in Violation of Title VII and CADA –
Against SMFR**

84. The foregoing allegations are realleged and incorporated herein by reference.

85. As a black woman, Ms. Cordova is a member of two protected classes under Title VII and CADA.

86. Ms. Cordova was an employee of SMFR.

87. Ms. Cordova engaged in statutorily protected activity when she complained about race- and sex-based discrimination.

88. SMFR discriminated against Ms. Cordova based on her race, sex, and/or prior protected activity when it: (1) subjected her to unfair and higher standards of performance; (2) issued her a written reprimand in or around June 2023; (3) denied her the opportunity to complete the testing required to become a non-probationary firefighter; and (4) terminated her employment, without justification.

89. In discriminating and retaliating against Ms. Cordova, SMFR acted deliberately and maliciously and with reckless indifference to Ms. Cordova’s rights under state and federal law.

90. Because of SMFR’s discriminatory and retaliatory acts, Ms. Cordova has suffered damages, including lost wages and benefits, emotional pain and suffering, mental anguish, and other non-pecuniary losses.

THIRD CLAIM FOR RELIEF

**Aiding and Abetting Race- and Sex-Based Discrimination and Retaliation Under CADA –
Against Goedeker, Mayhew, and Cook**

91. The foregoing allegations are realleged and incorporated herein by reference.

92. SMFR engaged in discriminatory, retaliatory, or other unfair employment practices by: (1) subjecting Ms. Cordova to higher standards of performance than her white and male peers;

(2) issuing Ms. Cordova a written reprimand in or around June 2023; (3) denying Ms. Cordova the opportunity to complete the testing required to become a non-probationary firefighter; and (4) terminating Ms. Cordova's employment, without justification.

93. Lieutenant Cook, Battalion Chief Goedeker, and District Chief Mayhew knowingly aided, abetted, incited, compelled, or coerced SMFR to engage in the foregoing acts by supporting, recommending, directing, and/or carrying out those acts, knowing they were discriminatory and/or retaliatory.

94. The foregoing actions by Lieutenant Cook, Battalion Chief Goedeker, and District Chief Mayhew were intentional and taken with malice and reckless indifference to Ms. Cordova's rights under CADA.

95. Because Lieutenant Cook, Battalion Chief Goedeker, and District Chief Mayhew aided, abetted, incited, compelled, or coerced SMFR to engage in discriminatory, retaliatory, or other unfair employment practices, Ms. Cordova has suffered damages, including lost wages and benefits, emotional pain and suffering, mental anguish, and other non-pecuniary losses.

WHEREFORE, Ms. Cordova respectfully requests that this Court grant her the following relief:

- A. Back pay and economic damages, including any wages, salary, employment benefits, or other compensation lost as a result of Defendants' unlawful acts;
- B. Front pay and/or reinstatement;
- C. Compensatory/non-economic damages;
- D. Consequential damages;
- E. Punitive damages;
- F. Liquidated damages;

- G. Nominal damages;
- H. Reasonable attorney fees and costs;
- I. Pre- and post-judgment interest; and
- J. Such other and further relief as the Court deems necessary and proper.

JURY DEMAND

Ms. Cordova respectfully requests a jury trial on all issues so triable.

Respectfully submitted this 12th day of November 2024.

JESTER GIBSON & MOORE, LLP

/s/ Denison Goodrich-Schlenker
Denison Goodrich-Schlenker, #50703
Justin M. Plaskov, #45053
1999 Broadway, Ste. 3225
Denver, CO 80202
Phone: 303.377.7888