

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

MEGHAN JAGER,

Plaintiff,

v.

DSC/PURGATORY LLC;
PURGATORY RECREATION MANAGEMENT LLC; and
PURGATORY RECREATION I, LLC,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff, Meghan Jager (“Plaintiff”), by and through her undersigned counsel, HKM Employment Attorneys, LLP, hereby files her Complaint, as follows:

I. PARTIES

1. Plaintiff Meghan Jager is a citizen of the State of Minnesota. Defendant DSC/PURGATORY LLC is a Colorado company with its principal place of business at 1 Skier Place, Durango, CO 81301. Defendant Purgatory Recreation Management LLC is a Delaware company with its principal place of business at 100 Jenkins Ranch Rd. Ste E-1, Durango, CO 81301. Defendant Purgatory Recreation I, LLC is a Delaware company with its principal place of business in 100 Jenkins Ranch Rd, Ste E-1, Durango, CO 81301, United States. Defendants were Plaintiff’s employer, as that term is defined by Title VII of the Civil Rights Act.

II. JURISDICTION AND VENUE

2. Plaintiff filed a claim with the EEOC and received a right to sue. Plaintiff seeks damages in excess of \$75,000.

3. This Court has jurisdiction over this action pursuant to subject matter federal court jurisdiction, 28 U.S.C. § 1331 and diversity jurisdiction, 28 U.S.C. § 1332.

4. Venue is proper under 28 U.S.C. 1391(a)(2) because a substantial part of the events or omissions giving rise to this action occurred in Colorado.

III. FACTUAL ALLEGATIONS

5. Plaintiff was hired by Defendants to work at Purgatory Resort for the 2014-15 season. Purgatory Resort is a ski resort located in Durango, Colorado. During the winter season, over 900 employees work at Purgatory Resort.

6. Plaintiff is a mother with three young children.

7. Plaintiff's position was that of Event Fulfillment Manager. She was responsible for planning, executing, and organizing many of the events for the resort for the 2014-15 winter season. Her position ended on April 5, 2015. In early December 2014, Gary Derck, CEO of Purgatory Resorts, asked Plaintiff if she would serve on the 50th Anniversary Committee. She agreed. The 2015-16 ski season was the 50th anniversary for the resort, and the resort planned many activities for the 2015-16 ski season. The Anniversary Committee was planning for the 2015-16 winter season and met weekly. Plaintiff was appointed the lead point person on many of the events that would occur in the 2015-16 ski season. Accordingly, Plaintiff believed that her position would either be converted to a full-time position or, at the very least, that she would be hired for the summer season or the 2015-16 winter ski season.

8. Plaintiff was very interested in working at Purgatory Resort during the summer, and she expressed her desire to the Defendants on several occasions. On March 5, 2015, Plaintiff was told by Judy Wachob (Vice-President of Village Services) and Greg Ralph (VP of Marketing and

Sales) that, for the summer season, her current position Event Fulfillment Manager -- would not focus on events, but rather would assist the wedding coordinator with weddings and the sales teams at trade shows. Ms. Wachob and Mr. Ralph told Plaintiff the it would be long days, evenings, and weekends, and would require her to be on the road for a significant amount of time. Defendants told her that the job was not appropriate “for a mother” and that she would not be considered for the position.

9. A few days later, the Wedding Coordinator, Sara Bath, talked to Judy Wachob, the Vice President of Village Services, about Ms. Bath’s frustration that Plaintiff was not being considered for the summer position. In that conversation, Ms. Wachob said that the position was inappropriate for Plaintiff because Plaintiff was a woman and mother.

10. Plaintiff made a complaint to Defendants’ Human Resources Department about the decision not to rehire her for the summer position as a result of her being a mother. A few days later, Plaintiff met with Ms. Wachob and Mr. Ralph. They told her that they were previously talking to “her as a friend.” Mr. Ralph promised that once her position was posted, that he would personally contact her, let her know, and ask that she apply.

11. Plaintiff’s position for the summer season was reposted on April 13, 2015. Plaintiff’s position was renamed to be called Event and Wedding Coordinator Assistant. Ultimately, Defendants changed the name of the position again to Event Manager, a full-time position. A male received this position. Mr. Ralph never contacted Plaintiff as promised to inform her about the new position and ask that she apply.

12. Around April 5, 2015, the last day of her work at Purgatory Resort, many of her co-workers expressed dismay that Defendants failed to rehire her. At one meeting, many on the Sales and Marketing Team asked Mr. Ralph why Plaintiff was not even considered for rehire into her position for the summer. Mr. Ralph simply responded by saying, “let’s move on.”

13. By all accounts, Plaintiff’s performance at Purgatory Resorts was superlative.

14. Prior to creating extending her position into the summer, and prior to renaming the position to “Event and Wedding Coordinator Assistant” and then to “Event Manager,” the Defendants had decided not to hire Plaintiff for the position because she was a mother and because they felt that the job would be too demanding and difficult for a mother with three small children. Defendants refused to hire Plaintiff for the Event and Wedding Coordinator Assistant or the Event Manager position during the summer and into the next year because she was a mother and because they felt that the job would be too demanding and difficult for a mother with three small children.

15. As a result of the events described herein, Plaintiff has suffered economic and non-economic damages.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Sex and/or Gender Discrimination, Title VII of the Civil Rights Act)

16. Plaintiff reasserts and realleges the allegations set forth in the above paragraphs.

17. Defendants terminated Plaintiff’s employment because she was a mother and because of illegal stereotypes about mothers. Defendants hired a male to replace her. Defendants did not have the same illegal stereotypes about men with children. Accordingly, Defendants have violated Plaintiff’s rights under Title VII of the Civil Rights Act.

18. Defendants refused to hire Plaintiff for the position of Event and Wedding Coordinator Assistant or Event Manager because she was a mother and because of illegal stereotypes about mothers. Defendants hired a male without children to the position.

19. Defendants did not have the same illegal stereotypes about men with children. Accordingly, Defendants have violated Plaintiff's rights under Title VII of the Civil Rights Act.

**SECOND CAUSE OF ACTION
(Wrongful Termination in Violation of Public Policy)**

20. Plaintiff reasserts and realleges the allegations set forth in the above paragraphs.

21. There is a strong public policy in Colorado against employment discrimination based on age, race, ethnicity, and national origin.

22. Defendants terminated Plaintiff's employment because she was a mother and because of illegal stereotypes about mothers. Defendants hired a male to replace her. Defendants did not have the same illegal stereotypes about men with children. Accordingly, Defendants have terminated Plaintiff in violation of public policy.

23. Defendants refused to hire Plaintiff for the position of Event and Wedding Coordinator Assistant or Event Manager because she was a mother and because of illegal stereotypes about mothers. Defendants hired a male to the position. Defendants did not have the same illegal stereotypes about men with children. Accordingly, Defendants have refused to hire Plaintiff in violation of public policy.

**THIRD CAUSE OF ACTION
(Hostile Work Environment Based on Sex and/or Gender, Title VII
of the Civil Rights Act)**

24. Plaintiff reasserts and realleges the allegations set forth in the above paragraphs.

25. Based on the conduct described above, Plaintiff was subject to a hostile work environment based on sex and/or gender in violation of Title VII of the 1964 Civil Rights Act.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff demand judgment against Defendants and pray for:

- A. Compensatory and emotional distress damages;
- B. Statutory penalties as permitted by law;
- C. Reasonable attorneys' fees and the costs of this action as permitted by law;
- D. Statutory prejudgment interest;
- E. Punitive damages; and
- F. Such other relief as this Court may deem just and proper.

VII. JURY TRIAL DEMAND

Plaintiff Representative requests a trial by jury.

Dated this 23rd day of March, 2016.

HKM EMPLOYMENT ATTORNEYS LLP

By: *s/ Daniel Kalish* _____

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