

IN THE 16<sup>TH</sup> CIRCUIT COURT OF JACKSON COUNTY,  
MISSOURI AT KANSAS CITY

SABRINA WILLIAMS )  
1028 SE Wingate Ct. )  
Lees Summit, MO 64081 )

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, Sabrina Williams (“Williams”) 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 also a qualified individual with a disability that substantially limited one or more of her major life activities.

3. Plaintiff is a member of a category of persons protected from race and disability discrimination under the Missouri Human Rights Act (“MHRA”), Mo. Rev. Stat. § 213.010 *et seq.*; the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2; and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12111 *et seq.*
4. At all times material hereto, Plaintiff had worked for the Defendant for more than twelve months and for more than 1,250 hours in the twelve month period preceding her leave, and therefore was an “eligible employee” as defined pursuant to the Family and Medical Leave Act, 29 U.S.C. § 2611(2)(A).
5. 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.
6. Defendant PPGP is an employer who employs fifty or more employees within a 75-mile radius of Plaintiff’s worksite.
7. Defendant McQuade is the CEO of PPGP and is, upon information and belief, a resident of the State of Missouri.
8. 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.
9. At all times relevant herein, Plaintiff was an employee of Defendants.
10. At various times relevant herein, discriminatory acts and events occurred in Jackson County, Missouri, and therefore venue is appropriate herein pursuant to RSMo. § 213.111, 42 U.S.C. § 2000e-5(f)(3), and 29 U.S.C. § 2617(a)(2).

11. 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 pursuant to RSMo. § 508.010.4.
12. Plaintiff timely filed her charge of discrimination with the Equal Employment Opportunity Commission and Missouri Commission on Human Rights (“MCHR”) on July 12, 2016, within 180 days of the acts complained of herein, said acts being continuing in nature, alleging race and disability discrimination, and retaliation. Plaintiff’s charge of discrimination is attached hereto and incorporated as Exhibit “A.”
13. The EEOC issued and mailed Plaintiff her Notice of Right to Sue on April 24, 2017. The EEOC’s Notice of Right to Sue is attached hereto as Exhibit “B.”
14. Plaintiff is requesting her Notice of Right to Sue from the MCHR, as more than 180 days have passed since the date of filing.
15. Plaintiff has properly exhausted all administrative remedies.

**FACTS COMMON TO ALL COUNTS**

16. Plaintiff began working for PPGP on January 29, 2000 as a Security Services Coordinator.
17. In 2002 or 2003, Plaintiff’s job title was changed to Director of Securities and Facilities.
18. In 2014, Defendant McQuade took over as Defendant PPGP’s CEO.
19. Defendant McQuade quickly began creating and filling executive positions, passing over Plaintiff in the process.
20. At the time of Plaintiff’s termination, there were no African Americans on the executive committee and, upon information and belief, no African Americans have served on the executive committee since Defendant McQuade took over.

21. Over the approximately two years that Plaintiff and Defendant McQuade worked together, McQuade treated Plaintiff differently than her non-Black colleagues, including in requests for time off and, upon information and belief, pay.
22. Defendant McQuade also began discouraging Plaintiff from taking part in an annual conference in 2014 despite the fact that Plaintiff routinely attended these yearly conferences for the Planned Parenthood Federation, PPGP's parent organization.
23. In 2015, Plaintiff was similarly discouraged from attending the annual conference by Aaron Samuelcek, the organization's COO and Plaintiff's direct supervisor.
24. At numerous points, Plaintiff discussed concerns with Defendant McQuade regarding the organization, including concerns regarding the treatment of minority employees.
25. At various times, Defendant McQuade would raise her voice at Plaintiff, attempt to turn Plaintiff and African American friends/coworkers against each other, and on at least two occasions accused Plaintiff of thinking that Defendant McQuade was a racist.
26. Toward the end of 2015, Defendant McQuade began increasing Plaintiff's workload to the point she had difficulty keeping up, and also rejected Plaintiff's request for additional staff to help with the workload despite providing Plaintiff's white colleagues with assistance.
27. While the organization was preparing a five-year development plan, Plaintiff was excluded from providing her input despite soliciting the input of Plaintiff's white colleagues.
28. Plaintiff was excluded from an investigation regarding racist remarks made by an employee, despite the fact that Plaintiff is the one who brought the complaint to Defendant McQuade.

29. As a result of the unmanageable workload, stress, and discriminatory treatment, Plaintiff began having health problems in the latter part of 2015, including numbness in her face and arm, headaches, and heart palpitations.
30. On December 13, 2015, Plaintiff's heart rate escalated to more than 170 beats per minute, resulting in Plaintiff having to be rushed to the hospital and admitted.
31. On December 14, Plaintiff notified Defendant PPGP through Tommy Bradley, the organization's Lead Security Officer and direct report of Plaintiff, of her hospitalization.
32. On December 16, 2015, Plaintiff contacted Monica Kaye, Human Resources Director at PPKM and informed her that she needed to apply for FMLA coverage due to her medical condition. Ms. Kaye mailed to Plaintiff the "Certification of Healthcare Provider for Employee's Serious Health Condition" for completion by the Plaintiff as well as the Plaintiff's healthcare provider, as well as the "FMLA Notice of Eligibility and Rights and Responsibilities".
33. On December 28, 2015 the Plaintiff forwarded to Ms. Kaye, the completed Certification of Healthcare Provider for Employee's Serious Health Condition form prepared and signed by her physician Dr. Cora Mallot. The certification documentation indicated that the Plaintiff was incapacitated with a serious health condition retroactive from December 14, 2015 to January 10, 2016.
34. The Plaintiff's health condition remained serious and she was diagnosed with a condition that causes an abnormally rapid heartbeat, heart palpitations, dizziness and hypertension which thus necessitated her continued incapacitation and need for FMLA leave past the initial January 10, 2016 time frame. The Plaintiff remained in communication with Ms. Kaye regarding the status of her health.

35. On January 25, 2016, the Plaintiff notified Ms. Kaye in Human Resources that a cardiac medical procedure she was to undergo had been scheduled for January 29, 2016. On February 4, 2016, the Plaintiff notified Ms. Kaye that her cardiac surgical procedure date had been pushed back five days and her doctor was now looking at a possible return to work date of mid-February, 2016.
36. On February 9, 2016 in an email communication between the Plaintiff and Ms. Kaye, the Human Resources Director, concerning the Plaintiff's health and leave status, Ms. Kaye advised the Plaintiff of the amount of time she had used thus far under the FMLA and the date in which her 12 weeks of leave would exhaust which was March 5, 2016.
37. The Plaintiff submitted updated FMLA paperwork to Ms. Kaye in Human Resources on February 12, 2016. The updated paperwork signed by the Plaintiff's cardiologist indicated that she was unable to work due to her heart related serious health condition from January 29, 2016 to February 15, 2016.
38. While treating the Plaintiff for the condition that caused her irregular heartbeat, heart palpitations, hypertension and dizziness, her medical providers discovered another major health issue: that she was suffering from a massive hernia.
39. On February 12, 2016, the Plaintiff submitted separate completed FMLA paperwork for the hernia condition which indicated that her period of incapacity would last from February 16, 2016 to March 30, 2016.
40. Although the Plaintiff's 12 weeks of leave was scheduled to expire on March 5, 2016, Ms. Kaye in Human Resources informed the Plaintiff in a February 9, 2016 email communication that if her medical condition required incapacitation beyond the

exhaustion of her 12 weeks of FMLA leave she could apply for company provided medical leave of absence.

41. Plaintiff requested three weeks of non-FMLA medical leave as an accommodation for her disability. Plaintiff's request went unanswered.
42. Plaintiff's 12 weeks of leave under the FMLA ended on Saturday March 5, 2016.
43. On Monday March 7, 2016 immediately following the March 5, 2016 exhaustion of the Plaintiff's FMLA 12 week time period, the Plaintiff was contacted by phone by Laura McQuade, President and CEO of PPGP/PPKM and informed that her position was eliminated effective Monday March 7, 2016 due to fiscal restructuring.
44. Plaintiff was the only long-term, and the only highly-paid, employee eliminated as part of Defendant PPGP's "fiscal restructuring."

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

45. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
46. Plaintiff was a member of a legally protected class due to her race.
47. Upon information and belief, Plaintiff was paid less than comparable Caucasian employees, particularly considering the substantial workload and duties she was responsible for.
48. Plaintiff was not promoted and, upon information and belief, was not considered for promotion.
49. Plaintiff, and other African American employees, were viewed with suspicion by Defendant McQuade.
50. Defendant McQuade accused Plaintiff of believing that McQuade was a racist.

51. Defendant McQuade attempted to turn Plaintiff against at least one other African American employee who was also Plaintiff's friend.
52. Defendant McQuade excluded Plaintiff from being involved in an investigation of racial epithets, which were brought to McQuade by Plaintiff.
53. Plaintiff was treated differently because of race, including in applying requests for time off and planning for the organization's future.
54. Upon information and belief, Plaintiff's race was a contributing factor to Defendants' decision to treat Plaintiff differently.
55. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.
56. The actions of Defendants were intentional, malicious, and/or outrageous, and evidenced an evil motive or conscious disregard for the rights of others, entitling Plaintiff to an award of punitive damages to punish them and deter them and others from engaging in similar behavior.

WHEREFORE, Plaintiff prays for judgment against Defendant PPGP and McQuade for her actual damages including back and front pay, garden variety emotional damages, costs, expenses, reasonable attorney fees, and interest. Plaintiff further prays for an award of punitive damages against Defendants.

**COUNT II: RACE DISCRIMINATION IN VIOLATION OF THE CIVIL RIGHTS ACT**  
**(AGAINST DEFENDANT PPGP)**

57. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
58. Plaintiff was a member of a legally protected class due to her race.

59. Upon information and belief, Plaintiff was paid less than comparable Caucasian employees, particularly considering the substantial workload and duties she was responsible for.
60. Plaintiff was not promoted and, upon information and belief, was not considered for promotion.
61. Plaintiff, and other African American employees, were viewed with suspicion by Defendant McQuade.
62. Defendant McQuade accused Plaintiff of believing that McQuade was a racist.
63. Defendant McQuade attempt to turn Plaintiff against at least one other African American employee who was also Plaintiff's friend.
64. Defendant McQuade excluded Plaintiff from being involved in an investigation of racial epithets, which were brought to McQuade by Plaintiff.
65. Plaintiff was treated differently because of race, including in applying requests for time off and planning for the organization's future.
66. Upon information and belief, Plaintiff's race was a motivating factor to Defendants' decision to treat Plaintiff differently.
67. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.
68. The actions of Defendant were intentional, malicious, and/or outrageous, and evidenced an evil motive or conscious disregard for the rights of others, entitling Plaintiff to an award of punitive damages to punish it and deter it and others from engaging in similar behavior.

WHEREFORE, Plaintiff prays for judgment against Defendant PPGP for her actual damages including back and front pay, garden variety emotional damages, costs, expenses, reasonable attorney fees, and interest. Plaintiff further prays for an award of punitive damages against Defendant.

**COUNT III: DISABILITY DISCRIMINATION, FAILURE TO ACCOMMODATE IN VIOLATION OF THE**  
**MHRA**  
**(AGAINST ALL DEFENDANTS)**

69. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
70. Plaintiff is a qualified individual with a disability that substantially limited one or more major life activities.
71. Plaintiff was a member of a legally protected class due to her disability.
72. In mid-February 2016, Plaintiff requested a reasonable accommodation for her disability, namely a limited period of non-FMLA leave to recover from a medical procedure for her disabilities, which was provided for by company policy.
73. Defendants failed to respond to Plaintiff's request, failed to offer Plaintiff an accommodation, and further failed to engage in any process to investigate a reasonable accommodation for Plaintiff.
74. Shortly after Plaintiff informed Defendants of her need for an accommodation, Defendants terminated Plaintiff's employment.
75. Upon information and belief, Plaintiff's disability was a contributing factor to Defendants' decision to terminate Plaintiff.
76. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.

77. The actions of Defendants were intentional, malicious, and/or outrageous, and evidenced an evil motive or conscious disregard for the rights of others, entitling Plaintiff to an award of punitive damages to punish them and deter them and others from engaging in similar behavior.

WHEREFORE, Plaintiff prays for judgment against Defendants PPGP and McQuade for her actual damages including back and front pay, garden variety emotional damages, costs, expenses, reasonable attorney fees, and interest. Plaintiff further prays for an award of punitive damages against Defendants.

**COUNT IV: DISABILITY DISCRIMINATION, FAILURE TO ACCOMMODATE IN VIOLATION OF THE  
AMERICANS WITH DISABILITIES ACT  
(AGAINST PPGP)**

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

79. Plaintiff is a qualified individual with a disability that substantially limited one or more major life activities.

80. Plaintiff was a member of a legally protected class due to her disability.

81. In mid-February 2016, Plaintiff requested a reasonable accommodation for her disability, namely a limited period of non-FMLA leave to recover from a medical procedure for her disabilities, which was provided for by company policy.

82. Defendants failed to respond to Plaintiff's request, failed to offer Plaintiff an accommodation, and further failed to engage in an interactive process to investigate a reasonable accommodation for Plaintiff.

83. Shortly after Plaintiff informed Defendants of her need for an accommodation, Defendants terminated Plaintiff's employment.

84. Upon information and belief, Plaintiff's disability was a motivating factor to Defendants' decision to terminate Plaintiff.
85. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.
86. The actions of Defendant were intentional, malicious, and/or outrageous, and evidenced an evil motive or conscious disregard for the rights of others, entitling Plaintiff to an award of punitive damages to punish it and deter it and others from engaging in similar behavior.

WHEREFORE, Plaintiff prays for judgment against Defendants PPGP for her actual damages including back and front pay, garden variety emotional damages, costs, expenses, reasonable attorney fees, and interest. Plaintiff further prays for an award of punitive damages against Defendant.

**COUNT V: RETALIATION IN VIOLATION OF THE MHRA**  
**(AGAINST ALL DEFENDANTS)**

87. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
88. Plaintiff was a friend and confidant of another PPGP employee, Stephanie Carter, who, on March 11, 2016, filed a Charge of Discrimination against Defendants PPGP and McQuade with the EEOC and MCHR, where she alleged race discrimination.
89. Defendant McQuade attempted to turn Plaintiff and Ms. Carter against each other by accusing Ms. Carter of "tattling" on Plaintiff.
90. Upon information and belief, Defendant McQuade knew that Plaintiff and Ms. Carter were friends.

91. Plaintiff had previously spoken to Defendant McQuade about her concerns of racial discrimination and harassment in the workplace.
92. Upon information and belief, Plaintiff's prior complaints were a contributing factor in Defendants' reason to treat her differently and ultimately terminate her.
93. Upon information and belief, Plaintiff's association with Ms. Carter was a contributing factor in Defendants' reason to treat her differently and ultimately terminate her.
94. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including lost wages, degradation, humiliation, and garden variety emotional distress.
95. The actions of Defendants were intentional, malicious, and/or outrageous, and evidenced an evil motive or conscious disregard for the rights of others, entitling Plaintiff to an award of punitive damages to punish them and deter them and others from engaging in similar behavior.

WHEREFORE, Plaintiff prays for judgment against Defendants PPGP and McQuade for her actual damages including back and front pay, garden variety emotional damages, costs, expenses, reasonable attorney fees, and interest. Plaintiff further prays for an award of punitive damages against Defendant.

**COUNT VI: RETALIATION IN VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT  
(AGAINST DEFENDANT PPGP)**

96. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
97. Plaintiff exercised her right to take job protected leave under the FMLA due to her own serious health condition.
98. Defendant terminated Plaintiff via the elimination of her position a mere two days after the exhaustion of her twelve weeks of FMLA.

99. There is close temporal proximity between the expiration of Plaintiff's FMLA rights and the adverse employment action.
100. Although Defendant purports to provide a legitimate, non-discriminatory reason for eliminating Plaintiff's position, Plaintiff was the only employee at her level to have her position eliminated.
101. Defendant unlawfully retaliated against Plaintiff in violation of the FMLA.
102. Defendant engaged in the aforesaid discriminatory acts with malice.
103. Due to Plaintiff's termination of employment, Plaintiff has incurred, and will continue to incur, substantial economic damages.
104. As a direct and proximate result of Defendant's actions, Plaintiff has suffered a loss of employment, loss of income, loss of other employment benefits, and future lost income and benefits.
105. Plaintiff is entitled to recovery of all damages and other relief allowed under the Family and Medical Leave act.

WHEREFORE, Plaintiff prays for judgment against Defendant PPGP for her lost wages including back and front pay, liquidated damages, attorney fees, and interest.

**COUNT VII: VIOLATION OF THE SERVICE LETTER STATUTE, RSMO. § 290.140**  
**(AGAINST DEFENDANT PPGP)**

106. Plaintiff incorporates all prior paragraphs as though fully set forth herein.
107. On or about May 26, 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.
108. On or about July 11, 2016, Defendant PPGP sent a response to Plaintiff's request.

109. 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, and who had no supervisory responsibility over Plaintiff.
110. Defendant failed to address the character of Plaintiff's services and only attached a job description containing the nature of her work.
111. Defendant's response as to the reason for termination cited fiscal restructuring.
112. Because Defendant failed to send a service letter issued and 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 termination, Defendant PPGP did not comply with the service letter statute.
113. 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.
114. Defendant's failure to comply with the requirements of the statute amounts to a failure to issue the service letter.
115. 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 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,

/s/ Eric C. Crinnian

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