

Exhibit D

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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KELLY GREENFIELD,

Plaintiff,

vs.

No. C 035183

AMERICA WEST AIRLINES, INC.,

a corporation, and DOUGLAS STOLLS,

an individual,

Defendants.

VIDEOTAPE DEPOSITION OF KELLY GREENFIELD

FRIDAY, APRIL 30, 2004

spherion

425
V
1-800-850-8500
www.spherion.com

24 Q. Did you speak at this meeting?

25 A. No. I never felt Kathy was someone I could 10:55:54

1 really speak with.

2 Q. Did Kathy invite people to speak to her if
3 there were problems?

4 A. She said we could, but, you know, I would -- if
5 you went to Kathy, it went right back to management, so 10:56:16
6 it just

18 Q. Exhibit 15 is entitled Subject: Meeting on 12
19 2nd 2002, 12-2-02.

20 Do you remember talking to Doug Stolls and/or 11:56:00
21 Michael Jackson on or about December 2, 2002 about the
22 things that are listed in Exhibit 15?

23 A. Doug on a couple of occasions had said
24 something to Michael and Peter that he felt that Peter
25 favored me because Peter and I had a -- had a 11:56:28

1 friendship. And I think I actually asked Doug one
2 time why I felt that he was -- Doug was treating me
3 differently and he told me that he felt he couldn't --
4 he couldn't trust me with issues, that there was
5 favoritism going on between Peter and I.

11:56:56

6 And I don't ever recall Doug bringing me in and
7 sitting me down and saying this is how I feel. And I
8 know exactly what he's talking about here with trades
9 with agents for the person picking up your shift does
10 not intend to actually work the scheduled hours; I mean, 11:57:12
11 that was really silly. Actually, I had -- Vern picked
12 up a shift of mine and it was over I think a holiday
13 weekend that was slow, and they put up a -- an auto
14 board and Vern signed up for it and received it and Doug
15 was angry at me for being able basically to get that day 11:57:37
16 off.

4 Q. And where was Doug?

5 A. Right next to him, on the left. They were both 15:21:22
6 looking at the same magazine.

7 Q. And Noel asked you, hey, Kelly, why don't you
8 dress more like this?

9 A. Laughing, yes.

10 Q. And your response was? 15:21:32

11 A. Probably something like, shut-up, Noel.

12 Q. With a smile on your face?

13 A. Probably about just how I said it to you.

14 Q. And what was Doug's response?

15 A. He was laughing with Noel. He was looking at 15:21:41
16 the magazine with Noel. He didn't say anything like
17 that's inappropriate, get rid of that, throw it away,
18 nothing.

1 Q. You mentioned that Doug didn't say anything
2 about that's offensive, shouldn't be doing that.

3 A. No, he did not.

4 Q. You didn't say anything like that either?

5 A. No. 15:22:18

6 Q. Did you tell anyone else in management prior to
7 leaving America West about this incident with Noel?

8 A. No.

9 Q. Did any other coworker treat you -- well, did
10 Noel ever again at any other time treat you in a manner 15:22:31
11 that you thought was different or offensive because of
12 your sex?

13 A. Well, I was -- it bothered me when all the guys
14 at night -- I would be the only female working because I
15 did the RON shift, the overnight shift, and so a lot of 15:22:47
16 times I'd be the only female with four or five guys,
17 males and it would bother me that they were looking at
18 these magazines, but it wasn't my place to say or do
19 anything. Management had already been told that they
20 were there, management knew that they were there. It's 15:23:13
21 management's responsibility to get rid of those.

22 And I know that individuals had gone to
23 management in regards to magazines and nothing had been
24 done. In fact, instead of leaving them out on the
25 table, they allowed for them to be put in a drawer. 15:23:30

1 That's not getting rid of the magazines.

2 Q. That's another one of your answers where
3 there's a lot going on so we'll break it down.

4 On the R-O-N shift, who were the other
5 employees, male employees who were looking at the 15:23:55
6 magazines that you considered offensive?

7 A. Roel.

8 Q. I'm sorry, Roel?

9 A. Roel.

10 Q. And that's different from Noel? 15:24:10

11 A. Noel, yes. Tommy. Gosh, I can't even remember
12 some of the employees' names anymore. I probably saw
13 most of the males who worked the night shift at some
14 point or another looking at the porno magazines.

15 Q. Other than the incident with Noel, was there 15:24:44
16 ever an incident where the people looking at the
17 magazines would try to involve you in their banter or
18 reading about the magazines?

19 A. Not to my recollection.

20 Q. Did you ever overhear them making jokes or 15:24:57
21 commenting on the women they were looking at?

22 A. Yes.

23 Q. Were any of those comments sexually explicit?

24 A. Yes.

25 Q. Do you remember any specific sexually explicit 15:25:08

1 comments?

2 A. I'd like to do her, check her out, or check
3 this out, you know.

4 Q. Did people ever use more graphic or profane
5 language? 15:25:21

6 A. Yes, yes.

7 Q. I dare say we could have you write it down on a
8 piece of paper, but what other words did you hear them
9 use?

10 A. Just like, check those tits out, I mean, you 15:25:33
11 know, that kind of thing.

12 Q. Any other offensive words that you remember?
13 We can have you write it down. This isn't to make you
14 feel uncomfortable on camera.

15 A. I don't feel comfortable. 15:25:51

16 Q. That's fine, that's fine. We can mark this as
17 23.

18 (Exhibit 23 was marked for
19 identification.)

20 MS. MORA: Make sure you spell them correctly. 15:26:18

21 THE WITNESS: It's kind of -- enough to give
22 you an idea.

23 BY MR. SCANLAN:

24 Q. And the words in Exhibit 23, these were the
25 words the guys were using among themselves? 15:27:31

1 A. Yes.

2 Q. But you were there?

3 A. Yes.

4 Q. How close were you to them when they said
5 things like this? 15:27:38

6 A. Probably within ten feet.

7 Q. Ever any closer?

8 A. Yes.

9 Q. Other than the time with Noel, do you ever
10 remember Doug being present while employees were looking 15:27:56
11 at the magazines in the break room, magazines that you
12 considered sexually explicit?

13 MS. MORA: Actually, I don't know if we
14 established that all the viewing was in the break room.

15 BY MR. SCANLAN:

16 Q. Was this all in the break room?

17 A. Yes.

18 Q. Okay.

19 A. There was never a time where I saw him looking
20 at the magazine with an individual. But whenever he 15:28:15
21 worked the night shift, if he were to come in, they were
22 there so I'll have to say yes, he was around with those
23 magazines, but I never except for that one time saw him
24 viewing the magazine.

25 Q. Did you ever see him in the break room at 15:28:33

25

Q. And you never told a supervisor that you were

15:51:07

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1 uncomfortable with them?

2 A. No. I was worried about what --

3 Q. I'm asking all these negative questions which I
4 really think is making for a muddy transcript. It's a
5 true statement that you never told HR about the 15:51:20
6 magazines?

7 A. Correct.

8 Q. It's a true statement you never told a
9 supervisor you were uncomfortable with the magazines?

10 A. True. 15:51:30

11 Q. It's a true statement you never told your
12 coworkers that were looking at the magazines that you
13 were uncomfortable with them doing so?

14 A. I think I probably have said to them you need
15 to stop looking at that or get rid of that, but I never 15:51:40
16 said it -- I wasn't their mother. I never said it in a
17 stern way. I wasn't their supervisor, it wasn't my
18 position. But I probably said it in a joking manner
19 like, you guys need to get rid of that, you know.

22 Q. There's an allegation in your complaint about
23 suggestive emails from Douglas Stolls to you.

24 A. Yes.

25 Q. How many such emails did Mr. Stolls send to 15:56:39

1 you?

2 A. You know, I think he only sent me one or two
3 jokes. I never sent him any. But what he would do a
4 lot is he would be on personal time, personal computer
5 at work all the time and he'd bring me in, oh, look at, 15:56:53
6 look at this, and show me emails. And I'll admit some
7 were funny, but others I felt very uncomfortable with
8 and showed pictures of animals or, you know, like
9 cartoon type of things or jokes.

10 Q. Now, when you say pictures of animals -- 15:57:19

11 A. Like cartoon characters, you know, doing sexual
12 things. But he would just show me emails a lot; I never
13 asked him to send them to me. If he thought an email
14 was funny, he would call me in, or if I was in the
15 office, oh, come around and look at this. 15:57:39

16 Q. Did you ever ask him to stop?

17 A. No. I just would choose not to be in the
18 office sometimes, you know, if he did that. He was
19 always on his personal computer and always doing
20 personal business on the computer. 15:57:54

21 Q. How many times did Doug show you things on his
22 personal computer that you would consider sexually
23 explicit?

24 A. Probably five.

25 Q. And did each of those times involve either 15:58:07

1 genitalia or exposed breasts?

2 A. No.

3 Q. Did any of them?

4 A. No, not of actual women, no. Any sexually

5 explicit material would have been cartoon characters and 15:58:20

6 you know when people make a photo, like fix an email,

7 you know, that kind of like joke pictures, put different

8 faces on different bodies and that kind of thing. But

9 more just -- just more jokes, you know, about women

10 versus men and -- you know, I'm sure that you've seen 15:58:47

11 some of these jokes. I'd have to -- I can't think of

12 them off the top of my head but, you know, women's rules

13 or men's rules or how to please a woman or how to please

14 a man and, you know, things that you have to do or --

15 you know, to that nature, just 15:59:06

16 Q. Did any of these emails or web -- I guess they

17 were websites too, maybe the email would be a link to a

18 website?

19 A. It possibly could have been.

20 Q. Did any of these emails or websites contain 15:59:20

21 words of the ilk of those in Exhibit 23?

22 A. Oh, I'm sure.

23 Q. Well, do you remember if they did?

24 A. I don't remember specific words, no.

25 Q. Did any of the cartoon pictures involve cartoon 15:59:33

1 genitalia or cartoon exposed breasts?

2 A. Genitalia.

3 Q. Male or female?

4 A. Male.

5 Q. How many, how many pictures? 15:59:43

6 MS. MORA: Well, that could have happened too

7 if it was a joke.

8 BY MR. SCANLAN:

9 Q. Well, we can go there, I guess.

10 A. The only picture that I can recall is one. 15:59:55

11 Q. Was it a cartoon human being or animal?

12 A. Donkey.

13 Q. And this is something Doug showed you?

14 A. Yes.

15 Q. Do you remember if there was a joke line that 16:00:14

16 went with it?

17 A. Yeah.

18 Q. What was it?

19 A. I don't recall.

6 Q. Let's look at a couple documents that are
7 premarked. This is Exhibit 17.

8 Ms. Greenfield, what is Exhibit 17?

9 A. My termination letter.

10 Q. And that was delivered to you in-person at the 16:28:02
11 meeting with Anna Evinger?

12 A. Yes.

5 (Exhibit 26 was marked for
6 identification.)

7 MR. SCANLAN: Counsel, can we stipulate that
8 Exhibit 26 on the second-to-the-last page accurately
9 reflects the filing date for the EEOC charge?

10 MS. MORA: Yes.

17:28:21

11 MR. SCANLAN: August 28th, 2003?

12 MS. MORA: Well, I can't verify for the EEOC
13 but I'll stipulate that's what the stamp says.



Oakland International Airport
#1 Airport Drive, Box 4 Oakland, CA 94621 • (510) 430-0167

7/31/03

Ms. Kelly K. Greenfield
1380 East Shore Drive
Alameda, CA 94501

Dear Kelly,

This letter will serve as notification that your employment with America West Airlines has been separated effective 7/31/03 due to Violation of Company Rules.

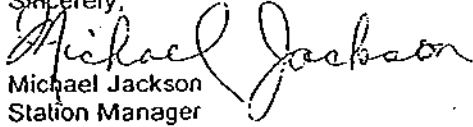
The following America West property must be returned to this office within 24 hours upon receipt of this letter for proper reimbursement. These items include UNIFORMS, AND PARKING STICKER.

Please be advised that you will be charged accordingly for any property that has not been returned or misused in any way.

Remember, FLEXI-PASSES also become invalid on your separation date.

If you have any questions, please call my office at (510) 563-3645 between the hours of 9:00 AM to 5:00 PM, Monday through Friday.

Sincerely,


Michael Jackson
Station Manager



EMgr: Kathy Pararo

Added to Chart

Erin L.

EEOC Form 161-B (3/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EMPLOYEE RELATIONS

SEP 05 2003

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Kelly Greenfield
C/O Law Offices of Lucius Cooper
18 Crow Canyon Court, Suite 145
San Ramon, CA 94583

From: Oakland Local Office
1301 Clay Street
Suite 1170-N
Oakland, CA 94612

On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No. 376-2003-00452
EEOC Representative Julian F. Melendres
Telephone No. (510) 637-3230

NOTICE TO THE PERSON AGGRIEVED:

(See also the additional information enclosed with this form.)

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost.

- More than 180 days have passed since the filing of this charge.
Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
The EEOC is terminating its processing of this charge.
The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

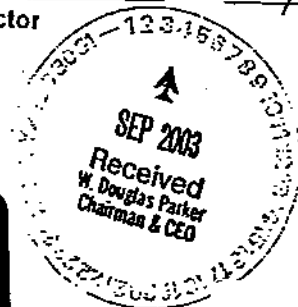
Joyce Hendy, Director

8/28/03 (Date Mailed)

Enclosure(s)

cc: Chief Executive Officer
AMERICA WEST AIRLINES, INC
4000 E Sky Harbor Blvd
Tempe, AZ 85281

EXHIBIT GREENFIELD # 216 4-30-04



HP 341

INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was *mailed* to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short-statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- *not 12/1/02* -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

U. S. Equal Employment Opportunity Commission

<p>Chief Executive Officer AMERICA WEST AIRLINES INC 4000 E. Sky Harbor Blvd., Tempe, AZ 85281</p>	<p>PERSON FILING CHARGE</p> <p>Kelly Greenfield</p>
	<p>THIS PERSON (check one or both)</p> <p><input checked="" type="checkbox"/> Claims To Be Aggrieved</p> <p><input type="checkbox"/> Is Filing on Behalf of Other(s)</p>
<p>EEOC CHARGE NO.</p> <p>376-2003-00452</p>	

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- Title VII of the Civil Rights Act
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. No action is required by you at this time.
2. Please call the EEOC Representative listed below concerning the further handling of this charge.
3. Please provide by _____ a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. Please respond fully by _____ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by _____ to _____
 If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Aida Salorio

EEOC Representative

Telephone: **(510) 637-3242**

Oakland Local Office

1301 Clay Street

Suite 1170-N

Oakland, CA 94612

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- AGE
- DISABILITY
- RETALIATION
- OTHER

See enclosed copy of statement.

HP 343

Date	Name / Title of Authorized Official	Signature
Aug 28, 2003	Joyce Hendy, Director	

INFORMATION ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

Section 1602.14 Preservation of records made or kept. Where a charge . . . has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent . . . shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.

AFFIDAVIT OF KELLY GREENFIELD

I, Kelly Greenfield, do hereby aver and allege as follows:

1. My name is Kelly Greenfield, my address is 14525 Flagship Street, San Leandro, California 94577, my telephone number is (510) 351-9173, my date of birth is March 3, 1975, my age is 28, my Social Security number is 556-63-5449, my sex is female.

2. I wish to file a charge of discrimination, harassment, retaliation, coercion, and intimidation on the basis of my gender and sexual harassment resulting in a hostile work environment in violation of Title VII of the Civil Rights Act of 1964 against AMERICA WEST AIRLINES, INC. (hereinafter "Employer") who is in the business of commercial passenger airplane services whose corporate headquarters are located at 4000 E. Sky Harbor Blvd., Tempe, Arizona 85281 and whose telephone number thereat is (480) 693-0800, who has in excess of 50 employees, and who I worked for at 1 Airport Drive, Oakland, California and telephone number of (510) 563-3645.

3. I was first hired by Employer on March 12, 2001 in the initial position of Customer Service Representative. My employment with Employer was involuntarily and wrongfully terminated by Employer on July 31, 2003, at which time I held the position of Customer Service Representative. A brief description of some, but not all, of the facts which are relevant to my charge, follows:

a. After working for Employer approximately June 2002, Douglas Stolls became my new Supervisor. Mr. Stolls had a "list" of employees who he wanted to fire at Employer. Mr. Stolls openly discussed his "list" and employees were constantly fearful of being placed on his "list." Soon after Mr. Stolls became my supervisor, he subjected me to unwelcome sexual harassment. For example, on several occasions Mr. Stolls sent me sexually explicit e-mails. Due to the fact that Mr. Stolls was my supervisor, I was fearful to complain and afraid that I would become an employee on his so-called "list."

b. During my employment, the Employer's break room located in the aircraft operations area contained female pornographic photos and other sexually explicit material which were easily viewable by anyone that entered. After numerous complaints the pornographic photos and other materials were removed to a less noticeable location. Mr. Stolls was aware of the inappropriate materials, however, I am informed and believe that Mr. Stolls failed to take appropriate and timely action to remedy the situation.

c. Furthermore, on several occasions while at work, Mr. Stolls and other male co-workers would view sexually explicit magazines and make sexually inappropriate comments to me about said materials. I was offended by said conduct but felt I could not complain because Mr. Stolls, who was knowledgeable and engaged in said conduct, would retaliate against me by placing me on his termination "list".

d. In addition to Mr. Stolls' unwelcome sexual harassment, I was also subjected to severe and pervasive gender discrimination. Prior to working at the Oakland International Airport, Mr. Stolls worked at the San Francisco International Airport. Mr. Stolls told me that he transferred to Oakland International Airport because he was dating and is now engaged to an employee of Employer's at the San Francisco International Airport. Despite the fact that Mr. Stolls dated an employee of Employer, as soon as I started dating an employee of Employer, David Smith, Mr. Stolls became discriminatory and harassing in the workplace. For example, Mr. Stolls incorrectly claims that my work performance began to suffer as soon as I started dating said employee. Furthermore, Mr. Stolls either participated or was aware of other employees violating Mr. Smith's privacy and then sharing said information amongst co-workers about my relationship with Mr. Smith.

e. On July 31, 2003, I was wrongfully and involuntarily terminated for pretextual reasons which did not rise to the level of termination. Furthermore, following my termination, Mr. Stolls called me and left me an extremely harassing and menacing voice mail message on my cell phone threatening civil and criminal action against me. Mr. Stolls continued to discriminate, harass and retaliate against me even after I was terminated by defaming me to my former co-workers. I am informed and believe that Mr. Stolls' discriminatory animus towards females motivated, in part, my wrongful and involuntary termination. Mr. Stolls' extensive female animus has also resulted in severe and outrageous harassment following my termination which has negatively affected my ability to find work in the industry.

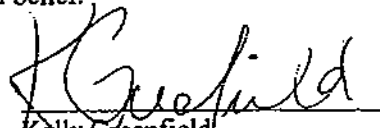
4. It is my understanding that I may immediately request a Notice of Right to Sue in lieu of the Equal Employment Opportunity Commission investigating this matter.

5. It is my desire to obtain an immediate Notice of Right to Sue and to let my attorneys, the Law Office of Lucius A. Cooper, conduct this matter on my behalf. I hereby authorize you to send said Notice of Right to Sue directly to my attorneys at the address indicated in the letter which accompanies this affidavit and to which this affidavit is attached.

Further Affiant sayeth not.

I do solemnly swear and affirm, under penalty of perjury, the above is true and accurate to the best of my knowledge, information, and belief.

DATED: August 21, 2003



Kelly Greenfield
14525 Flagship Street
San Leandro, California 94577

RECEIVED

AUG 28 2003

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

EEOC Number: 376-2003-00452

1001 Tower Way, Suite 250
Bakersfield, CA 93309
H (805) 395-2729

Case Name: Kelly Greenfield v.
America West Airlines Inc.

1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760

Date: 26 August 2003

611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
B (213) 439-6799

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

1515 Clay Street, Suite 701
Oakland, CA 94612-2512
M (510) 622-2941

No response to the DFEH is required by the respondent:

2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
E (916) 445-5623

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

350 W. Ash Street, Suite 950
San Diego, CA 92101-3440
D (619) 645-2681

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

121 Spear Street, Suite 430
San Francisco, CA 94105
A (415) 904-2303

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

111 North Market Street, Suite 810
San Jose, CA 95113-1102
G (408) 277-1277

2101 E. Fourth Street, Suite 255-B
Santa Ana, CA 92705-3855
K (714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

HP 347

1 REPORTER'S CERTIFICATE

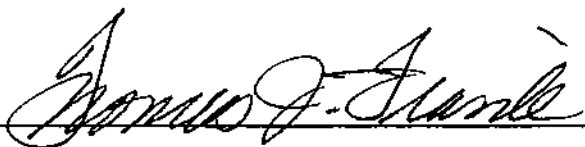
2
3
4 I, THOMAS J. FRASIK, CSR NO. 6961, a
5 Certified Shorthand Reporter of the State of
6 California, hereby certify:

7 That the foregoing proceedings were
8 taken before me at the time and place herein set
9 forth; that any witnesses in the foregoing
10 proceedings, prior to testifying, were placed under
11 oath; that a verbatim record of the proceedings was
12 made by me using machine shorthand which was
13 thereafter transcribed under my direction; further,
14 that the foregoing is an accurate transcription
15 thereof.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney or any of the parties.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: May 13, 2004

23
24 
25 THOMAS J. FRASIK, CSR NO. 6961