

UNITED STATES DISTRICT COURT
NORTHERN DIVISION OF IOWA
CENTRAL DIVISION

BELINDA CARDONA-FRAZIER,)	NO. 3:09-cv-3002-MWB
Plaintiff,)	
vs.)	
PLANNED PARENTHOOD)	COMPLAINT and
OF GREATER IOWA, INC.;)	JURY DEMAND
Defendants.)	

INTRODUCTION

1. This is an action for employment discrimination brought to secure relief, legal and equitable, for discrimination on the basis of race brought within the authority of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et.seq.*; 42 U.S.C. 1981; and Iowa Code § 216.

JURISDICTION, PROCEDURE AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 29 U.S.C. § 1343(4), 42 U.S.C. 2000e-(5), 42 U.S.C. § 1981 and Iowa Code § 216. Injunctive and declaratory relief and damages are sought pursuant to 42 U.S.C. 2000e-5(f) and (g) and Iowa Code § 216.

3. The Plaintiff has complied fully with all administrative prerequisites for filing this action as required by Title VII and Iowa Code § 216:

A. On or about April 13, 2007, a complaint of employment discrimination was filed with the Iowa Civil Rights Commission, and cross-filed with the U.S. Equal Employment Opportunity Commission.

B. On or about October 9, 2008, within ninety days prior to the filing of this Complaint, the Iowa Civil Rights Commission, pursuant to Iowa Code § 216.16 issued an Administrative Release (Letter of Right to Sue) with respect to the charges of discrimination.

C. On or about December 5, 2008, within ninety days prior to the filing of this Complaint, the Equal Employment Opportunity Commission, pursuant to Title VII, issued a Notice of Right to Sue to the Plaintiff with regard to the charges of discrimination.

4. Venue is proper in this district and division because all the unlawful practices and incidences occurred within Webster County, Iowa. 28 U.S.C. §95

PARTIES

5. Plaintiff is a resident of Webster County, Iowa.

6. Defendant Planned Parenthood of Greater Iowa, Inc. is a not-for-profit organization located at 1171 7th Street, Des Moines, Iowa 50314. The organization operates a clinic and outreach center within the city of Fort Dodge, Webster County, Iowa.

STATEMENT OF FACTS

7. Plaintiff, Belinda Cardona-Frazier, was employed by Planned Parenthood of Greater Iowa, Inc. in Fort Dodge, Iowa.

8. Ms. Cardona-Frazier is white Hispanic woman.

9. On March 4, 2003 Plaintiff was hired by the Defendant as Regional Educator on a part-time basis. Ms. Cardona-Frazier was hired by Mary Kay Casey, then Director of Education.

10. In February 2006, Julie Hibben became Ms. Cardona-Frazier's immediate supervisor.

11. In October 2006, Ms. Cardona-Frazier was moved to full-time status in her same position, Regional Educator.

12. On November 6, 2006, Planned Parenthood removed Ms. Cardona-Frazier from the position of Regional Educator. Her hours were reduced from forty to twenty hours per week.

13. Planned Parenthood created the position of Latino Outreach Coordinator and reassigned Ms. Cardona-Frazier to that position. Ms. Cardona-Frazier was restricted from contacting non-Hispanic members of the community.

14. During her employment with Defendants, Ms. Cardona-Frazier was treated differently in the terms and conditions of her employment than non-Hispanic female employees.

15. Defendants demoted Ms. Cardona-Frazier and placed a non-Hispanic female employee in her position. Ms. Cardona-Frazier's position of Regional Educator was filled with a white female on a full-time basis.

16. The reasons alleged by the Defendants for demoting Ms. Cardona-Frazier were false and were a pretext to conceal the Defendants' unlawful discriminatory motive.

17. Defendants subjected Ms. Cardona-Frazier to negative and offensive stereotypes about Hispanic people.

18. Ms. Cardona-Frazier quit her position as Latino Outreach Coordinator on January 5, 2007.

FIRST CAUSE OF ACTION

19. Plaintiff repeats and realleges each and every allegation contained in Paragraphs one through eighteen of this Complaint with the same force and effect as if set forth herein.

20. Defendant discriminated against Plaintiff, harassed Plaintiff and constructively discharged Plaintiff with respect to her employment with Planned Parenthood of Greater Iowa

because of her race and race related activity, as set forth above, in violation of 42 U.S.C. §§ 1981.

21. As a proximate cause and directly related to the discriminatory actions of the Defendants as precluded by Title VII of the Civil Rights Act of 1964, as amended, the Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damage unless and until this Court grants relief.

22. Defendant's violation of 42 U.S.C. §§ 1981 is the proximate cause of Plaintiff's injury.

SECOND CAUSE OF ACTION

23. Plaintiff repeats and realleges each and every allegation contained in Paragraphs one through eighteen of this Complaint with the same force and effect as if set forth herein.

24. Defendant discriminated against Plaintiff, harassed Plaintiff and constructively discharged Plaintiff with respect to her employment with Planned Parenthood of Greater Iowa because of her race and race related activity, as set forth above, in violation of 42 U.S.C. §§ 2000 (e).

25. As a proximate cause and directly related to the discriminatory actions of the Defendants as precluded by Title VII of the Civil Rights Act of 1964, as amended, the Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damage unless and until this Court grants relief.

26. Defendant's violation of 42 U.S.C. §§ 2000 (e) is the proximate cause of Plaintiff's injury.

THIRD CAUSE OF ACTION

27. Plaintiff repeats and realleges each and every allegation contained in Paragraphs

one through eighteen of this Complaint with the same force and effect as if set forth herein.

28. Defendant discriminated against Plaintiff, harassed Plaintiff and constructively discharged Plaintiff with respect to her employment with the Planned Parenthood of Greater Iowa because of her sex, as set forth above, in violation of 42 U.S.C. §§ 2000 (e).

29. As a proximate cause and directly related to the discriminatory actions of the Defendants as precluded by Title VII of the Civil Rights Act of 1964, as amended, the Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damage unless and until this Court grants relief.

30. Defendant's violation of 42 U.S.C. §§ 2000 (e) is the proximate cause of Plaintiff's injury.

FOURTH CAUSE OF ACTION

31. Plaintiff repeats and realleges each and every allegation contained in Paragraphs one through eighteen of this Complaint with the same force and effect as if set forth herein.

32. Defendant discriminated against Plaintiff, harassed Plaintiff and constructively discharged Plaintiff with respect to her employment with Planned Parenthood of Greater Iowa because of her race, race related activity and sex, as set forth above, in violation of Iowa Code §216.

33. As a proximate cause and directly related to the discriminatory actions of the Defendants as precluded by Iowa Code § 216 the Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damage unless and until this Court grants relief.

34. Defendant's violation of Iowa Code § 216 is the proximate cause of Plaintiff's injury.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that this court enter judgment:

- A. Declaring that the acts and practices complained of herein are in violation of the Civil Rights Act of 1964, as amended.
- B. Declaring that the acts and practices complained of herein are in violation of the Iowa Code § 216.
- C. Award Plaintiff back wages, and actual, compensatory damages.
- D. Award Plaintiff future wages and future compensatory damages
- E. Award Plaintiff punitive damages.
- F. Award Plaintiff the costs of this action, interest, and reasonable attorney fees, as provided by federal and state laws.
- G. Grant such other relief as is appropriate.

JURY DEMAND

COMES NOW the Plaintiff and makes demand for a jury trial on each and every claim to which she is entitled to a jury.

MARCY LUNDBERG LAW OFFICE

/s/ Marcy Lundberg
Marcy Lundberg AT0004827
809 Central Avenue Suite 350
Fort Dodge, Iowa 50501
Phone (515) 955-2193
Fax (515) 955-3991

Attorney for Plaintiff