1 2 3 4 5 6 7	CARLSON LYNCH SWEET KILPELA & CARPENTER, LLP Eric D. Zard (AZ 027431) 1350 Columbia Street, Suite 603 San Diego, California 92101 Telephone: (619) 762-1910 Facsimile: (619) 756-6991 ezard@carlsonlynch.com Attorneys for Plaintiff									
8	UNITED STATES DISTRICT COURT									
9	DISTRICT OF ARIZONA									
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11	LORIE GRABHAM, on behalf of herself and all others similarly situated,	Case No.:								
12	, ,	COMPLAINT								
13	Plaintiff,	(JURY TRIAL REQUESTED)								
14	V.									
15	AMERICAN AIRLINES, INC., a Delaware Corporation,									
16 17	Defendant.									
18	Plaintiff Lorie Grabham, through undersigned counsel, for her complaint against									
19	American Airlines, Inc. hereby alleges as follows:									
20	JURISDICTION, VENUE A	AND JURY TRIAL DEMAND								
21	1. This Court has jurisdiction pursuant to 28 U.S.C. § 1331. This action is									
22	authorized and instituted to enforce the requirements of the Equal Pay Act of 1963									
23	("EPA"), codified as Section 6(d) of the Fair Labor Standards Act of 1938 ("FLSA"),									
24	29 U.S.C. § 206, et seq.									
25	2. Pursuant to 28 U.S.C. § 1391, venue is proper in this Court as the events									
26	giving rise to this action occurred within the District of Arizona.									
27	3. Plaintiff Lorie Grabham demands a jury trial for all issues in this case.									
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PARTIES

- 4. Plaintiff Lorie Grabham ("Ms. Grabham" or "Plaintiff") is a resident of Glendale, Arizona.
- 5. Defendant American Airlines, Inc. ("AA" or "Defendant"), is a Delaware corporation with its corporate headquarters in Fort Worth, Texas and a second corporate office located at 4000 E. Sky Harbor Boulevard, Phoenix, Arizona 85034.
- 6. AA is the world's largest airline and operates a hub at Phoenix Sky Harbor International Airport in Phoenix, Arizona.
- 7. At all relevant times, AA has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of Section 3(d) of the Fair Labor Standards Act of 1938, 29 U.S.C. § 203(d).
- 8. At all relevant times, AA has continuously employed employees engaged in commerce within the meaning of the FLSA, 29 U.S.C. §§ 203(b), (i), and (j) and AA has continuously been an enterprise with an annual gross volume of sales made or business done in an amount not less than \$500,000.00.
 - 9. At all relevant times, Ms. Grabham was an employee of AA.

GENERAL ALLEGATIONS

- 10. After graduating from Embry-Riddle Aeronautical University in 1995 and working for the Federal Aviation Adminstration from 1997 until 1998, America West Airlines, Inc. ("America West") hired Ms. Grabham as an InFlight Planning Senior Analyst in October 1998.
- 11. In May 2001, Ms. Grabham was promoted to Technical Operations Planning as a Senior Analyst where some of her job duties included developing and maintaining the American West strategic plan; forecasting America West maintenance requirements for heavy maintenance lines, modification lines, reliability lines and nightly maintenance locations; and performing analysis to track status and completion of all scheduled maintenance requirements on America West's fleets.
 - 12. Around 2005, US Airways Group acquired America West Airlines, Inc.

13. From September 2008 until June 2009, Ms. Grabham changed departments and became the Manager of Commodity Technical Purchasing in order to develop her leadership and managerial skillset.

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- 14. In June 2009, Ms. Grabham accepted a position back in the maintenance and engineering department as a Lead 1 Analyst. Ms. Grabham was one of several Senior Systems Analysts but she ultimately became the subject matter expert for the maintenance and engineering data warehouse.
- 15. Around December 2013, US Airways Group and American Airlines merged, and Ms. Grabham's pay-grade level was unified such that she went from a "Grade 167" with US Airways Group to a "Level 4" at American Airlines.
- 16. As a Grade 167/Level 4 Senior Business Analyst, Ms. Grabham was paid a base salary and received certain retirement and fringe benefits.
- 17. Similarly situated male Level 4 Senior Business Analysts received base salary and certain retirement and fringe benefits that resulted in more earned compensation than Ms. Grabham.
- 18. Around March 2014, the topic of compensation came up between Ms. Grabham and a male colleague that she had mentored in the past. That colleague was hired two years after Ms. Grabham as a Grade 167/Lead 1 Analyst but had a base salary that was at least 20% higher than Ms. Grabham's.
- 19. Ms. Grabham scheduled a meeting with her manager to discuss compensation and discuss the compensation differential between her and her male co-

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worker. In May 2014, Ms. Grabham's manager submitted a formal request to AA's Human Resources department to increase Ms. Grabham's salary.

- 20. In December 2014, after not receiving a response to the formal request, Ms. Grabham sent an email to the Human Resource Director to follow up on her concerns with the compensation differential. The same month, Ms. Grabham had a call with another member of AA's Human Resources department where she discussed her concerns that she was being discriminated against in regard to the salary differential as a result of her gender.
- 21. As a result of AA's failure to respond, Ms. Grabham filed a charge with the United States Equal Employment Opportunity Commission ("EEOC") in February 2015
- 22. Around October 2015, Ms. Grabham received a salary increase; however, upon information and belief, Ms. Grabham's earned compensation remained lower than similarly situated male employees that performed substantially equal work that required equal skill, effort, and responsibility, and which were performed under similar working conditions.
- In April 2017, the EEOC sent Ms. Grabham a letter of determination stating that "there is reasonable cause to believe that [American Airlines] willfully violated Title VII and the EPA when it paid [Ms. Grabham] less than a male, for performing substantially similar work requiring equal skill, effort and responsibility, because of her sex.

COUNT I FAILURE TO PAY EQUAL WAGE RATES IN VIOLATION OF THE **EQUAL PAY ACT**

- Plaintiff repeats and re-alleges the allegations contained in the paragraphs 24. above, as if fully set forth herein.
- 25. The Equal Pay Act of 1963, as amended, prohibits employers from discriminating against employees "on the basis of sex by paying wages to employees

- in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions..." 29 U.S.C. § 206(d)(1).
- 26. Since at least June 2009, AA violated the EPA by paying wages to Ms. Grabham at rates less than the rates paid to male employees who had worked in the same establishment for substantially equal work on jobs that required equal skill, effort, and responsibility, and which were performed under similar working conditions.
- 27. As a result of the acts alleged above, AA unlawfully withheld the payment of wages due to Ms. Grabham.
- 28. The unlawful practices described above were willful as AA knew and/or showed reckless disregard that its conduct violated the EPA. Therefore, a three-year statute of limitations applies to this claim.
- 29. As a result of Defendant's discriminatory conduct, Plaintiff is entitled to compensatory and punitive damages, attorneys' fees and costs, and all other legal or equitable relief permitted under 22 U.S.C. § 216.

COUNT II

FAILURE TO PAY EQUAL WAGE RATES IN VIOLATION OF A.R.S. § 23-341

- 30. Plaintiff repeats and re-alleges the allegations contained in the paragraphs above, as if fully set forth herein.
- 31. Arizona Revised Statute § 23-341(A) provides, in part, that: "no employer shall pay any person in his employ at wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work, provided, that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving

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objects in excess of specified weight, or other reasonable differentiation, factor or factors other than sex, when exercised in good faith."

- 32. Upon information and belief, there are no significant differences in the seniority, length of service, ability, skill, duties or services performed, shift or time of day worked, hours worked, or other reasonable differentiations, other than sex, that would justify paying Plaintiff a lower rate of pay.
- By virtue of previously set forth facts, Defendant violated A.R.S. § 23-33. 341(A) and paid Plaintiff less than similarly situated male counterparts for the same work.
- 34. Plaintiff is entitled to recover compensatory damages for the balance of unequal wages plus prejudgment interest, and attorneys' fees and costs, pursuant to A.R.S. § 23-341.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for a judgment against Defendant as follows:

- A permanent injunction enjoining Defendant, its officers, successors, A. assigns, and all persons in active concert or participation with it, from engaging in gender-based disparate compensation and in any other employment practice which discriminates on the basis of sex;
- B. Back wages in amounts to be determined at trial and an equal sum as liquidated damages for the wages unlawfully withheld;
- C. Lost wages in amounts to be determined at trial and an equal sum as liquidated damages for the retaliation claim;
 - Prejudgment interest on all monetary claims; D.
 - Costs and attorney's fees incurred to bring this action; and E.
 - Awarding attorneys' fees and costs; F.
 - G. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL Plaintiff hereby demands a trial of her claims by jury to the extent authorized by law. Dated: October 12, 2017 **CARLSON LYNCH SWEET** KILPELA & CARPENTER, LLP /s/ Eric D. Zard Eric D. Zard (AZ 027431) 1350 Columbia Street, Suite 603 San Diego, California 92101 Telephone: (619) 762-1910 Facsimile: (619) 756-6991 ezard@carlsonlynch.com Attorneys for Plaintiff

JS 44 (Rev. 06/17)

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	outer sheet. (SEE INSTRUCT	TIONS ON NEXT TAGE C	71 111151 C	·	TS					
Lorie Grabham				DEFENDANTS American Airlines, Inc.						
(b) County of Residence of First Listed Plaintiff Glendale, AZ (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Eric Zard, Carlson Lynch Sweet Kilpela and Carpenter 1350 Columbia Street, Ste. 603 San Diego, CA 92101				County of Residence of First Listed Defendant Phoenix, AZ (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 JURISDI	ICTION (Place an "X" in G	ne Box (Inly)	III. CI	I TIZENSHIP OF	PRINC	CIPA	L PARTIES	(Place an "X" in	One Box j	for Plaintiff
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IV. NATURE OF SUIT			annone press				here for: Nature of			
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise □ REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY 310 Airplane 365 Personal Injury 367 Health Care/ 370 Assault, Libel & Slander 340 Marine 345 Marine 345 Marine 345 Marine 350 Motor Vehicle 360 Other Personal Injury 361 Personal Injury 362 Personal Injury 362 Personal Injury 363 Marine 385 Property Damag 385 Property Dam		1	DRFEITURE/PENALT 5 Drug Related Seizure of Property 21 USC 8: 0 Other Drain Labor Orbital Labor Standards Act Labor/Management Relations Railway Labor Act Leave Act Other Labor Litigation Employee Retirement Income Security Act IMMIGRATION Note That Income Security Act Other Labor Litigation Company of the Company	42: 42: 42: 42: 42: 42: 43:	2 Appers 28 U: 28 U: 28 U: 28 U: 29 U: 20 Copyi) 20 Paten New 1 Trade CIAL 1 HIA (21 Black 3 DIW(4 SSID 5 RSI (21 CDERA 5 OT TAX 5 OT TAX 6 TO T	SC 157 TY RIGHTS rights t t - Abbreviated Drug Application	OTHER STATUTES □ 375 False Claims Act □ 376 Qui Tam (31 USC 3729(a)) □ 400 State Reapportionment □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce □ 460 Deportation □ 470 Racketeer Influenced and Corrupt Organizations □ 480 Consumer Credit □ 490 Cable/Sat TV □ 850 Securities/Commodities/ Exchange □ 890 Other Statutory Actions □ 891 Agricultural Acts □ 893 Environmental Matters □ 895 Freedom of Information Act □ 896 Arbitration □ 899 Administrative Procedure Act/Review or Appeal of Agency Decision □ 950 Constitutionality of State Statutes		
▼1 Original □ 2 Re	To the Court Cite the U.S. Civil Starter	Appellate Court utute under which you a	re filing (I	oened And (spe Do not cite jurisdictional		ict <i>less div</i>			Multidis Litigatio Direct Fi	on -
VII. REQUESTED IN COMPLAINT:		1963 ("EPA"), codi IS A CLASS ACTION 3, F.R.Cv.P.		Section 6(d) of the	e Fair La	C	Standards Act HECK YES only URY DEMAND:	if demanded ir	ı complaiı □ No	nt:
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE			D(OCKE'	T NUMBER			
DATE 10/12/2017 FOR OFFICE USE ONLY		signature of at /s/Eric Zard	TORNEY (OF RECORD						
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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
- 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 statue.
- 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.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: <u>Veteran Employee's Lawsuit Claims American Airlines Violated Gender Pay Laws</u>