

1 Chia-li S. Bruce, SBN 252876
425 Market Street, Suite 2200
2 San Francisco, CA 94105
Telephone: 1 (415) 512-5205
3 Facsimile: 1 (415) 236-6060
Email: cshih@BruceStone.us

4 Michael Dalrymple (Pro Hac Vice Pending)
5 IN SBN 23539-53
1847 Broad Ripple Avenue, Suite 1A
6 Indianapolis, IN 46220
Phone: (317) 614-7390
7 Email: michaeld@dalrymple-law.com

8 Attorneys for Plaintiff, Walter R. Roule

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 Walter R. Roule,) Case No.:
12)
Plaintiff,)
13) **EMPLOYMENT DISCRIMINATION**
vs.) **COMPLAINT AND DEMAND FOR**
14) **JURY TRIAL**
Leon E. Panetta, Director of the Central)
15 Intelligence Agency) Date: October 12, 2010
16 Defendant.)
17)

18 1. Walter R. Roule ("Plaintiff") brings this action pursuant to Title VII of the Civil Rights
19 Act of 1964 ("Title VII"), 42 U.S.C. § 2000e et seq, as amended alleging that Leon E. Panetta,
20 Director of the Central Intelligence Agency ("Defendant" or "Agency" or "CIA") violated his
21 rights as protected by Title VII.
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23 **PARTIES**

24 2. Plaintiff's contact information is 1847 Broad Ripple Avenue, Suite 1A, Indianapolis, IN
25 46220.

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3. Defendant is located at Central Intelligence Agency, Washington, D.C. 20505.

4. At all times relevant to this action, Plaintiff was employed within the Northern District of California.

5. Defendant is a governmental entity located within the geographical boundaries of the Northern District of California.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this complaint pursuant to *28 U.S.C. § 1331* and *42 U.S.C. § 2000e-5*.

7. At all time relevant to this action, Plaintiff was an "employee" within the meaning of *42 U.S.C. § 2000e(f)*.

8. Defendant is an "employer" within the meaning of *42 U.S.C. § 2000e*.

9. Plaintiff satisfied his obligation to exhaust his administrative remedies by timely filing a Complaint of Discrimination against Defendant with the Central Intelligence Agency alleging discrimination and harassment based on national origin and retaliation. Plaintiff received a final action from the Central Intelligence Agency on July 19, 2010 and timely brings this action within ninety (90) days of his receipt thereof.

10. All of the events, transactions, and occurrences pertinent to this lawsuit have occurred within the geographical environs of the Northern District of California and all parties are located therein. Therefore, venue is proper in this Court pursuant to *28 U.S.C. § 1391*.

FACTUAL ALLEGATIONS

1 11. On September 2005, Plaintiff, a covert employee of the CIA, worked in the Northern
2 District of California in a hybrid position. Plaintiff met and/or exceeded Defendant's legitimate
3 performance expectations at all relevant times of his employment.

4 12. Plaintiff's wife is a foreign national of Asian ethnicity, a fact of which Defendant and
5 Plaintiff's direct supervisor were fully aware.

6 13. From December 14 through December 20, 2006, Plaintiff's supervisor (as identified in
7 the Agency Investigation), using Agency communication systems, knowingly made
8 discriminatory, defamatory, and false statements about Plaintiff and his activities, singling him
9 out from other employees due to the race and national origin of Plaintiff's spouse.

10 14. On December 20, 2006, Plaintiff's supervisor continued to harass Plaintiff by threatening
11 to remove him from his assignment in the Northern District of California and also specifically
12 stating the negative effect that such removal would have on Plaintiff's Asian spouse.

13 15. Plaintiff's supervisor compounded the discriminatory conduct by intimidating Plaintiff
14 with threats of retaliation for discussing the supervisor's threats, harassment, and discrimination
15 with anyone, causing Plaintiff's career to suffer.

16 16. Plaintiff's supervisor also prevented Plaintiff from addressing the harassment and
17 discrimination with higher-level management by threatening to take away Plaintiff's covert
18 communication system, access to which is vital for an officer's safety and indispensable to an
19 officer's ability to perform his job.

20 17. On January 8, 2007, Plaintiff's supervisor further told Plaintiff that he was on "Double
21 Secret Probation" without the knowledge of Plaintiff's component management and refused to
22 authorize Plaintiff to perform the functions necessary to his job duties including operational
23 travel. Other similarly situated co-workers with Caucasian wives were not denied the
24 opportunity to perform their job duties.
25

1 18. After Plaintiff complained to Agency management about the numerous issues of
2 harassment, threats, and discrimination and requested appropriate remedial measures, Agency
3 management not only failed to correct the discriminatory and harassing activity, but told Plaintiff
4 to shut up.

5 19. From February through June of 2007, Plaintiff's supervisor continuously and
6 systematically prevented Plaintiff from performing operational travel and refused to address
7 Plaintiff's onward assignment as retaliation for Plaintiff's attempt to address harassment, threats,
8 and discrimination with Agency management. In contrast, the Plaintiff's supervisor promoted
9 junior officers with Caucasian wives towards onward overseas assignments.

10 20. On August 17, 2007, Plaintiff suffered disparate and discriminatory treatment by the
11 Agency and his supervisor when Plaintiff was assigned to a second domestic tour. In contrast
12 Complainant's co-workers with Caucasian wives were assigned superior overseas positions.

13 21. From August 17 through September 26, 2007, Plaintiff's supervisor continued his
14 discriminatory and retaliatory conduct by interfering with Plaintiff's second domestic
15 assignment, thereby causing Plaintiff's domestic assignment to be revoked and cancelled without
16 explanation. No formal placement panel decision was made nor was Plaintiff ever advised of any
17 performance deficiencies that would affect the second domestic assignment. In contrast, none of
18 the assignments of Complainant's co-workers who have Caucasian wives were cancelled.

19 22. On September 26, 2007, Plaintiff submitted a second complaint to Agency management
20 about the harassment and retaliation. The following day, on September 27, 2007, Plaintiff
21 forwarded his complaint to the Inspector General Office (IGO) to seek remedial and corrective
22 action. Plaintiff's supervisor responded to these complaints by illegally authorizing a revocation
23 of Plaintiff's security clearances over non-secure phone lines on October 5, 2007, preventing
24 Plaintiff from accessing lines of communication and avenues of redress.
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1 23. On October 9, 2007, Plaintiff's supervisor retaliated against Plaintiff and his co-workers
2 by speaking individually behind closed doors with all Plaintiff's co-workers and threatening
3 officers of Asian descent or officers who had Asian spouses that their careers would be
4 negatively impacted if they participated in the Agency's investigation.

5 24. On October 11, 2007, a member of Plaintiff's management informed Plaintiff that his
6 assignment was cancelled because a co-worker reported that Plaintiff intended to pursue his
7 statutory right to complain about the discrimination, harassment, and threats and seek redress
8 with IGO.

9 25. Due to Defendant's intentional discriminatory treatment and harassment of Plaintiff,
10 based on Plaintiff's spouse's Asian origin as compared to other co-workers who have Caucasian
11 wives, Plaintiff was deprived the equal opportunity in terms of his employment, promotion, and
12 assignment.

13 26. Due to Defendant's discriminatory and retaliatory conduct, Plaintiff suffered significant
14 financial, emotional, and other compensatory damages.

15
16 **COUNT I: NATIONAL ORIGIN DISCRIMINATION UNDER TITLE VII**

17 27. Plaintiff hereby incorporates paragraphs one (1) through twenty-six (26) of his Complaint
18 herein.

19 28. Defendant violated Title VII by failing to promote Plaintiff, harassing him, and
20 discriminating against him due to the national origin of his spouse.

21 29. Defendant treated Plaintiff less favorably in the terms, privileges, and conditions of his
22 employment than similarly-situated coworkers who had Caucasian spouses.

23 30. Defendant's actions were intentional, willful, and/or undertaken in reckless disregard of
24 Plaintiff's rights as protected by Title VII.
25

1 31. Plaintiff has suffered damages as a result of Defendant's unlawful actions.

2 **COUNT II - TITLE VII, RETALIATION**

3 32. Plaintiff hereby incorporates paragraphs one (1) through thirty-one (31) of his Complaint
4 herein.

5 33. Plaintiff's complaints to his supervisor, management, and IGO constituted protected
6 activity.

7 34. Similarly-situated employees who did not engage in protected activity were treated more
8 favorably in the terms, privileges, and conditions of their employment.

9 35. Defendant unlawfully retaliated against Plaintiff because he engaged in protected
10 activity.

11 36. Defendant acted with intent, malice, and or reckless disregard as to Plaintiff's legal rights
12 under Title VII.

13 37. Plaintiff was harmed as a result of Defendant's conduct.

14 **REQUESTED RELIEF**

15 WHEREFORE, Plaintiff requests that this Court find in his favor and provide him with the
16 following relief:

- 17 1. Enter a declaratory judgment finding that Defendant's actions violated Title VII;
18 2. Enjoin Defendant from engaging in further violations of Title VII;
19 3. Order Defendant to pay to Plaintiff all lost wages and benefits suffered as a result of
20 Defendant's unlawful actions;
21 4. Order Defendant to pay to Plaintiff compensatory damages;
22 5. Order Defendant to pay to Plaintiff attorneys' fees and costs;
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1 6. Order Defendant to pay to Plaintiff pre- and post-judgment interest on all sums
2 recoverable; and

3 7. Order Defendant to provide to Plaintiff any and all other legal and/or equitable relief that
4 may be just and proper.

5
6 DATED: October 12, 2010

Respectfully Submitted,

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9 Chiali S. Bruce
10 Michael S. Dalrymple
11 Attorneys for Plaintiff
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REQUEST FOR JURY TRIAL

I, Walter Roule, hereby demand a jury trial for all issues so triable.

Dated: October 11, 2010

Respectfully Submitted,



Chiali S. Bruce
Michael S. Dalrymple
Attorneys for Plaintiff