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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NANCY MICHLITSCH, :
 :
Plaintiff, :
 :
v. :
 :
General Electric Capital Corporation, :
 :
Defendant. :

Civil Action File
No. **1:07-CV-0008**

JURY TRIAL DEMANDED **BBM**

COMPLAINT

COMES NOW Plaintiff Nancy Michlitsch, and files her Complaint against Defendant General Electric Capital Corporation showing the Court the following:

NATURE AND PURPOSE

1.

This is a lawsuit brought due to sex discrimination and retaliation under Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, including the Civil Rights Act of 1991, 42 U.S.C. § 2000(e) *et seq.*; and the Fair Labor Standards Act of 1938 (the "FLSA"), as amended by the Equal Pay Act (the "EPA"), 29 U.S.C. § 201 *et seq.* It is filed following the discriminatory treatment, including the employment termination, of Ms. Michlitsch.

JURISDICTION AND VENUE

2.

The jurisdiction of this court is conferred pursuant to 28 U.S.C. §1331, §1343 and 29 U.S.C. §621. Defendant is a foreign for-profit corporation doing business in the State of Georgia. The unlawful employment practices alleged were committed in the Northern District of Georgia.

3.

Plaintiff timely filed a charge of discrimination against the Defendant with the Equal Employment Opportunity Commission (hereinafter EEOC). This action is filed within 90 days of receipt of the Notice of Right to Sue from the EEOC.

PARTIES

4.

Plaintiff Nancy Michlitsch ("Michlitsch") is a citizen of the State of Georgia and this Judicial District and Division entitled to bring actions of this kind and nature.

5.

Defendant General Electric Capital Corporation ("GECC"), is a foreign employer engaged in an industry affecting commerce, and employs in excess of 500 employees. Defendant may be served with process in accordance with Rule 4 of the Federal Rules of Civil Procedure through its registered agent for service, CT Corporation System, 1201 Peachtree Street NE, Atlanta, GA 30361.

FACTUAL ALLEGATIONS

6.

Ms. Michlitsch began her employment with GECC in December, 1986. After a series of promotions, Plaintiff was promoted to a Senior Operations Manager (SOM) under Drew Coleman, Vice President of Recovery Operations. The other SOM under Coleman was a male, Jeff Brethauer. Both Michlitsch and Brethauer performed the same types of work in reporting to Coleman.

7.

Even though both were SOM's, Michlitsch was responsible for substantial portions of the recovery operation that far exceeded the responsibilities of Brethauer. Plaintiff's performance was exemplary, far exceeding the performance of Brethauer. Ms. Michlitsch supervised as many as 112 employees, while Brethauer supervised 16.

8.

In 2003, the Human Resources (HR) department of GECC inadvertently placed salary information on the company's shared drive. Ms. Michlitsch realized that she was being paid significantly less than her male peer, Mr. Brethauer, even though she had substantially more responsibilities. Once

Plaintiff became aware of this inequity, she spoke with Michael Mathews of HR and requested that the disparity be investigated. Nothing was done to correct this violation of Title VII and the EPA.

9.

Plaintiff again raised the same concerns to Shavelta Evans-Johnson in HR, and still nothing was done. In 2004, Ms. Michlitsch and Mr. Brethauer swapped management assignments, because of Brethauer's inability to handle what he was assigned. While Brethauer assumed only a portion of Ms. Michlitsch's prior responsibilities with additional Band IV management support, Ms. Michlitsch assumed all of Brethauer's responsibilities with a reduction of two Band IV managers. Furthermore, Plaintiff retained full responsibility for Privacy & Security and Disaster Recovery for the entire Collection & Recovery operations.

Michlitsch and Brethauer had comparable education and experience, while Michlitsch had significantly more responsibility and performed at a much higher level, yet she continued to receive pay approximately \$35,000.00 per year less than Brethauer.

10.

In the first part of 2005, Ms. Michlitsch escalated her concerns of gender

and pay discrimination, by sending an email to Bob DiGennaro, SVP for Collections & Recovery, with a copy to Mr. Coleman. Coleman immediately forwarded the email to Tom Warters, VP of HR for Collections and Recovery of GECC in Stamford, CT.

11.

After Ms. Michlitsch's complaint, defendant took no steps to remedy those inconsistencies in pay. Instead, GECC, at the direction of Tom Warters took a retaliatory action against Plaintiff, falsely accusing her of a violation of a GECC Code of Conduct, and terminated Ms. Michlitsch, for her complaints of gender and pay discrimination.

12.

Ms. Michlitsch was terminated for pretextual reasons due to her complaints of gender and pay disparities. Defendant selectively enforced its policies in order to terminate Plaintiff in retaliation for her complaints of gender and pay discrimination. No other subordinate has ever been terminated in GECC for such a relationship.

13.

As a result of Defendant's misconduct, Plaintiff has suffered mental and

emotional distress.

CLAIMS FOR RELIEF

**COUNT I: GENDER DISCRIMINATION
IN VIOLATION OF 42 U.S.C. §2000e et. seq.**

14.

Plaintiff incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

15.

Defendant's adverse employment action in terminating Plaintiff based on her female gender, constitutes violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et. seq.

16.

As a direct and proximate result of GECC's conduct, Michlitsch has been damaged and is entitled to the relief set forth in the Prayer for Relief below.

**COUNT II: RETALIATION IN
VIOLATION OF 42 U.S.C. §2000e et. seq.**

17.

Plaintiff incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

18.

GECC's adverse employment action in terminating Plaintiff based on her female gender, in retaliation for Ms. Michlitsch's filing of complaints regarding gender discrimination against Defendant, constitutes violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et. seq.

19.

As a direct and proximate result of GECC's conduct, Michlitsch has been damaged and is entitled to the relief set forth in the Prayer for Relief below.

**COUNT III: VIOLATIONS OF THE
EQUAL PAY ACT, 29 U.S.C. §206, et. seq.**

20.

Plaintiff incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

21.

GECC has discriminated against Ms. Michlitsch by paying her less than a similarly situated male performing the same, or lesser, job functions. Defendant's actions in paying Plaintiff less than the similarly situated male employee violates the Equal Pay Act, 29 U.S.C. §206.

22.

As a direct and proximate result of GECC's conduct, Michlitsch has been damaged and is entitled to the relief set forth in the Prayer for Relief below.

**COUNT IV: RETALIATION IN VIOLATION
OF THE EQUAL PAY ACT, 29 U.S.C. §206, et. seq.**

23.

Plaintiff incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

24.

Defendant has discriminated against Ms. Michlitsch by terminating her when she complained that she was being paid less than a similarly situated male performing the same, or lesser, job functions. GECC's action in terminating Plaintiff in retaliation for her complaints violates the Equal Pay Act, 29 U.S.C. §206.

25.

As a direct and proximate result of GECC's conduct, Michlitsch has been damaged and is entitled to the relief set forth in the Prayer for Relief below.

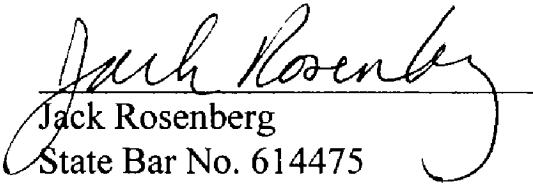
PRAYER FOR RELIEF

WHEREFORE, Michlitsch demands a **TRIAL BY JURY** and the following relief be granted:

- i. That Plaintiff be awarded lost back pay taking into account all raises to which Michlitsch would have been entitled, prejudgment interest, and all lost benefits resulting from Defendant's unlawful discrimination;
- ii. That Plaintiff be awarded all out of pocket expenses occasioned by her unlawful termination, including all sums expended to replace her health insurance and other employment benefits;
- iii. That Plaintiff be awarded liquidated damages in an amount equal to the lost back pay and benefits, including stock options, and stock benefits;
- iv. That Plaintiff be awarded punitive damages;
- v. That Plaintiff be awarded compensatory damages to compensate her for the emotional suffering occasioned by Defendant's misconduct;
- vi. That Plaintiff be reinstated, or in the alternative, be awarded front pay from the day of her termination and loss of benefits;
- vii. That Defendant be assessed all costs;
- viii. That Plaintiff be awarded reasonable attorney's fees and expenses of litigation;

- ix. That a trial by jury is granted; and
- x. That other and further relief as the Court deems just and proper should be granted to Plaintiff.

Respectfully submitted this third day of January, 2007.



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