

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

NANCI PALACIOS GODINEZ,

Plaintiff,

v.

GTE FEDERAL CREDIT UNION,

Defendant.

Case No.:

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

DEMAND FOR A JURY TRIAL**

Plaintiff Nanci Palacios Godinez (“Plaintiff” or “Plaintiff Palacios”), by her attorneys brings the following allegations, based upon information and belief, against Defendant GTE Federal Credit Union (“Defendant” or “GTE Financial”):

INTRODUCTION

1. Defendant GTE Financial follows a policy of denying full access to financial products to applicants who are not United States citizens or Lawful Permanent Residents (“LPRs”).

2. Plaintiff Palacios is unable to access Defendant’s financial services without unequal conditions imposed upon her based on her alienage. Plaintiff Palacios brings this case against GTE Financial for unlawful discrimination on the

basis of alienage in violation of the Civil Rights Act of 1866, as codified at 42 U.S.C. § 1981 (“Section 1981”).

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over Plaintiff’s Section 1981 claims under 28 U.S.C. § 1331.

4. This court may issue a declaratory judgment under 28 U.S.C. §§ 2201 and 2202.

5. Venue is proper in this district under 28 U.S.C. § 1391(b)(1) and (b)(2) because Defendant resides in this district and a substantial part of the events giving rise to the claims occurred in this district.

PARTIES

Plaintiff

6. Plaintiff Nanci Palacios Godinez is a resident of Seffner, Florida and has been a Deferred Action for Childhood Arrivals (“DACA”) recipient since 2012. As a DACA recipient, Plaintiff Palacios received authorization to work in the United States and a Social Security Number. Plaintiff Palacios resided in Seffner on the date she applied for a credit card that Defendant unlawfully denied her.

7. Plaintiff Palacios was subjected to the violation described in this Complaint.

Defendant

8. Defendant GTE Financial is a federally chartered credit union that serves the Tampa Bay area through its twenty-three locations.

9. Defendant is headquartered in Tampa, Florida. Its main office is located at 711 E Henderson Ave, Tampa, Florida 33602.

10. GTE Financial offers consumers a range of financial and credit products, including savings and checking accounts, credit cards, personal loans, auto loans, home equity loans, and mortgages.

STATEMENT OF FACTS

12. This action is brought on behalf of Plaintiff Palacios. She seeks damages, and declaratory and injunctive relief.

Plaintiff Palacios

13. Plaintiff Palacios has been a recipient of DACA since 2012. Since that time, she has continuously possessed an employment authorization card and a Social Security Number.

14. In or around May 2020, Plaintiff Palacios opened a joint bank account at GTE Financial.

15. Sometime before May 2021, GTE Financial sent Plaintiff Palacios an offer to apply for a credit card.

16. On or around May 1, 2021, Plaintiff Palacios applied for a credit card through GTE Financial's website. On May 6, 2021, a GTE Financial Virtual Loan Originator, Jonathan Ortiz, sent Plaintiff Palacios an email stating that her credit card application had been approved. Ortiz instructed Plaintiff Palacios that to proceed with the card, she needed to provide the following documents: two references (full name, address and telephone); a valid permanent resident card (primary & joint); a copy of her driver's license; a copy of her social security card (primary & joint); and proof of income for joint applicants (last two most recent paystubs/ award letters).

17. Soon after May 6, 2021, Plaintiff Palacios provided the requested documents, except she submitted a copy of her Employment Authorization Document card and DACA approval letter instead of a lawful permanent resident card. Plaintiff Palacios went to the credit union branch closest to her to follow up and submit the documents in person. At the branch, a GTE Financial representative told her that her application was still being processed. Plaintiff Palacios later called to follow up and a GTE Financial representative told her that GTE Financial was denying her application because she did not have a lawful permanent resident card. The representative stated that GTE Financial should not have taken her on as a member for her bank account.

18. In or around May 2021, Plaintiff Palacios received a letter from GTE Financial claiming that it was denying her application because of a low credit score.

19. Defendant's website contains a section addressing its requirements to open an account with GTE Financial, which is a prerequisite for other financial services. It states that an individual must provide a "U.S. Social Security Number," and "proof of residency, U.S. Citizen or a U.S. permanent resident," among other requirements.

20. Plaintiff Palacios suffered harm as a result of GTE Financial's denial of her credit card application because of her alienage. GTE Financial's denial of her application caused Plaintiff Palacios to suffer damages, including emotional distress and potential negative effects on her credit score.

21. GTE Financial's denial of her application caused Plaintiff Palacios to experience the deleterious effects of discrimination.

GTE Financial's Policies Are Unlawful and Harmed Plaintiff

22. GTE Financial's denial of membership and services because of its limited and arbitrary alienage requirements is a violation of 42 U.S.C. § 1981.

23. There is an actual and substantial controversy between Plaintiff Palacios and GTE Financial.

CLAIM FOR RELIEF

Alienage Discrimination (42 U.S.C. § 1981)

24. Plaintiff Palacios incorporates by reference the allegations raised in all preceding paragraphs.

25. Plaintiff Palacios brings this claim on her own behalf.

26. Plaintiff is a person within the jurisdiction of the United States.

27. Plaintiff is a non-citizen.

28. Plaintiff has the right to make and enforce contracts in the United States and is entitled to the full and equal benefits of the law.

29. Defendant conducts business in the United States and, as such, is obligated to comply with the provisions of 42 U.S.C. § 1981.

30. Defendant intentionally discriminated against Plaintiff on the basis of alienage by denying her the opportunity to acquire its financial products.

31. Defendant intentionally discriminated against Plaintiff by interfering with her right to make and enforce contracts for banking products on the basis of alienage.

32. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged here. Plaintiff requests that the Court issue a permanent injunction ordering Defendant to alter its membership and banking policies and practices to prevent further violations on the basis of alienage.

33. Plaintiff is now suffering, and will continue to suffer, irreparable injury from GTE Financial's discriminatory acts and omissions.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands trial of these claims by jury to the extent authorized by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- i. That this Court issue a declaratory judgment that Defendant's policies and practices complained of are unlawful and violate 42 U.S.C. § 1981;
- ii. A preliminary and permanent injunction against Defendant and its officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful policies and practices set forth;
- iii. That this Court award compensatory damages to Plaintiff in an amount to be determined at trial;
- iv. That this court award to Plaintiff reasonable attorneys' fees and costs to the extent allowable by law; and
- v. For such other and further relief as the Court deems just and proper.

Dated: October 11, 2022

Respectfully submitted,

/s/ Francisco Symphorien-Saavedra

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** Motion for pro hac vice forthcoming*

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