

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CAROLYN J. HUMPHREY,

Plaintiff,

v.

VT GRIFFIN SERVICES,

Defendant.

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ORDER

07-C-120-C

Plaintiff Carolyn Humphrey, who is proceeding pro se in this action brought under Title VII of the Civil Rights Act of 1964, has moved for leave to amend her complaint. The motion will be denied, because plaintiff has not filed a proposed amended complaint with her motion that is capable of standing on its own as the operative pleading in the case and that contains sufficient allegations to give defendant adequate notice of the additional claims she is making against it.

In her motion, plaintiff suggests that she wishes to add to her complaint allegations of ongoing retaliation for the exercise of her right to complain about unlawful discrimination and sexual harassment in the workplace. However, plaintiff's only description of the alleged ongoing retaliation is as follows:

Plaintiff hereby amends her complaint to include, as a continuing violation to the propounding complaint, additional claims of post-employment retaliation engaged in by the Defendant company in late February 2007 and again in early June 2007, causing on-going tangible employment harm to the Plaintiff through the current date.

\* \* \*

In both instances, in late February 2007 and again in early June 2007, employment inquiries and employment verifications were made to defendant VT Griffin Services by prospective employer(s) who repeatedly attempted to contact by phone, fax and letter, the defendant Company, VT Griffin Services at both the local Fort McCoy HR Office and the VT Griffin Services Corporate Offices in Atlanta, Georgia.

It is entirely unclear from these allegations what it is plaintiff is contending defendant is continuing to do. Is plaintiff contending that defendant purposely refused to answer the telephone or respond to inquiries from potential employers made by letter or facsimile? Who is it that made the inquiries? What information did plaintiff's potential employers relay to plaintiff to make her believe that defendant's failure to respond was intentional retaliation? Factual allegations clarifying these matters would be important to putting defendant on notice of plaintiff's potential additional claims against it.

In addition, plaintiff's new allegations have not been presented to the court in a proposed amended complaint that will take the place of the original complaint if the motion to amend is granted. In order to avoid the confusion that is likely when there is an original pleading and then one or more documents adding to or subtracting from that document, this

court requires that an amended complaint be submitted in a specific format. In particular, a plaintiff who seeks to amend a complaint must submit an entirely new complaint that will take the place of the one previously filed. It is expected that in the amended complaint, the plaintiff will include all of the allegations made in the initial complaint and then draw a line through the allegations that she no longer wishes the court to consider, if any, and highlight all new allegations. In other words, it should be very clear to the court and the defendant which allegations are new and which ones are old, as well as which ones plaintiff is dropping. Because plaintiff has not submitted a proposed amended complaint that meets the basic requirements for an amended pleading, her motion to amend will be denied without prejudice.

#### ORDER

IT IS ORDERED that plaintiff's motion to amend her complaint is DENIED without prejudice because she has not filed a proposed amended complaint that contains sufficient allegations to give defendant adequate notice of the additional charges plaintiff wishes to

make against it and that is capable of standing on its own as the operative pleading in this case.

Entered this 7th day of August, 2007.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge