

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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MARIA MINA FABBROCINI, M.D.,  
Individually, and on behalf of all other similarly  
situated individuals,

Plaintiff,

Case No. 19-cv-198

v.

ROBERT PEARCE, M.D., individually, and  
BOARD OF REGENTS OF THE UNIVERSITY OF  
WISCONSIN SYSTEM

Defendants.

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**COMPLAINT**

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Plaintiff Maria Mina Fabbrocini, M.D., individually, and on behalf of all other similarly situated individuals, by her attorneys, Pines Bach LLP, as a complaint against Defendants Robert Pearce, M.D. and the Board of Regents of the University of Wisconsin System, alleges as follows:

**INTRODUCTION**

1. This action is: (a) under Plaintiff class's First Cause of Action set forth below a claim for compensatory and punitive damages and attorneys' costs and fees, brought pursuant to 42 U.S.C. §§ 1983 and 1988, for a violation by Defendant Dr. Robert Pearce, acting in his individual capacity under the color of state law, of Plaintiff class's right to freedom from sex discrimination granted by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and (b) in the alternative to

Plaintiff class's First Cause of Action, Plaintiff class's Second Cause of Action sets forth a claim for compensatory and liquidated damages and attorneys' costs and fees, to redress the legal and equitable harms suffered by Plaintiff class when Defendant Board of Regents of the University of Wisconsin System deprived them of equal pay with men in violation of the Equal Pay Act of 1963, as amended (29 U.S.C. § 206(d)).

### **JURISDICTION & VENUE**

2. This Court has original jurisdiction over Plaintiff's First Cause of Action pursuant to 28 U.S.C. § 1331, which provides for original district court jurisdiction over cases presenting federal questions, and the cause of action arises under the United States Constitution and 42 U.S.C. § 1983. Over Plaintiff Class's Second Cause of Action, the Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, as well as under § 16(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 216(b)), and as incorporated into the Equal Pay Act.

3. Venue in this district is proper under 28 U.S.C.A. § 1391(b) because this is the judicial district in which all the events and omissions giving rise to these claims occurred.

### **PARTIES**

#### ***The Named Plaintiff***

4. Plaintiff Maria Mina Fabbrocini, M.D. ("Dr. Fabbrocini" or "Named Plaintiff") is an anesthesiologist employed by the UW School of Medicine and Public Health within the Department of Anesthesiology. Dr. Fabbrocini is a female adult resident of the United States and the State of Wisconsin who, at all times relevant to this

Complaint, was an “employee” within the definition of the Equal Pay Act as incorporated from the definition contained in § 3(e) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 203(e)).

*Defendants*

5. Defendant Robert Pearce, M.D. (“Dr. Pearce”) is sued in his individual capacity. Defendant is a person within the meaning of 42 U.S.C. § 1983 and was acting under color of state law at all times relevant to this Complaint. Dr. Pearce is the former Chair of the Department of Anesthesiology at the UW School of Medicine and Public Health.

6. Defendant Board of Regents of the University of Wisconsin System (“the University”) is organized and existing pursuant to Wis. Stat. § 15.91 and Wis. Stat. Chapter 36 and is charged with the governance of the University of Wisconsin System. The University is and was at all times relevant to this Complaint, an “employer” and an “enterprise engaged in commerce or in the production of goods for commerce” within the definitions of the Equal Pay Act as incorporated from the definitions contained in § 3(d) and § 3(s) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 203(d) and (s)).

*Class Allegations*

7. The Named Plaintiff brings this action for herself and, pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure, on behalf of the Class of persons similarly situated.

8. The Named Plaintiff proposes the following Class definition, subject to amendment as appropriate:

All female physicians who were employed by the UW School of Medicine and Public Health, Department of Anesthesiology (“the Department”) at any time between March 13, 2013 to the present.

9. The Named Plaintiff represents and is a member of the Class.

10. The requirements of Federal Rule of Civil Procedure 23 are satisfied in that:

a. The Class is so numerous that joinder of all members is impracticable. Fed. R. Civ. P. 23(a)(1). Although the Named Plaintiff does not know the exact number of members in the Class, there are currently 32 female physicians within the Department, and upon information and belief, there are dozens more female physicians who were previously employed by the Department since March 13, 2013 but are no longer so employed. Disposition of the claims in a class action will provide substantial benefit to the parties and the Court by avoiding multiplicity of identical suits.

b. There are questions of law and fact common to members of the Class. Fed. R. Civ. P. 23(a)(2). Such questions include, but are not limited to:

i. Whether Dr. Pearce’s intentional or willful failure to provide equal pay, equal advancement and administrative opportunities, and a non-hostile work environment to female physicians violates the equal protection guarantee of the Fourteenth Amendment of

the United States Constitution by discriminating against female physicians on the basis of sex without adequate justification.

ii. Whether the failure of the Board of Regents for the University of Wisconsin System to provide equal pay to female physicians with comparable qualifications to their male peers violates the Equal Pay Act of 1963, as amended (29 U.S.C. § 206(d)).

c. The claims of Named Plaintiff are typical of those of the Class, as her claims all arise from the same sex discriminatory practices of Dr. Pearce that denied female physicians in the Department equal pay, equal opportunities, and a non-hostile work environment; as well as the failure of the Board of Regents of the University of Wisconsin System to provide equal pay to female physicians in the Department, and are based on the same theories of law.

d. The Named Plaintiff is capable of fairly and adequately protecting the interests of the class, and does not have any interests antagonistic to the Class. The Named Plaintiff as well as the Class all seek a judgment awarding Plaintiffs damages to repair the substantial injuries caused by the sex discriminatory practices of Defendants that have denied female physicians in the Department equal pay and Fourteenth Amendment equal protection concerning equal pay, equal opportunity, and a non-hostile work environment; to punish Defendants' conduct; and to prevent such discriminatory practices in the future.

e. This action is maintainable as a class action under Rule 23(b)(2) because Defendants' practice and policy of paying women physicians less than

their comparable male counterparts and Defendant Dr. Pearce's practices and policies that denied female physicians equal opportunity and a non-hostile work environment apply generally to the Class as a whole.

### **STATEMENT OF FACTS**

11. Dr. Fabbrocini holds an M.D. from the University of Wisconsin School of Medicine and Public Health. She completed her medical residency at University of Wisconsin Hospital and Clinics, and she completed a fellowship in Pediatric Anesthesiology and Pediatric Cardiac Anesthesiology at Children's Hospital of Philadelphia. She is board certified in Anesthesiology.

12. Dr. Fabbrocini was first hired by the University of Wisconsin School of Medicine and Public Health, Department of Anesthesiology, on September 29, 2008.

13. Since that time Dr. Fabbrocini has been continuously and is currently employed by the Department.

14. At all times relevant to this complaint, Dr. Fabbrocini has worked between .6 and .75 FTE.

15. Throughout the time period relevant to this Complaint, Dr. Fabbrocini has had extensive experience and expertise in her medical field and has maintained a respected reputation among her peers, including being ranked in the top five pediatric anesthesiologists of Dane County from 2012 to present, four years of which she ranked number one.

16. From 2006 until 2017, Dr. Pearce was the Chair of the Department.

17. As Chair of the Department, Dr. Pearce was primarily accountable for the pay and working conditions within the Department.

*Unequal Pay*

18. From 2006 to 2017, Dr. Pearce as Chair was responsible for determining University salaries and awarding discretionary pay raises, bonuses, and research awards to physicians in the Department.

19. Those determinations were left entirely to his discretion as the Chair of the Department with no regard to merit.

20. At all times relevant to this complaint, Dr. Fabbrocini performed substantially equal or greater work, the performance of which requires substantially equal or greater skill, effort, and responsibility as that of comparable males within the Department, but was paid less.

21. This difference in pay was caused by, among other gender discriminatory reasons, Dr. Pearce providing higher discretionary awards to the comparable male physicians.

22. Due to concerns about pay inequity in the Department, Dr. Fabbrocini along with other female physicians in the Department petitioned the administration of University of Wisconsin-Madison ("UW-Madison"), in 2015, to conduct a review of the Department's compensation plans with respect to gender equity.

23. UW-Madison conducted a review of the Department's compensation.

24. Dr. Pearce was responsible for providing data necessary for UW-Madison's review.

25. Dr. Pearce provided UW-Madison with incomplete and erroneous data.

26. For instance, of the 74 physicians in the Department only 60 faculty salaries were provided by Dr. Pearce for UW-Madison's review of the compensation plan.

27. Dr. Pearce did not submit Dr. Fabbrocini's compensation data for UW-Madison's Review of the compensation plan.

28. Due to this inaccurate data, UW-Madison incorrectly concluded that no gender inequities in pay or leadership opportunities existed in the Department of Anesthesiology.

29. In fact, significant discrepancies in University pay between Dr. Fabbrocini and her male colleagues and between female and male physicians as a whole existed throughout Dr. Pearce's tenure as Chair of the Department.

30. The issue of gender inequity in the compensation plan was further raised by the UW-Madison in a 2017 climate review of the Department leading to an announcement by UW-Madison in 2018 that the Department would undergo a compensation review.

### *Unequal Opportunity*

31. As Chair, Dr. Pearce was also responsible for appointing physicians into leadership positions within the Department.

32. Leadership appointments were made at the sole discretion of the Chair, and were not open to application, nomination or vote.



33. Leadership positions in the Department were and are accompanied by additional administrative pay.

34. Dr. Pearce did not appoint Dr. Fabbrocini or other women to leadership positions and, as a direct consequence, they were deprived of the related administrative pay.

35. During his tenure, Dr. Pearce instituted a policy against considering part-time faculty for leadership roles.

36. That policy made Dr. Fabbrocini and other women ineligible for leadership positions and resultant administrative pay.

37. Dr. Fabbrocini was denied opportunity to advance to leadership positions on the basis of her sex.

38. Dr. Pearce's policy against part-time faculty serving in leadership was a pretext for sex discrimination. For example, in 2014, 85.7% of part-time physicians in the Department were women; overall in the Department only 6.5% of men were part-time compared to 65% of women.

39. Additionally, Dr. Pearce discouraged Dr. Fabbrocini's and other female physicians' research interests and did not provide Dr. Fabbrocini and other female physicians with mentorship opportunities in their research areas.

40. As a result, Dr. Fabbrocini and other women did not have access to vital resources required for research projects.

41. In comparison, Dr. Pearce granted men in the Department substantial discretionary research dollars and mentorship opportunities.

### *Hostile Work Environment*

42. Moreover, Dr. Pearce's customs created a hostile work environment for Dr. Fabbrocini and women in the Department.

43. In the UW-Madison's 2017 climate report, male faculty described the environment in the Department as a *boy's club*, *frat-boy environment*, and *good-old boy* network.

44. The UW-Madison described the Department as an environment "of tolerated disrespect, a lack of open eligibility for advancement and persistent underrepresentation of women. . . an undercurrent of male centrism that actively influences workplace conditions through the Department."

45. To that end, Dr. Pearce left male physicians in significant leadership positions for extended periods of time despite well-documented practices of disrespect toward women.

46. Dr. Pearce also tolerated a culture of physical intimidation and bullying in the Department, which often found woman physicians as the recipients.

47. For instance, due to Dr. Pearce's recurrent failure to discipline a male physician with a documented history of physical abuse toward women in the Department, Dr. Fabbrocini suffered a violent attack by that physician when he, in 2010, grabbed Dr. Fabbrocini by the throat and violently shook her while shouting in her face.

48. Additionally, Dr. Pearce's refusal to discipline male physicians with a history of disrespect, violence, and other disturbing behaviors toward women resulted

in the serial sexual assault of a multitude of anesthetized female patients by a male physician, even after reports of such assaults were made to Dr. Pearce.

49. Furthermore, Dr. Pearce permitted a culture of demeaning female physicians.

50. Dr. Fabbrocini and other female pediatric anesthesiologists were frequently referred to as “candy-stripers,” “the crying hospital,” and “candyland.”

51. As chair, Dr. Pearce publicized the research and service achievements of male physicians, while disregarding the accomplishments of female physicians, including Dr. Fabbrocini.

52. Women in the Department, including Dr. Fabbrocini, were assigned parking spaces that were farther away from the hospital entrance than their male colleagues; some with 15-20 years of experience working for the Department were not assigned parking spaces at all.

53. Dr. Pearce’s decisions to award male physicians greater amounts of discretionary pay than women physicians, to deny women leadership appointments while maintaining in those positions men with a documented history of demeaning, disrespectful, physically intimidating, and sometimes violent behavior toward women, to deny women equal access to mentorship and research resources, to permit a hostile work environment filled with numerous incidents of physical and verbal bullying toward women created an environment in which female physicians, including Dr. Fabbrocini, were substantially disadvantaged from their male employees.

**COUNT I**  
**Deprivation of Equal Protection**  
**U.S. CONST. Amend. XIV**  
**(42 U.S.C. § 1983)**  
**§ 1983 Violation**

54. For her cause of action against Defendant Dr. Pearce for sex discrimination under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983, Named Plaintiff re-alleges each of the preceding paragraphs as though fully set forth herein.

55. By engaging in the conduct described in the preceding paragraphs, Defendant Dr. Pearce discriminated against the Named Plaintiff and all others similarly situated on the basis of sex, while acting under color of state law, in violation of their rights under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983.

56. There is no rational, let alone important, justification for such discrimination.

57. Defendant Dr. Pearce's conduct, as described above, caused Named Plaintiff and all others similarly situated to suffer substantial damages, including but not limited to loss of compensation (past and future) and emotional distress.

58. Defendant Dr. Pearce's conduct, as described above, was willful and malicious and/or undertaken with intentional or reckless disregard of Named Plaintiff's and all others similarly situated's federally protected rights, thereby entitling them to an award of punitive damages.

**COUNT II  
EQUAL PAY ACT CLAIM**

59. For her cause of action against Defendant the Board of Regents of the University of Wisconsin System for deprivation of equal pay under the Equal Pay Act of 1963, as amended (29 U.S.C. § 206(d)), Named Plaintiff re-alleges each of the preceding paragraphs as though fully set forth herein.

60. At all relevant times, the University has been aware that the Equal Pay Act applies to it or showed reckless disregard whether or not the Equal Pay Act applies to it.

61. As to Dr. Fabbrocini and other female physicians' pay, the University violated the Equal Pay Act willfully, and some violations remain ongoing.

62. Dr. Fabbrocini and other female physicians have suffered and continue to suffer economic damages as a result of the University's violations of the Equal Pay Act.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of herself and the putative class, requests judgment against Defendant Dr. Robert Pearce,

As to First Cause of Action:

- A. Compensatory and punitive damages;
- B. Pursuant to 42 U.S.C. § 1988, the expenses of this action, including reasonable attorneys' fees and costs;
- C. Such other relief as the Court may deem just and proper.

WHEREFORE, Plaintiff, on behalf of herself and the putative class, requests judgment against Defendant the Board of Regents of the University of Wisconsin System,

As to the Second Cause of Action:

- A. Compensatory damages for the amount shown to be due to each class member for the University's failure to pay Dr. Fabbrocini and all others similarly situated an amount equal to that of comparable males for the three years immediately prior to the filing of this lawsuit and from the date of the filing of this lawsuit up to the date of judgment;
- B. Liquidated damages in an amount equal to the amount awarded in compensatory damages to each class member;
- C. The expenses of this action, including reasonable attorneys' fees and costs;
- D. Such other relief as the Court may deem just and proper.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury.

Respectfully submitted this 13<sup>th</sup> day of March, 2019.

PINES BACH LLP

/s/ Tamara B. Packard.

Lester A. Pines, SBN 1016543

Tamara B. Packard, SBN 1023111

Beauregard W. Patterson, SBN 1102842

*Attorneys for Plaintiff Maria Mina Fabbrocini,  
individually, and on behalf of all others  
similarly situated*

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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**

FABBROCINI, MARIA MINA, M.D., et al.

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

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

Pines Bach LLP, 122 West Washington Ave., Suite 900,  
Madison, WI 53703; (608) 251-0101 (see attachment)

**DEFENDANTS**

PEARCE, ROBERT, M.D., et al. (see attachment)

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)Click here for: [Nature of Suit Code Descriptions.](#)

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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <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"/> 485 Telephone Consumer Protection Act <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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" 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 <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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 - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. §§ 1983 and 1988 and 29 U.S.C. § 206(d)

Brief description of cause:

This is a class action by female anesthesiologists at the University of Wisconsin for sex discrimination

**VII. REQUESTED IN COMPLAINT:**

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

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

03/13/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Tamara B. Packard

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

Print

Save As...

Reset



**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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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
- 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.

**Attachment to Civil Cover Sheet**

**Section I.**

**(a) Plaintiffs**

Maria Mini Fabbrocini, M.D., individually, and on behalf of all other similarly situated individuals

**(b) Attorneys**

Lester A. Pines  
Tamara B. Packard  
Beauregard W. Patterson  
Pines Bach LLP  
122 West Washington Avenue, Ste. 900  
Madison, WI 53703  
(608) 251-0101

**Section I.**

**Defendants**

Robert Pearce, M.D., individually, and  
Board of Regents of the University of Wisconsin System

## Western District of Wisconsin

Civil Action No. 19-cv-198

Signature of Clerk or Deputy Clerk

Civil Action No. 19-cv-198

**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:

**Print**

**Save As...**

**Reset**

## Western District of Wisconsin

Civil Action No. 19-cv-198

Signature of Clerk or Deputy Clerk

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\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Print

Save As...

Reset

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [U. of Wisconsin Sued Over Alleged Sex Discrimination, Physical Abuse in Dept. of Anesthesiology](#)

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