

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

ANNA FLORES,

Plaintiff,

-against-

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC. and PLANNED
PARENTHOOD OF TENNESSEE AND
NORTH MISSISSIPPI,

Defendants.

Case No.:

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Anna Flores, by her attorneys, Crumiller P.C., as and for her complaint against Planned Parenthood Federation of America, Inc. and Planned Parenthood of Tennessee and North Mississippi (“PPTNM”, Defendants are referred to collectively herein as “Planned Parenthood”), respectfully alleges as follows, upon information and belief:

PRELIMINARY STATEMENT

1. Tennessee has one of the harshest abortion bans in the nation. It has a total prohibition on abortions performed in the state, with no exception for cases of rape or incest. It is the only state with no explicit exception for abortions performed to save a mother’s life. Any doctor who attempts to perform an abortion in Tennessee, for any reason, is committing a felony punishable by up to 15 years in prison and/or a maximum fine of \$10,000.
2. By simply showing up to work, Planned Parenthood employees in Tennessee and across the nation face a significant threat of violence. Prior to the state’s total abortion ban, anti-choice protesters, sometimes armed, repeatedly lined up outside PPTNM locations in an effort to intimidate women seeking abortion care. At Planned Parenthood locations where abortions are still performed, trained volunteer “escorts” wearing pink vests accompany patients to the clinic doors to protect them from physical and verbal abuse.

3. It is against this increasing backdrop of violence that Planned Parenthood employees are expected to show up to work and provide compassionate health services to all patients, regardless of their gender, race, religion, income, and any other social or economic factor.

4. Black women are three times more likely to die of pregnancy and childbirth-related complications than white women in the U.S., where the maternal death rate is already the highest in the developed world. Worse, about half of all maternal deaths are preventable. Of course, many women do not die, but face permanent, life-changing injuries. In all these cases, racism in health care perpetuates cycles of trauma and contributes to the interlocking web of oppression which keeps Black families from achieving parity. For these and other reasons, Black women are five times more likely to seek an abortion than white women.

5. PPTNM – which stopped offering abortions in the wake of the U.S. Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization* – offers a range of other reproductive health services, including clinical breast exams, HIV/STI testing and treatment, pregnancy testing and planning services, contraception, gender-affirming hormone therapy, and other health services and education.

6. In this context, it is critical for PPTNM, whose patient base is 63% people of color¹, to understand racism and take active steps to confront racial harm committed against its patients and staff.

7. Plaintiff is a Latina woman of color who suffered racism and retaliation while working at Planned Parenthood’s Nashville location as a community organizer.

8. Almost immediately upon commencing employment with Planned Parenthood, Flores was subjected to disparate treatment and overt racist remarks and messaging from leadership.

¹ Planned Parenthood of Tennessee and North Mississippi’s 2022 Annual Report

This racist conduct was identified by a number of employees who, alongside Flores, lodged a number of complaints regarding Planned Parenthood’s unlawful conduct. In response, these employees were openly berated and their complaints were ignored. Plaintiff specifically was falsely accused of being angry and chastised for her tone – baseless complaints which comported directly with well-trafficked stereotypes about women of color.

9. During a company retreat, several employees including Flores renewed their protected complaints of racism. In response, Planned Parenthood leadership scolded Flores; they explicitly cited her race complaints as “mean” and “hostile,” and scolded her for what they called a “snarky” look on her face. Flores was reduced to tears during this exchange and weeks later Flores was retaliatorily terminated. Planned Parenthood’s racist treatment and unlawful termination resulted in substantial psychological and financial distress to Flores. With this lawsuit, Flores seeks redress for this harm and justice against Planned Parenthood.

10. To this day, Planned Parenthood has not taken a single step to remedy the race discrimination which continues to harm its staff of color. Instead, it has chosen to perpetuate the discrimination by creating pretextual reasons to fire employees like Flores and making the workplace so inhospitable that other employees of color simply cannot remain, all because they dared to speak out.

PARTIES

1. Plaintiff is a Latina woman who resides in Tennessee. She was an employee of Planned Parenthood from February 1, 2021 through February 23, 2022.

2. Defendant Planned Parenthood Federation of America, Inc. is a national 501(c)(3) non-profit organization incorporated in New York, with its principal place of business located at 123 William Street, New York, NY 10038. Planned Parenthood delivers reproductive health care, sex

education, and information to millions of people worldwide and has been a health care provider and advocate in the U.S. since its founding in 1916. The core organization's annual revenues are approximately \$300 million, with total global revenues of all affiliates exceeding \$1.5 billion. In addition, there are 49 local "affiliate" organizations.

3. Defendant PPTNM is one of the 49 affiliate organizations of Defendant Planned Parenthood Federation of America, Inc. with four facilities across Tennessee and its principal place of business located at 2430 Poplar Avenue, Memphis, TN. The organization's revenue in 2022 was approximately \$12 million.

4. Planned Parenthood Federation of America, Inc. and PPTNM jointly employed Flores.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over Flores's claims pursuant to 28 U.S.C. § 1343 as Plaintiff has asserted claims that arise under federal laws of the United States. This Court has supplemental jurisdiction over Flores's state law claims pursuant to 28 U.S.C. § 1367 as those claims are so related to the federal claims in this action such that they form part of the same case or controversy.

6. Venue is proper in the Middle District of Tennessee pursuant to 29 U.S.C. § 1391(b)(2) as it is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

FACTUAL ALLEGATIONS

Flores Faced Racist Hostility From Her Time of Hire.

7. Flores began working at PPTNM on February 1, 2021, as a community organizer.

8. In the years leading up to her employment, Flores saw reproductive health care become more and more limited for the poor and working-class, as clinics offering this care were systematically closed throughout her county; Flores decided to get involved.

9. Flores therefore sought employment with Planned Parenthood under the impression that the organization aligned with her passion for helping marginalized communities to access care.

10. As a community organizer, Flores headed all organizing efforts for abortion rights in Middle Tennessee; fostered relationships with people in the Middle Tennessee community in efforts to build a movement fighting for abortion rights; recruited, oriented, trained, and supported hundreds of volunteer activists; developed partnerships with other organizations in the community with aligned values; created and facilitated trainings; and managed policy interns, training them on the legislature and organizing strategies.

11. PPTNM placed Flores on two separate teams: Community Organizing and Community Engagement. The Community Organizing team reported directly to Director of Community Engagement Tory Mills (white woman), and included Kamari Allen (Black person), Maxine Carwile (white woman), Aerris Newton (Black woman), Vanessa Neria (Latina woman of color) and Liliana (last name unknown, white Latina woman). Executive Director Francie Hunt also managed the team. The Community Engagement team also reported to Mills and included all of the individuals in the Community Organizing team with the addition of Julie Edwards (White person), Hannah Parham-Humphry (Black woman) and Antoine Dandridge (Black man).

12. Mills reported directly to Vice President of External Affairs/Chief Development Officer Aimee Lewis.

13. Early in her employment, Flores realized that while her team and other teams at a similar level were comprised mostly of individuals of color, most managers, supervisors, officers, and

directors at PPTNM were white. Flores discussed this racial discrepancy with colleagues on her teams, who confirmed this was a usual practice for PPTNM and shared their observation that white PPTNM employees received praise and responsibilities not provided to staff members of color. Flores soon learned that this disparity of opportunity for employees of color at PPTNM was part of a systemic issue present in most Planned Parenthood affiliates nationwide.²

14. Notwithstanding this harsh realization, Flores threw herself into her work and obtained success in her position from the moment she started. In her first year, she led the supervision and management of nine activist groups and developed a nine-month organizing plan for the legislative session. Flores was able to overhaul the organizing structure for Middle Tennessee, which resulted in the development of nine action councils which she supervised and supported. Flores also created a successful volunteer recruitment and retention process which substantially increased the organization's reach and capacity. Flores created PPTNM's first BIPOC Action Council, which accumulated over forty members and substantially increased BIPOC involvement in the organization. Moreover, she planned and executed several marches, rallies, and events which attracted thousands of participants each. Flores exhibited effective communication and a hands-on approach which garnered her respect from peers and supervisors alike. While Flores was able to obtain early success in her position, her ability to do her job was obstructed by a number of concerning incidents by PPTNM leadership.

² On August 21, 2020, *BuzzFeed News* published an explosive article titled, "Employees Are Calling Out Major Reproductive Rights Organizations For Racism And Hypocrisy." The reporter, Ema O'Connor, interviewed 26 employees at Planned Parenthood affiliates. She found: "[P]eople of color, and especially Black people, were often stuck in lower-paying administrative roles, causing high turnover rates among staff of color and preventing nonwhite employees from rising to positions of power within the organizations. Black current and former staffers at four of the [Planned Parenthood] affiliates told *BuzzFeed News* they faced racism and were berated and belittled by their bosses while their non-Black colleagues were not. They also said they were unable to move up within the organization, while their white colleagues were promoted." O'Connor, Ema, "Dozens Of Black Employees Said They Faced Racism At Planned Parenthood, An Internal Audit Found," *Buzzfeed News*, (October 9, 2020) available at: <https://www.buzzfeednews.com/article/emaconnor/black-employees-planned-parenthood-racism>.

Flores Faces Racist Hostility From Time of Hire.

15. Weeks into her job, in late February 2021, Flores was asked to participate in a call with the organization's external affairs team, where the organization's leaders were discussing the selection of a new member of PPTNM's board of directors. During this call, Lewis voiced her position that the company find a candidate of Latin descent, unabashedly stating that this choice would be good for the PPTNM image. Flores found these comments disturbing and patronizing as Lewis seemed fixated on the optics of finding a person of color regardless of that person's qualifications or even the value a diverse perspective could add to the board.

16. Lewis continued that she wanted to tap a member of the Tennessee Immigrant and Refugee Rights Coalition ("TIRRC") to join PPTNM's board. Flores – who had previously worked at TIRRC as an employee – thought the choice was concerning for a number of reasons. First, during her time as an employee, TIRRC's leadership openly remarked that the organization did not support abortion access because their constituents opposed it. Flores did not understand why PPTNM would want to cultivate a relationship with an organization that did not align with their values. Second, Flores had been sexually assaulted by an employee at TIRRC and when she reported the assault to leadership, they took no remedial action. Flores was on the frontlines of PPTNM outreach and community organizing and the idea of having to work closely with TIRRC was anxiety-inducing.

17. Flores expressed the above concerns to Lewis, including her knowledge of the organization's negative stance on abortion and her own personal experience as an employee. Flores did not feel comfortable disclosing the assault at that time and focused more on the fact the organization simply did not align with PPTNM's values.

18. Lewis dismissed Flores's concerns out of hand, choosing instead to emphasize appearance; hailing the attention PPTNM could receive by associating itself with an immigrant organization and appointing a Latin individual from that organization to its board. Lewis repeatedly stated there were no "Latinx people on the board" and she wanted to "find one."
19. Lewis's tokenizing disregard for any consideration or qualification besides being a Latin individual from an immigrant group shocked Flores.
20. Flores replied that it appeared that Lewis was just trying to "find a brown person" instead of someone who believed in abortion access or reproductive care.
21. Lewis became combative and loudly snapped back: "All the people I know at TIRRC are white!" Flores was taken aback by this reprimand and decided not to push the issue any further, considering it had clearly angered Lewis.
22. After the call, Flores felt demoralized and afraid for her job security. She was made to believe that PPTNM welcomed open dialogue regarding race and opposition to systemic forms of racism. Lewis's sharp retort to Flores's complaint of racial tokenism caused Flores great anxiety within her working environment.
23. Thus, that same month, Flores spoke with Mills and complained about Lewis's tokening remarks and angry response to Flores's concerns about the same. In this conversation, Flores also disclosed that she has been assaulted by an employee at TIRRC and admitted the matter was especially sensitive and painful for her. Mills responded compassionately and stated that she would escalate the complaint to Lewis, as well as advise her about the assault.
24. Shortly thereafter, Mills notified Flores that she escalated the complaint to Lewis, Hunt, and Human Resource President Renee Trotman. Hunt later scheduled a meeting with Flores and Mills to obtain additional information regarding the assault but did not inquire into Flores's

complaint of racism. Hunt concluded the meeting and assured Flores that Planned Parenthood took her complaints seriously and would follow up with her regarding next steps. However, Flores never received any response from HR or Lewis.

25. On several occasions over the following months, Flores approached Lewis in an attempt to discuss the selection of a new board member. Lewis responded evasively. By this time, Lewis had effectively cut Flores from these executive discussions, thereby sending a clear message to Flores that her complaint of race-based tokenism was unacceptable at PPTNM.

26. Despite this, Flores continued to do her work to the best of her ability and obtain great success. For example, in or about May 2021, during a performance review, Mills and Hunt informed Flores that her performance was excellent and provided her with no negative feedback. In the months that followed, Hunt often referred to Flores as PPTNM's "best organizer" to organizing teams.

27. In or about August 2021, Flores observed a number of concerning interactions between Hunt and an organizing Fellow on her team, Vanessa Neria. Neria was primarily Spanish-speaking, with a limited understanding of English, and PPTNM did not provide her with an interpreter. This resulted in several communication breakdowns between Hunt and Neria, wherein Neria could not understand English instructions Hunt provided to her, and Hunt responded angrily.

28. Flores was the only Spanish speaker on the Communication Organizing Team, albeit she was not fluent. Hunt and Mills pressured Flores to aid Neria by translating tasks for her, which she did when feasible. However, Flores could not provide full-time translation services and PPTNM often left Neria completely in the dark regarding the workflow of the Community Organizing team. This also resulted in a disparate workload for Flores, who adopted the role of

translating and communicating with Neria, which was outside of Flores's job responsibilities as well as her qualifications.

29. In or about Saturday 2021, Flores complained to Mills regarding the disproportionate workload. Flores stated it was unfair to expect that she bear the responsibility of translating for Neria, adding: "Just because I am brown doesn't mean I can be everyone's translator or interpreter." Mills acted sympathetic to the complaint; however, she did not offer to find an alternative, nor did she state PPTNM would do anything to resolve the issue.

30. Upon information and belief, Mills did not escalate Flores's complaint that she was given a disproportionate workload because she was "brown," nor did Mills take any other steps to remediate the complaint.

31. In or about late September 2021, in a conversation between Flores and Hunt regarding unrelated PPTNM initiatives, Hunt began to criticize Neria in English for what she perceived to be Neria's failings and poor listening skills. Flores responded by reminding Hunt that English was Neria's second language and because PPTNM did not provide interpreter services, Neria was in an untenable position.

32. Hunt glibly responded that it was Neria's responsibility to communicate in English with executive staff and any inability to do so was a performance failure.

33. These communication breakdowns persisted for the remainder of Flores's employment. Nothing was ever done to increase accessibility for Neria, who was publicly and repeatedly chastised for her limited English-speaking skills. This also continued to result in a disparate workload for Flores, who was burdened with being Neria's *de facto* translator in addition to her actual job duties.

Racist Messaging from Leadership Sparks Staff-Wide Complaints; Planned Parenthood Responds with Further Hostility.

34. On October 5, 2021, an individual burglarized PPTNM's Knoxville Health Center. The facility's alarm alerted security, and the police were called but the individual was not apprehended.

35. That next day, President and CEO Ashley Coffield sent an organization-wide email to advise the staff regarding the burglary.

36. On October 7, 2021, Coffield sent a second email to update the staff on the status of the police investigation. In the email, Coffield advised that three employees had been able to facilitate the apprehension of the burglar, who had been arrested. The email was celebratory in nature, and described the burglar as a "homeless" and a "heroin addict" who was "looking for prescription pads and money." Coffield openly joked about, laughed at, and mocked the individual and the manner in which he was arrested throughout the email.

37. Several members of PPTNM staff found this email inappropriate and distasteful. While employees were generally glad that the burglar had been apprehended, they also expressed that they did not understand why Coffield had taken the opportunity to mock the arrest of an individual facing homelessness and addiction. This email seemed contrary to PPTNM's purported aim of providing support to those who need it most. Moreover, celebrating the arrest of a clearly disenfranchised individual felt minimizing – if not outright hostile – to the negative experience people of color often face when interacting with law enforcement.

38. Given this, on October 8, 2021, Julie Edwards, Kamari Allen, Max Carwile and Flores penned a letter to Lewis articulating why Coffield's mocking email and carceral approach ran contrary to the Organization's values and made them feel unsafe as community members and, for

Allen and Flores, as individuals of color, who are in marginalized communities targeted by the police:

We are concerned that how this situation was handled does not align with our organizational values and mission. We know Planned Parenthood does not do reproductive justice work outright, but in our work and in our values, we do align ourselves with RJ organizations and claim to do our part in following their lead. This should mean that we do our best not to align ourselves with any system that infringes on people's right to self determination, which must include the police.

Our concerns regarding how this was handled primarily revolve around involvement with the police, rewarding our employees for replicating this oppressive system and collaborating with cops, and subsequently the celebration of getting a houseless man with addiction issues arrested as a result. We are failing to see any critical analysis of this situation and how it was handled from Senior Leadership that includes a racial or reproductive justice, harm reductionist, or liberation-oriented perspective, when these are values we believe Planned Parenthood to hold elsewhere in our work.

We stand firmly that it is our collective responsibility as Planned Parenthood employees and stewards of our organizational mission to raise our voices when we fall short on acting in alignment with the values we know Planned Parenthood to hold. Therefore, we have outlined three requests below that we believe would work towards making this situation right to the best of our abilities (acknowledging that at this point in the legal process, we are limited in our capacity for complete intervention).

1. We hope PPTNM will drop our charges against the individuals apprehended by police. We accept that we cannot intervene if the State presses charges (for this instance of burglary or unrelated charges). However, we hope that in PPTNM dropping our charges against him, this may at least result in a lesser sentence or the forfeiture of requiring him to pay restitution of any unrecovered property.
2. Ideally, we also hope that PPTNM will aid in finding this man housing as we understand housing to be a human right and thus a core reproductive justice issue.
3. We know that other departments and leadership may not understand why this approach was so concerning, or why we must work to limit our relationship with the police even in instances as serious as this. We are hoping we can use this situation to jump-start a discussion of our affiliate's relationship with police with senior leadership, most notably Ashley and Tarsha.

We know that PPTNM's senior leadership has already taken some measures in handling this situation that are actually in line with our values, such as asking Community Defense groups to patrol outside the Knoxville Health Center instead of the police. We want to acknowledge that we know y'all are doing the best you can with the tools and resources available to you. We are simply asking to be involved in the decision-making process so

that we can continue to encourage solutions that do align with our mission, and so that we can support senior leadership as we collectively figure out how best to navigate serious security issues from a justice and liberation-oriented praxis now and in the future.

We appreciate your consideration on this matter. I want to reiterate that we know senior leadership has their hands full currently trying to navigate this unfolding situation, and we don't mean to add to current stress, but instead wanted to get ahead of this situation sooner rather than later as we don't believe it would benefit anyone for us to continue to stay silent on this.

39. On October 12, 2021, Lewis replied to the email stating she was on vacation and could not respond with substance. She further stated she would “engage with senior leadership when [she] returned the following week.”

40. The following week, Lewis scheduled a conference call with Edwards, Allen, Carwile and Flores to discuss their complaint for October 22.

41. During this call, Flores began the conversation by stating that as a “person of color” she found Coffield’s comments dehumanizing and that it made her feel unsafe in the organization. Flores focused on Coffield’s comments about the individual’s addiction stating that addiction was a mental health disorder and not something to be laughed at. She related with the individual; she expressed she was a person of color who had also suffered from mental health issues in the past and she could easily see herself in the individual who had been arrested. Flores also disclosed a past traumatic encounter with the police related to her struggles with mental health. She concluded that Coffield’s choice to ridicule the homeless arrestee made her feel as if she was not welcomed at PPTNM.

42. After this, Allen spoke about their experience as a “Black person,” a community which has been targeted by the police and disproportionately incarcerated as a result. Allen admitted that reading Coffield’s email gloating about the arrest of someone suffering from homelessness felt “traumatizing” as well as made them feel unsafe and devalued by the organization.

43. The remainder of the conversation was led by Carwile and Edwards. This was a purposeful choice by the group, as they felt PPTNM would be less dismissive if the conversation was led by white employees. Carwile and Edwards both stated that they wanted some recognition of their concerns and movement on the action items they put forth in their complaint.

44. Lewis responded defensively and tried to convince the group that they had misread or somehow misunderstood the email. Lewis ultimately stated that she would “discuss” the matter internally with leaders and circle back to the group regarding a response to their complaints.

45. On November 5, Coffield sent a follow-up email in which she apologized to anyone who “felt the email [regarding the arrest] was uncaring and out of touch” and went on to “clarify” the intent of the email was to celebrate the resolution of the burglary and not the arrest of the individual. Coffield concluded the email by stating that all employees should know that she would continue to “use the tools available to [her] to protect PPTNM’s property, staff, and patients.”

46. Each member of the group agreed that Coffield’s email response missed the mark in that it did not address any of the main concerns raised in their written complaint or their call with Lewis. The group had not complained about PPTNM taking action to resolve the incident, but about PPTNM’s course of action following the arrest, the celebratory and demeaning tone of Coffield’s email, and how PPTNM’s actions made them feel marginalized within the organization.

47. Moreover, Coffield did not respond to any of the action items recommended by the group in their October 8 complaint, nor did she mention any other remedial action the organization would take in response to the complaint. Again, Flores was confused and disheartened by PPTNM yet again ignoring her complaint of racism within the organization.

48. On November 10, Lewis followed up with the group by email stating that Coffield's most recent email had "resolve[d] the matter." Lewis went on to state that she recognized that while there existed "subcultures" with "varying needs and priorities" they did not always need to "agree." Lewis's unilateral declaration that the issue had been resolved made clear to Flores that PPTNM had no intention of taking any action to remedy the complaint. This was reinforced by her chiding comments regarding "subcultures" not needing to "agree."

49. It thus became clear to Flores that no one would respond to her complaints or take any other steps to rectify her increasingly hostile working conditions. Flores decided her only option was to keep her head down and try to complete her work to the best of her ability. This became more and more difficult over time and began to result in severe harm to Flores's emotional state.

Planned Parenthood Continues to Traffic in Racist Tropes.

50. In or about August 2020, Planned Parenthood hired Lewis's white friend, Savannah Bearden, for a newly created position called "Director of Communications." Many at PPTNM found the creation of this position bizarre, as PPTNM did not even have a communications department and strongly appeared to have created this role in order to provide Bearden with a Director-level role. Moreover, the duties transferred to Bearden in her new role were taken from members of the Community Organizing and Community Engagement teams, many of whom were themselves qualified for a Director role, which obviated the need for an external hire. There was no apparent reason why the organization would not promote one of these team members, many of whom were individuals of color.

51. Bearden's hire created a bottleneck for media and outreach initiatives. Bearden demonstrated an apparent unwillingness to work with many of the team members she was ostensibly hired to lead. Flores and other staff members of color found Bearden highly reluctant

to communicate with them as Bearden generally did not respond to their emails regarding event management and status, which in turn stalled PPTNM initiatives and created additional work for staff.

52. Worse yet, soon after Bearden's start at PPTNM, Bearden made a habit of blaming and scapegoating employees of color for Bearden's own failings. For example, Bearden prematurely launched a media initiative for Planned Parenthood's September 1 National Day of Action by mistake. Following her error, Bearden lashed out at the Community Organizing team for its alleged failure to properly advise her on the media strategy. In response, the team informed her that they had in fact done so, and that she had failed to respond to their media strategy communications. Rather than accept any responsibility, Bearden sent several emails to supervisors and reports doubling down on the falsehood that the teams below her were somehow to blame.

53. Things escalated further in or about November 2021, when Bearden revised a blog post prepared by one of her reports regarding Texas's anti-abortion bill, Senate Bill 8, which permitted anyone to bring a lawsuit against someone who aided or abetted in an abortion. In the blog, Bearden compared the bill to the Fugitive Slave Act. Bearden also tried to arrange PPTNM to post a photo of a slave catcher on the Planned Parenthood website alongside the blog post.

54. Bearden's proposal sparked immediate turmoil across PPTNM staff – especially those of color – who were yet again placed in the risky position of having to respond to racist messaging from their leadership.

55. Along with most of her colleagues, Flores found Bearden's conduct offensive. However, Flores was too scared to complain; the hostility she received in response to her prior race-based complaints made her fear increased retaliation for raising another complaint of discrimination.

Flores was not alone in this sentiment, as several other staff members of color voiced their view that Bearden's proposals were racist but that they did not feel comfortable conveying this to leadership.

56. Given this, Carwile took it upon herself to complain to Bearden that her proposal was offensive and racially insensitive. Carwile cited that poor women, predominantly those of color, had already been crossing state lines in Texas due to restrictive abortion laws before the passage of Senate Bill 8. Because the effect of the bill was primarily felt by white women of means, Carwile noted the blog had the effect of comparing these women to slaves.

57. Bearden never responded to Carwile's complaints. Instead, Bearden continued to pressure the communications team to move forward with her proposals even after many team members had expressed that it was racist.

Flores and Staff Renew Their Protected Complaints and Are Swiftly Retaliated Against; Flores is Unlawfully Terminated.

58. On or about December 7, 2021, PPTNM staff were required to participate in a mandatory "retreat" which was described to staff as an opportunity to strategize and plan future initiatives as well as discuss intra-team dynamics.

59. PPTNM held regular retreats which purported to cater to and/or help their employees of color. However, in reality, many employees of color had voiced that they felt these retreats were performative and uncomfortable, and a waste of time for already-overworked staff. Worse, they did nothing to address the specific, concrete complaints that employees of color had registered without recourse.

60. The entire Community Organizing and Community Engagement teams were present at the December retreat along with Bearden and Lewis.

61. After some cajoling by leadership to engage and promises the retreat was a “safe space” for discussion, Edwards noted that there had been a number of problematic situations over a short period of time which left the staff feeling as if they were not listened to and their complaints were not addressed.

62. Edwards spoke candidly about a number of issues including leadership’s flippant attitude towards their employees’ identities, such as gender and race. As Edwards spoke Flores observed Lewis becoming more and more upset. Suddenly, Lewis interrupted Edwards and began to blame Edwards and the other employees for leadership not addressing their complaints.

63. Lewis then explicitly cited the October meeting where Flores and her coworkers complained of racism as an example of the staff acting “hostile.” She further stated that she could not take the group or their complaints seriously because of what she described as the “snarky” look on their faces.

64. Flores asked that Lewis let Edwards finish speaking, and pointed out that Lewis was currently exhibiting the exact type of dismissing behavior that Edwards was trying to articulate. Lewis then adopted an accusatory tone and demanded that Flores provide some examples of occasions when leadership had not responded to employee complaints. In response, Flores mentioned the February incident wherein she had complained that Lewis was simply looking for a “brown person” to join the board of directors, explaining how she felt dismissed and cut out of the conversation following her complaint.

65. Lewis responded by shouting at Flores, calling her race complaints “mean,” and again insulting Flores for what Lewis described as a “snarky” look on her face. At this point, Flores shut down. Having been maligned and insulted by a superior in front of her coworkers was

devastating for her. Flores politely excused herself from the conversation and went to the bathroom where she wept. After some time, Flores collected herself and returned to the retreat.

66. The following day, December 8, 2021, the organizing teams again met for a planning meeting. In this meeting, Bearden presented a MOCHAR³ she had created after the retreat, which proposed that all management obligations be delegated to the members of the organizing teams. The MOCHAR also did not include a section regarding racial equity, which were usually included in all MOCHARs. Bizarrely, Bearden stated that this change in responsibility delegation was made in response to employee complaints regarding her refusal to communicate or follow through for the teams she oversaw.

67. A number of employees expressed that it was unfair that Bearden's response to their complaints was to disavow her responsibilities completely.

68. Flores responded by noting that the racial equity of the MOCHAR was left completely blank and highlighted that Bearden's proposal created substantially more work for Bearden's Black and brown reports. She remarked that Bearden's behavior had the effect of shifting management and direction back to them, while simultaneously requiring her approval to move forward. Flores asked Bearden to be mindful of the "racial undertones" of having her team composed almost entirely of people of color effectively doing her work for her.

69. In response, Bearden screamed: "If we want to win this fight, we need to be united!" Flores found this bizarre, as it did not have anything to do with Flores's complaint that Bearden was taking advantage of her staff of color.

³ At PPTNM, a "MOCHAR" (an acronym for manager, owner, consulted, helper, approver, and racial equity) is a visual project management model which outlines tasks and roles.

70. Lewis interjected: “You have been so mean and hostile!” Lewis then began to berate Flores at length for what she described as Flores’s “hostility.” Unprompted, Lewis explicitly cited the October 2021 complaint wherein a group of employees complained of racist messaging as an example of Flores’s hostility. This retaliatory chastisement by two superiors was overwhelming to Flores and she was again reduced to tears.

71. On December 9, 2021, Carwile emailed Bearden, with Lewis copied, to complain about Bearden’s conduct during the retreat and the days that followed:

First, I believe as white people it is our job to call each other in and work to educate each other. It feels like on calls you struggle to prioritize racial justice like other staff do. I became more aware of this when you sent your MOCHAR on Tuesday without even bothering to give any thought to the racial equity column. Of course, there is the elephant in the room regarding this issue. Your comparison of anti-abortion laws to slavery and your desire to put some sort of slavecatcher poster on our website in the suggested SB8 blog post. Weeks have passed and I still haven’t heard back from you about this. I am deeply concerned that as a white woman working in a reproductive freedom organization you don’t understand how incredibly harmful and insensitive it is for you to suggest this. Let alone from a communications perspective how damaging the backlash could be for a white-led organization to post something like this. I strongly believe you should go through training on centering racial equity and on the ways white people, especially white women, uphold white supremacy in order to move forward. I can help you find trainings on these subjects if that would be helpful. I can be an accountability partner for you in this process and anything else you need. Unlearning white supremacy is a long and painful process that we are all going through and I am here to support your journey however I can. I also understand if I’m not a person who you are comfortable being that vulnerable around and I can connect you to others for training resources and accountability if that works better for you.

72. Neither Bearden nor Lewis responded to this email.

73. In the weeks that followed, all of Flores’s and Carwile’s one-on-ones with Lewis, Bearden, and Mills were cancelled. Flores and Carwile were also inexplicably excluded from several team and staff meetings.

74. Bearden also stopped attending organizing and communications calls. In or about January 2022, Flores texted Mills saying she was disturbed that Bearden was “no longer interacting with the staff of color” in response to the complaints against her. Mills did not respond to this message.

75. In February 2022, Coffield announced to the staff that due to alleged budgetary restrictions, PPTNM was conducting a reduction in force (“RIF”). Upon information and belief, only four employees were terminated as part of the alleged RIF.

76. Flores and Carwile were both among the four employees terminated as part of the alleged RIF. The other two employees were both Black.

77. Flores was informed of her termination on February 23. During her termination session, PPTNM stated that the selection of Flores for the RIF was not performance-based, and that PPTNM simply selected newer employees for the layoffs.

78. This rationale was belied by the fact that Flores was aware of several employees who were hired after her but were not terminated in the RIF. Moreover, Carwile had a nearly six-year tenure at Planned Parenthood, and most of the remaining staff had been hired after her, making her one of the senior-most employees at PPTNM. It was therefore clear that Flores was selected for termination because of her multiple complaints of race discrimination against Planned Parenthood leadership.

79. The discrimination and retaliation Flores suffered at the hands of Planned Parenthood had devastating effects. Following her termination, Flores faced severe emotional distress including depression, anxiety, PTSD, nightmares, crying spells and suicidal ideation, which became so intense that she was admitted to a mental health facility for treatment and monitoring. Flores is in

treatment by two separate therapists and a psychological nurse practitioner and has been prescribed Prozac and Tazodone.

**FIRST CAUSE OF ACTION:
Discrimination in Violation of § 1981**

80. Flores repeats and realleges each allegation set forth above.

81. Planned Parenthood unlawfully discriminated against Flores in the terms and conditions of her employment by subjecting her to disparate treatment on the basis of her race in violation of 42 U.S.C. § 1981 (“§ 1981”).

82. As a result, Flores has suffered emotional distress and has incurred compensatory damages, economic damages, attorney’s fees, and costs.

83. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Flores’s federally protected rights.

84. Flores is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney’s fees, and costs.

**SECOND CAUSE OF ACTION:
Retaliation in Violation of § 1981**

85. Flores repeats and realleges each allegation set forth above.

86. Planned Parenthood unlawfully retaliated against Flores for her protected discrimination complaints by subjecting her to disparate treatment and adverse actions and terminating Flores’s employment, in retaliation for her protected activities, in violation of § 1981.

87. As a result, Flores has suffered emotional distress and has incurred compensatory damages, economic damages, attorney’s fees, and costs.

88. Planned Parenthood acted willfully, with malice and/or reckless indifference to Flores’s rights, entitling her to an award of punitive damages.

89. Flores is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**THIRD CAUSE OF ACTION:
Discrimination in Violation of the THRA**

90. Flores repeats and realleges each allegation set forth above.

91. Planned Parenthood unlawfully discriminated against Flores in the terms and conditions of her employment by subjecting her to disparate treatment and terminating Flores's employment, on the basis of her race, in violation of the Tennessee Human Rights Act.

92. As a result, Flores has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

93. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Flores's rights.

94. Flores is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**FOURTH CAUSE OF ACTION:
Retaliation in Violation of the THRA**

95. Flores repeats and realleges each allegation set forth above.

96. Planned Parenthood retaliated against Flores for her protected discrimination complaints in violation of the THRA.

97. The retaliatory actions to which Flores was subjected could have dissuaded reasonable employees in her position from complaining of discrimination.

98. Planned Parenthood acted willfully, with malice and/or reckless indifference to Flores's rights, entitling her to an award of punitive damages.

99. Flores is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

DEMAND FOR RELIEF

WHEREFORE, it is respectfully requested that the Court enter judgment in favor of Flores and against Defendants, in amounts to be determined by the finder of fact, on the First, Second, Third, and Fourth Causes of Action, awarding emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs, and granting such other relief as may be just.

DEMAND FOR TRIAL BY JURY

Pursuant to FRCP § 38(b), Plaintiff demands a trial by jury.

Dated: Brooklyn, New York
February 23, 2023

Respectfully submitted,

/s/ Wade B. Cowan
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