

UNITED STATES OF AMERICA
DISTRICT COURT OF MASSACHUSETTS

SPRINGFIELD, SS.

DOCKET NO.:

VICTORIA MAY	)
PLAINTIFF	)
	)
V.	)
	)
PITTSFIELD COOPERATIVE BANK	)
PETER MARCHETTI	)
HARRY MOORE &	)
JAY ANDERSON	)
DEFENDANTS	)
	)

COMPLAINT

Now comes Plaintiff, Victoria May (“Plaintiff”), a female, and brings this action against Defendants, Pittsfield Cooperative Bank, Peter Marchetti, Harry Moore, and Jay Anderson (“Defendants”).

Parties, Jurisdiction and Venue

1. Plaintiff, Victoria May (Plaintiff), resides at 37 Pine Grove Drive in Richmond, MA 01254. She was until recently an employee of Defendants.
2. Defendant, Pittsfield Cooperative Bank (Bank), is a Cooperative Bank located at 70 South Street in Pittsfield, MA 01201.
3. Defendant, Peter Marchetti (Marchetti), is an individual with a principal place of business at Pittsfield Cooperative Bank, 70 South Street in Pittsfield, MA 01201.
4. Defendant, Harry “Chip” Moore (Moore), is an individual with a principal place of business at Pittsfield Cooperative Bank, 70 South Street in Pittsfield, MA 01201.

5. Defendant, Jerome J. Jay Anderson (Anderson), is an individual with a principal place of business at Pittsfield Cooperative Bank, 70 South Street in Pittsfield, MA 01201.
6. The Court has jurisdiction over this case pursuant to 28 U.S.C. section 1331 and venue is appropriate because all parties reside in or have a business address in Berkshire County.
7. Plaintiff has complied with all jurisdictional prerequisites.

Facts

8. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.
9. Plaintiff began working for Defendants at the end of June 2016 as the Vice President of Marketing. She started at a salary of approximately \$80,000.00. Defendant Jay Anderson recruited her. Her salary at the time of her termination was approximately \$92,000.00 annually.
10. Women who work for the Defendants are serially not promoted into management positions. All but one or two members of senior management were male, out of six (6) executives. Plaintiff was the only female Vice President until 2016. The majority of Vice Presidents have been white men.
11. Males, such as Defendant Marchetti and current Vice President of Operations, Dana Robb (“Mr. Robb”), routinely received annual raises of 4% to 5%, while the women, Officers or otherwise, usually received a 2% raise. Plaintiff knew this because Harry “Chip” Moore would tell everyone so. Amber, the administrative office mate with whom Plaintiff was forced to share an office, did payroll and confirmed that the males made significantly more than females. Plaintiff never received more than a 2.5% raise. Plaintiff would hear the Human Resource employee with whom she was forced to share an office about the

inequity, and Moore regularly spoke publicly about confidential matters such as this, often after during and after board meetings Plaintiff attended.

12. After working for the Defendants for a year, Plaintiff was asked to share an office with Amber, an HR Administrator, which no other Vice President, and certainly no male one, had been asked to do while Plaintiff was employed there. Plaintiff would ask to be relocated and be orally reprimanded for doing so, while the one space available during her tenure was given to Anderson's son who began employment with the bank.
13. This situation impeded the Plaintiff's ability to perform her work, as she regularly had confidential information to discuss with clients and vendors. She would have to leave her office in order to have these conversations privately. Marketing is a creative job and required concentration, while the HR position Amber held involved alot of conversations and noise. This situation continued until Plaintiff's termination.
14. In contrast, Mr. Robb began his employment with Defendants in or about 2020 as a Small Business Manager, though he was later promoted to Vice President of Operations, working under Defendant Marchetti. Mr. Robb was initially assigned an office with no door, but the Defendants spent over \$5,000.00 to install a door for his office. He did not share his office.
15. The work environment at Defendants was often sexually inappropriate. It was a well-known secret that one of the Executives, Defendant Moore, regularly watched pornography in his office with the door closed on a work computer. Once an employee walked in on him and saw this. His computer caught a virus as a result of the websites he was visiting on work hours. This activity continued throughout Plaintiff's employment.

16. Many in the office commented about attractive new female hires with comments such as, “Well, we know why she got the job.” Further jokes were made about a female employee going into a Vice President’s office and “eating bananas” there.
17. Many women have left as a result of the hostile work environment fostered by the Defendants, including Nadine Whiting, Associate Vice President (AVP) of Human Resources. She told Plaintiff that she was leaving because her “emotional well-being was more important.” Defendant Moore regularly and openly made comments about Whiting’s physical appearance, including her breasts.
18. Other females also left due to the hostile environment, including Allison Loring, whom Plaintiff understood that Anderson had propositioned, and Rebecca Lawson, who Moore would often talk about sexually in front of Plaintiff. These are just a few examples. Plaintiff believes that there are at least 3 other women who have left as a result of the hostile environment to women at the bank.
19. A consultant for the Bank, Roger Matus, told Plaintiff that he thought the Defendants were setting her up to fail.
20. Defendants Moore and Anderson would regularly meet to play golf during office hours and drink alcohol during lunch.
21. Just prior to COVID-19, Moore and other male executives went on a trip to Las Vegas and came back talking about the prostitutes that they had been with.
22. Since the beginning of his tenure with the Defendants, Defendant Marchetti was allowed to denigrate, harass, and demean Plaintiff both in meetings with others and alone, despite the fact that he was not the Plaintiff’s supervisor.

23. On July 22, 2021, Plaintiff sent Anderson a message, stating she felt that Marchetti was trying to get her fired. Anderson responded stating that she had “nothing to worry about!”
24. In October 2022, Plaintiff was asked to take over the bank website from the female E-Business Manager who had recently left. Plaintiff had little experience or expertise to do so, which Defendants knew, but they gave her the role anyway. She was not provided training, support or assistance for this role, despite requesting it. She believed she was being set up to fail. She took it upon herself to hire a consultant to assist with this work.
25. In the meeting October 22, 2022 at which Defendants gave Plaintiff this role, which also included Defendants Marchetti and Anderson, the President of the Bank, Marchetti flew off the handle, irrationally upset that the Plaintiff received the role over him. He began yelling, red-faced and sweating, pointing in Plaintiff’s face, calling her a bitch and other derogatory names, told her to shut up, and told her she did not know how to do things.
26. Anderson was present for this entire 30–40-minute attack on Plaintiff and did nothing to intervene except to tell Defendant Marchetti, “get hold of yourself.” Plaintiff left the bank crying in the parking lot.
27. Following the attack, President Anderson found out from Plaintiff’s administrative office mate, Amber, that Plaintiff had left the bank upset. He asked if Plaintiff was crying. Anderson sent a text to Plaintiff after she left, stating that he did not blame her for leaving, despite her apologizing for doing so. Yet he still did nothing to reprimand Marchetti, to her knowledge.
28. Plaintiff later complained to Human Resources (“HR”) about this incident, though no investigation ensued nor was any discipline imposed upon Marchetti.

29. Plaintiff received no assistance in learning about website policies or procedures for E-Business and the E-Business duties were never formally assigned to her, though she was still expected to complete them.
30. Throughout fall of 2022 and during January 2023, Marchetti would regularly and snidely refer to training and informational files that he had on E-Business protocols and imply what a shame it was that he could not locate them. No one assisted Plaintiff.
31. Plaintiff did her best to perform the E-Business function, though if she made even the smallest error, Marchetti would go out of his way to find it and announce it to other coworkers, including Anderson and later her manager Defendant Moore.
32. In either late October or early November 2022, after Plaintiff complained to HR about Defendant Marchetti, he admitted to her that he had been in trouble in the past with the Bank due to having called at least one other female employee a “bitch.”
33. In May 2022, Anderson had changed Plaintiff’s supervisor to Defendant Moore, now Executive Vice President and Chief Financial Officer. Moore and she had worked previously together for another banking employer.
34. Defendant Moore had no issues with Plaintiff’s work until he continually heard the constant barrage of abuse that Marchetti was permitted to spew about her. As a result, Moore began treating the Plaintiff poorly, despite her having an excellent performance ratings in the only two performance review she was given at the Bank, one in spring 2022, and another in March 2021.
35. Plaintiff made it clear that she viewed Defendant Marchetti’s abusive actions as harassment and told Moore and Anderson so on numerous occasions, including in an email after the October 22, 2022 meeting.

36. Following her complaints, Defendants Moore and Anderson began retaliating against Plaintiff and made her job more difficult and demeaning in an effort to force Plaintiff to leave.
37. For example, Defendant Moore allowed Defendant Marchetti to constantly question Plaintiff about the smallest task that he became aware that she may not have done. Marchetti would then bring every issue to Moore.
38. In October 2022, Plaintiff was working with an outside vendor to create marketing content in the form of a postcard. While working on this, Marchetti and Edward Schumann (“Mr. Schumann”), who reported to Marchetti, responded with six (6) or seven (7) rounds of revisions, slowing the completion.
39. Once Plaintiff completed her work, both Defendant Marchetti and Mr. Schumann responded negatively and questioned if it would be effective. Plaintiff nonetheless launched the project and it was successful.
40. After the project was completed, Plaintiff was drafting an email on or about October 20, 2022 to Moore and Anderson regarding the harassment and demeaning behavior she was experiencing, as she was at her breaking point. While drafting it, Anderson stopped by and saw that she was upset. He read over the email and told Plaintiff to send it. She did.
41. Two days later, Defendant Moore asked Plaintiff to meet with him. Plaintiff responded with an email that she was frustrated by the constant roadblocks and harassing behavior from Defendant Marchetti. Plaintiff also stated that she could not make the time of the meeting Moore provided as she had a previously scheduled dentist appointment. She asked to reschedule it.

42. Defendant Moore then told Plaintiff never to cancel a meeting that he called again. He gave Plaintiff a written warning for trying to move the meeting, and President Anderson did nothing to correct the record that in fact he had encouraged her to send the email. She believed that she had been set up.
43. Thereafter, Defendant Moore and HR placed the Plaintiff on a 30-day Performance Improvement Plan (“PIP”). Despite Plaintiff performing to expectation, Defendant Moore threatened her with “just you wait” until the next PIP review meeting, implying that he would do what he could to cause Plaintiff’s termination.
44. In late December 2022 or early January 2023, Moore threatened Plaintiff with termination, telling her she should just leave.
45. In mid-January, 2023, Moore yelled at Plaintiff in front of other staff, to the point where Plaintiff’s coworkers scattered rather than hear it.
46. Plaintiff took leave as a result of the stress caused by the harassing behavior of Defendants, their retaliatory actions against her, and the emotional distress it caused her. While she was on leave Defendants terminated her on February 1, 2023.

COUNT I
Sex Discrimination
In Violation of M.G.L. c.151B § 4(1)
All Defendants

47. The Plaintiff restates the foregoing paragraphs and incorporates them herein.
48. Defendants’ actions constitute Sex Discrimination, in violation of M.G.L. c.151B § 4(1).
49. As a result of Defendants’ discriminatory actions, Plaintiff has suffered lost wages, front and back pay, emotional distress, consequential damages, attorneys’ fees and costs and other damages so proven at trial.

50. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT II
Sex Discrimination
In Violations of 42 U.S.C. § 2000e-2(a)(1)
All Defendants

51. The Plaintiff restates the foregoing paragraphs and incorporates them herein.
52. Defendants' actions constitute Sex Discrimination, in violation of 42 U.S.C. § 2000-e(3).
53. As a result of Defendants' discriminatory actions, Plaintiff suffered lost wages, front and back pay, emotional distress, consequential damages, attorneys' fees and costs and other damages so proven at trial.
54. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT III
Retaliation
In Violation of M.G.L. c.151B § 4(4)

Defendants Pittsfield Cooperative Bank, Harry Moore, and Jay Anderson

55. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.
56. Defendants' actions constitute Retaliation for complaining of the discriminatory treatment and hostile work environment, in violation of M.G.L. c.151B § 4(4).

57. As a result of Defendants' retaliatory actions, Plaintiff suffered lost wages, front and back pay, emotional distress, compensatory damages, consequential damages, attorneys' fees and costs and other damages so proven at trial.

58. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, compensatory damages, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT IV

Retaliation

In Violation of 42 U.S.C. § 2000e-3(a)

Defendants Pittsfield Cooperative Bank, Harry Moore, and Jay Anderson

59. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.

60. Defendants' actions constitute Retaliation for complaining of the discriminatory treatment and hostile work environment, in violation of 42 U.S.C. § 2000e-3(a).

61. As a result of Defendants' retaliatory actions, Plaintiff suffered lost wages, front and back pay, emotional distress, compensatory damages, consequential damages, attorneys' fees and costs and other damages so proven at trial.

62. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, compensatory damages, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT V

Discrimination on the Basis of Gender in Payment of Wages

In Violation of M.G.L. c.149 § 105A(b)

Defendants Pittsfield Cooperative Bank, Harry Moore, and Jay Anderson

63. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.

64. Defendants' actions constitute Discrimination on the Basis of Gender in Payment of Wages, in violation of M.G.L. c.149 § 105A(b).
65. As a result of Defendants' discriminatory actions, Plaintiff suffered lost wages, front and back pay, emotional distress, compensatory damages, consequential damages, attorneys' fees and costs and other damages so proven at trial.
66. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, compensatory damages, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT VI
Hostile Work Environment
In Violation of M.G.L. c.151B § 1(18)
All Defendants

67. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.
68. Defendants' actions constitute a Hostile Work Environment based on Plaintiff's sex, female, in the constant sexual and sexist remarks made on an daily basis to her or in her presence, and Defendants' failure to take any action to remediate it.
69. As a result of Defendants' actions, Plaintiff suffered lost wages, front and back pay, emotional distress, consequential damages, attorneys' fees and costs and other damages so proven at trial.
70. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT VII
Aiding & Abetting Discriminatory Acts

In Violation of M.G.L. c.151B § 4(5)

Defendants Peter Marchetti, Harry Moore, and Jay Anderson

71. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.
72. Defendants' actions constitute aiding and abetting in discriminatory acts, in violation of M.G.L. c.151B § 4(5).
73. As a result of Defendants' actions, Plaintiff suffered lost wages, front and back pay, emotional distress, consequential damages, attorneys' fees and costs and other damages so proven at trial.
74. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT VIII

Unlawful Interference with Plaintiff's Rights

In Violation of M.G.L. c.151B § 4(4A)

All Defendants

75. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.
76. Defendants' actions constitute unlawful interference with Plaintiff's enjoyment of her employment rights, in violation of M.G.L. c.151B § 4(4A).
77. As a result of Defendants' actions, Plaintiff suffered lost wages, front and back pay, emotional distress, consequential damages, attorneys' fees and costs and other damages so proven at trial.

78. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT IX
Intentional Infliction of Emotional Distress
All Defendants

79. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.
80. Defendants' actions constitute Intentional Infliction of Emotional Distress in knowingly discriminating against Plaintiff and creating and perpetuating a hostile work environment.
81. As a result of Defendants' intentional actions, Plaintiff suffered emotional distress and consequential damages, as well as other damages so proven at trial.
82. As a result of these actions, Defendant is liable to Plaintiff for emotional distress and consequential damages, punitive damages, as well as other damages so proven at trial.
83. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT X
Violation of Federal Equal Pay Act (FEPA)
29 U.S.C. § 206 (d)

Defendants Pittsfield Cooperative Bank, Harry Moore, and Jay Anderson

84. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.
85. Defendants' actions constitute unequal pay, in violation of 29 U.S.C. § 206 (d).

86. As a result of Defendants' actions, Plaintiff suffered lost wages, front and back pay, emotional distress, consequential damages, attorneys' fees and costs and other damages so proven at trial.

87. As a result of these actions, Defendant is liable to Plaintiff for lost wages, front and back pay, consequential damages, emotional distress, punitive damages, attorneys' fees and costs and other damages so proven at trial.

COUNT XI

Violation of Family and Medical Leave Act (FMLA), 29 U.S.C. § 2614

As to Defendant Pittsfield Cooperative Bank

88. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.

89. Defendant Bank violated the provisions of the Family and Medical Leave Act when it terminated her while was on leave and failed to restore her to her previous position.

90. As a result, Plaintiff has suffered lost wages and benefits, consequential damages, emotional distress.

91. As a result of these actions, Defendant is liable to Plaintiff for her lost wages, compensatory damages, and a doubling of said amount under 29 U.S.C. § 2617(a), as well as attorney's fee and costs and interest on her losses.

COUNT XII

Violation of Paid Family and Medical Leave Act, M.G. L. c. 175 M § 9

As to Defendant Pittsfield Cooperative Bank

92. Plaintiff reasserts the facts set forth in the foregoing paragraphs and incorporates them herein.

93. Defendant Bank violated the provisions of the Paid Family and Medical Leave Act when it terminated Plaintiff while she was on leave and failed to restore her to her previous position.
94. As a result, Plaintiff has suffered lost wages and benefits, consequential damages, emotional distress.
95. As a result of these actions, Defendant is liable to Plaintiff for her lost wages, compensatory damages, and a multiplying of her damages, including attorney's fee and costs and interest on her losses.

WHEREFORE, the Plaintiff requests that the Court:

- a. Award full amount of her damages incurred as a result of Defendants' unlawful actions, including without limit lost wages, consequential damages, emotional distress, punitive damages, reasonable attorneys' fees and costs incurred;
- b. Award the Plaintiff such other and further relief as the Court deems appropriate.

PLAINTIFF CLAIMS A JURY TRIAL AS TO ALL ISSUES SO TRIABLE.

Respectfully submitted,
Plaintiff, Victoria May
By her Attorney,

/s/Janet R. Ruggieri/
Janet R. Ruggieri, BBO No. 634431
Murphy & Rudolf, LLP
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Dated: 9 11 23

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

Victoria May

(b) County of Residence of First Listed Plaintiff **Bershire**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Janet R. Ruggieri
Murphy & Rudolf, LLP, 446 Main Street, Suite 1503
Worcester, MA 01608

DEFENDANTSPittsfield Cooperative Bank, Peter Marchetti, Harry Moore,
and Jay Anderson

County of Residence of First Listed Defendant **Bershire**
(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 JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☒ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 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	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 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 (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 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
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☒ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. s. 2000e

Brief description of cause:
Unlawful employment practices because of an individual's sex

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 200,000+ **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

9/11/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Janet R. Ruggieri

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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 cases.**)
- 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.
- 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 statute.
- 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.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Victoria May v. Pittsfield Cooperative Bank, Peter Marchetti, Harry Moore and Jay Anderson
-
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- ☐ III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- *Also complete AO 120 or AO 121. for patent, trademark or copyright cases.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
-
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☐
7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☐ Central Division ☐ Western Division ☒
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Janet R. RuggieriADDRESS Murphy & Rudolf, LLP 446 Main Street, Suite 1503, Worcester, MA 01608TELEPHONE NO. (508) 425-6330

UNITED STATES OF AMERICA
DISTRICT COURT OF MASSACHUSETTS

SPRINGFIELD , SS.

DOCKET NO.:

VICTORIA MAY	)
PLAINTIFF	)
	)
V.	)
	)
PITTSFIELD COOPERATIVE BANK	)
PETER MARCHETTI	)
HARRY MOORE &	)
JAY ANDERSON	)
DEFENDANTS	)

NOTICE OF APPEARANCE

Now comes undersigned counsel for Plaintiff, Victoria May, in the above-captioned matter and respectfully files the within Notice of Appearance.

Respectfully submitted,
Plaintiff, Victoria May
By her Attorney,

/s/Janet R. Ruggieri/
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Dated: 9 11 23