

IN THE 16TH CIRCUIT COURT OF JACKSON COUNTY,
MISSOURI AT KANSAS CITY

STEPHANIE CARTER
2128 NE Cromwell St.
Lees Summit, MO 64086

Plaintiff,

vs.

PLANNED PARENTHOOD GREAT
PLAINS f/k/a PLANNED PARENTHOOD
OF KANSAS AND MID-MISSOURI

Serve: Douglas Ghertner
4600 Madison Ave. #600
Kansas City, MO 64112

and

LAURA MCQUADE
80 Janssen Place
Kansas City, MO 64109

Defendants.

CASE NO. _____

DIVISION: _____

JURY TRIAL DEMANDED

PETITION FOR DAMAGES (TJ)

COMES NOW Plaintiff, Stephanie Carter (“Carter”), by and through undersigned counsel, and for her Petition for Damages against Defendant Planned Parenthood Great Plains, formerly known as Planned Parenthood of Kansas and Mid-Missouri (“PPGP”), and Laura McQuade (“McQuade”), states and avers as follows:

PARTIES AND VENUE

1. Plaintiff is an African-American female, residing in Jackson County, Missouri.
2. Plaintiff is a member of a category of persons protected from race discrimination under the Missouri Human Rights Act (“MHRA”). Mo. Rev. Stat. § 213.010.

3. Defendant PPGP is a domestic, non-profit corporation organized under the laws of the State of Missouri, is registered to do business in the State of Missouri, and which employs more than six employees in the State of Missouri.
4. Defendant McQuade is the CEO of PPGP and is, upon information and belief, a resident of the State of Missouri.
5. At all times relevant herein, Defendant McQuade was working to the benefit and interest of Defendant PPGP, and exerted supervision and control over the organization.
6. At all times relevant herein, Plaintiff was an employee of Defendants.
7. At various times relevant herein, discriminatory acts and events occurred in Jackson County, Missouri, and therefore venue is appropriate herein.
8. Plaintiff subsequently requested a statutory letter of dismissal pursuant to RSMo. § 290.140, with the response being sent to Plaintiff in Jackson County, Missouri, and therefore venue is appropriate herein.
9. Plaintiff timely filed her charge of discrimination with the Equal Employment Opportunity Commission and Missouri Commission on Human Rights (“MCHR”) on or about March 11, 2016, within 180 days of the acts complained of herein, said acts being continuing in nature. Plaintiff’s charge of discrimination is attached hereto and incorporated as Exhibit “A.”
10. The MCHR issued Plaintiff her Notice of Right to Sue on December 2, 2016. The MCHR’s Notice of Right to Sue is attached hereto as Exhibit “B.”
11. Plaintiff has properly exhausted all administrative remedies.

Facts Common to All Counts

12. Plaintiff began working for Defendant PPGP on or about April 20, 2011 as an office administrator and HR assistant, and was ultimately promoted to HR Generalist in 2015.

13. In or around July 2014, Defendant McQuade took over as the CEO of Defendant PPGP.
14. After Defendant McQuade took over as CEO, Plaintiff began noticing that African American employees and candidates were being treated differently, including in hiring, pay, discipline, and workload, resulting in a large amount of turnover of African American employees.
15. When two Caucasian employees used a racial slur in the presence of an African American employee, Defendants PPGP and McQuade did not see the situation as serious and only imposed write-ups on the offending employees.
16. At one point, Defendant McQuade made clear that she believed that black employees were colluding with each other and sharing information behind her back.
17. After more than four years with the organization, with satisfactory performance reviews and no disciplinary record, Plaintiff was suddenly, and without warning, placed on a Performance Improvement Plan (PIP), citing both performance issues from months prior that had already been resolved, as well as fictitious incidents.
18. Plaintiff refused to sign the PIP, believing that it was unfair and based on discriminatory reasons.
19. Upon information and belief, white employees who had committed violations of policy or had performed poorly were not placed on PIPs, particularly for issues based months in the past.
20. Plaintiff complained to management about racial disparities in the workplace, and that her PIP was racially motivated, but no investigation was undertaken or resolution reached.
21. After receiving her PIP and complaining, Plaintiff was given even more responsibilities than before, exceeding the amount of work that she could reasonably complete on her own.

22. Plaintiff began receiving work emails to her personal email address, and phone calls to her personal number, during non-work hours including late nights and early mornings.
23. Shortly before leaving employment with Defendants, Plaintiff was made to perform an exit interview on another African American employee who was leaving the company, despite the fact that exit interviews were not usually performed.
24. On or about October 30, 2015, Plaintiff submitted her letter of resignation, citing that she believed she was being unfairly targeted due to her race, and that it was causing her undue stress. Defendants accepted Plaintiff's resignation with immediate effect.

COUNT I: RACE DISCRIMINATION IN VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT
(ALL DEFENDANTS)

25. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
26. Plaintiff was a member of a legally protected class due to her race.
27. Upon information and belief, Plaintiff was paid less than comparable Caucasian employees, particularly considering the substantial workload and duties she was responsible for.
28. Plaintiff was unfairly disciplined and placed on a PIP, whereas Caucasian employees who violated policies, procedures, or the law were not placed on a PIP.
29. Plaintiff, and other African American employees, were viewed with suspicion by Defendant McQuade.
30. After receiving her PIP, Plaintiff was given significantly more work than she could handle on her own, and was given more work than comparable Caucasian employees.
31. Plaintiff was contacted during non-work hours via her personal email and telephone regarding work matters, which, upon information and belief, was not done to Caucasian employees.

32. Upon information and belief, Plaintiff's race was a contributing factor to Defendants' decision to treat Plaintiff differently.
33. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.

Count II: Retaliation in Violation of the Missouri Human Rights Act
(All Defendants)

34. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
35. Plaintiff complained that her PIP and other treatment toward her was racially motivated and discriminatory, and therefore is a member of a legally protected class.
36. After Plaintiff complained that the PIP was discriminatory, Defendants began micromanaging Plaintiff while simultaneously giving her additional responsibilities and duties that exceeded what she was capable of doing on her own.
37. Despite having never been asked to perform an exit interview before, Plaintiff was made to perform the exit interview of another African American employee upon the termination of his employment.
38. Upon information and belief, the increased scrutiny, tasks, and oversight were an attempt to retaliate against Plaintiff for complaining about racial treatment, and to ultimately create a reason to terminate her employment.
39. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.

Count III: Constructive Discharge
(Against Defendant PPGP)

40. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
41. During the course of Plaintiff's employment, she had not had any serious issues with performance or discipline.
42. Plaintiff was well-liked within the organization, having received numerous tokens of appreciation from her superiors, and a promotion to Human Resources less than a year prior to her separation from the company.
43. Plaintiff's PIP contained numerous allegations about Plaintiff's performance, including issues with time management, professionalism, months-old issues that had either previously been addressed or never existed in the first place, criticism of Plaintiff's posture and facial expressions, and nine categories of performance to be improved upon.
44. Plaintiff's PIP warned her that she could be further disciplined or terminated for: failing to meet the expectations; displays of misconduct; failure to make significant improvement; or failing to maintain performance expectations after completion of the PIP.
45. Plaintiff's PIP further imposed weekly check-ins with the HR Director.
46. Despite Plaintiff's supposed shortcomings regarding her job duties, she was given additional responsibilities and tasks to work on.
47. Upon information and belief, Defendant PPGP was attempting to either get Plaintiff to quit, or to give the company a reason to terminate her employment because of her race and/or her complaints regarding discriminatory behavior.
48. Plaintiff, believing that her only option was to quit or be fired, submitted her resignation on or about October 30, 2015.

49. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.

Count IV: Violation of the Service Letter Statute, RSMo. § 290.140
(Against Defendant PPGP)

50. Plaintiff incorporates all prior paragraphs as though fully set forth herein.

51. On or about June 16, 2016, Plaintiff sent a request for a letter of dismissal ("Service Letter") pursuant to RSMo. § 290.140.1, to Laura McQuade, CEO of Planned Parenthood of Kansas and Mid-Missouri.

52. On or about July 11, 2016, Defendant PPGP sent a response to Plaintiff's request.

53. Defendant's response was signed and sent by Monica Kaye, the Director of Human Resources, who is not the superintendent or manager of the corporation.

54. Defendant's response as to the nature and character of the services Plaintiff rendered was simply to state that she was a Human Resources Associate, and to attach a copy of a job description, without addressing the character of the services Plaintiff provided to PPGP.

55. Defendant's response as to the reason for Plaintiff's resignation cited only to "the stress of [her] employment as the reason for [her] voluntary resignation," but did not address that Plaintiff specifically stated that the stress was due to what she perceived as racial animus and discrimination in the workplace.

56. Because Defendant failed to send a service letter signed by Laura McQuade, because the letter did not address the character of Plaintiff's services, and because Defendant did not provide the full and complete reason for Plaintiff's resignation, Defendant PPGP did not comply with the service letter statute.

57. Plaintiff specifically identified the statute in her request, and Defendant identified the statute and its elements in its response to Plaintiff. Defendant was aware of the elements and penalties for failing to properly provide a service letter.

58. Defendant's failure to comply with the requirements of the statute amounts to a failure to issue the service letter.

59. Defendant knew its obligations under the statute, and knowingly and willfully failed to issue a service letter, entitling Plaintiff to nominal and punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendant PPGP and Defendant Laura McQuade for her actual damages, garden variety emotional damages, costs, expenses, reasonable attorney fees, and interest for the Defendants' unlawful discrimination. Plaintiff further prays for judgment against Defendant PPGP for nominal and punitive damages for its failure to issue a service letter pursuant to RSMo. § 290.140.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all issues so triable.

Respectfully submitted,
BCU Law Offices, LLC



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