

CAUSE NO. D-1-GN-21-002297

SHANNON MARIE EVANS,

Plaintiff

vs.

PLANNED PARENTHOOD OF GREATER
TEXAS,*Defendant*§
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IN THE DISTRICT COURT

200TH JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Shannon Marie Evans ("Evans" or "Plaintiff"), files this Original Petition against Defendant Planned Parenthood of Greater Texas ("PPGT" or "Defendant"), alleging violations of the Texas Health & Safety Code § 161.134 and would show as follows:

I. PARTIES

1. Plaintiff Shannon Marie Evans is an individual currently residing in Austin, Texas.
2. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.
3. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.
4. Defendant Planned Parenthood of Greater Texas is a nonprofit Texas corporation. PPGT may be served through its registered agent, Kenneth Lambrecht, at the address of the registered agent, 7424 Greenville Avenue, Suite 206, Dallas, Texas 75231.

II. JURISDICTION

5. Jurisdiction is appropriate because PPGT is a Texas nonprofit corporation doing business in Texas, and the acts giving rise to this petition occurred in the State of Texas.
6. This Court has subject matter jurisdiction because Plaintiff's damages are in excess of the minimal jurisdictional limits of the Court and within the maximum jurisdictional limits of the Court.

III. VENUE

7. Venue is proper in the Travis County District Court pursuant to Texas Health & Safety Code § 161.134(g) because Travis is a county in which Defendant conducted business where:

- a. PPGT regularly works with health care providers who are located in Travis, County, Texas;
- b. PPGT regularly receives patients who live and work in Travis County, Texas;
- c. PPGT employees regularly work with and treat patients at PPGT who live in Travis County, Texas;
- d. Those patients regularly return to Travis County, Texas after treatment;
- e. PPGT actively recruits employees in Travis County, Texas;
- f. PPGT regularly markets for patients who live in Travis County, Texas; and
- g. The PPGT entity itself is registered in Travis County, Texas.

IV. FACTUAL ALLEGATIONS

8. Defendant is a health care provider with offices and places of business in Austin, Texas, and other cities throughout the State of Texas, where it is engaged in the operation of medical clinics providing reproductive healthcare services and education.

9. At all material times, the following individuals held the position set forth opposite their respective names and have been supervisors of Plaintiff Shannon Marie Evans and/or agents of the Defendant PPGT:

Earl Jordan	Senior Director of Security and Environmental Management
Ken Lambrecht	President and Chief Executive Officer
Sheila McKinney	Chief Operating Officer
Beth Watson	Vice President of Health Services
Ann Mask	Vice President of Human Resources

G. Sealy Massingill	Chief Medical Officer
Amna Dermish	Regional Medical Director
Elizabeth Cardwell	Lead Clinician
Tonya Capson	Health Services Regional Manager
Betsy Stutz	Health Center Manager
Heather Rodriguez	Health Center Manager
Kathleen Dickerson	Health Center Manager
Miranda Aguirre	Health Center Manager

10. Defendants hired Shannon Marie Evans in November 2019, employing her as a Nurse Practitioner.
11. Defendants' patients received comfort and service because of Evans's dedication to Defendants and to patient care.
12. Evans exhibited excellent job performance during her time as an employee at Defendants.
13. Defendant praised Evans for her positive job performance during her time as an employee.
14. Defendant never gave Evans a negative performance review or put Evans on a performance improvement plan during her time as an employee.
15. On April 5, 2020, PPGT employees (other than Evans) engaged in concerted activity with other employees concerning their terms and conditions of employment during the COVID-19 pandemic ("Pandemic").
16. On April 6, 2020, PPGT employees (other than Evans) engaged in concerted activity by distributing a petition to employees and addressed to Defendant PPGT's President and Chief Executive Officer, Ken Lambrecht, requesting that he implement policies affecting their wages, hours and other terms and conditions of employment in response to the Pandemic.
17. On April 5, 2020, Defendant PPGT, by Earl Jordan, by text message, promulgated a rule and/or issued an instruction to employees, directing them not to contact employees they did not know.

18. At various times on April 5 and 6, 2020, Defendant PPGT, by Earl Jordan and Betsy Stutz, by text message, interrogated employees about their and other employees' concerted activities.
19. On April 17, 2020, Defendant PPGT, by Betsy Stutz, by e-mail and text message: interrogated employees about their and other employees' protected and concerted activities, and created the impression that employees' protected and concerted activities were under surveillance.
20. The Defendant PPGT engaged in the conduct described above because the PPGT employees engaged in the conduct described above in paragraph 4 and to discourage employees from engaging in these or other concerted activities.
21. From December 2019, through June 9, 2020, Evans and another PPGT employee engaged in concerted activity with each other and other employees regarding their and other employees' wages, hours, and terms and conditions of employment, including, among other things: 1) equipment, supply, and material shortages, and other deficiencies at Defendant PPGT's Central Austin Clinic; 2) managerial treatment and harassment; 3) Defendant PPGT's decisions affecting employee eligibility for paid administrative leave and Federal relief in response to the Pandemic; 4) health and safety concerns and other measures to protect employees from the Pandemic; 5) patient and clinical procedure scheduling; and 6) inadequate staffing levels, untrained staff and other staffing decisions.
22. Evans reported the foregoing concerns to her supervisors.
23. On June 10, 2020, Defendant PPGT discharged Evans from her employment citing Evans' repeated violations of PPGT employee policies and procedures. There is no documentation in Evans' employment file evidencing these violations.
24. In February 2021, the National Labor Relations Board determined that Defendant PPGT engaged in the conduct described above because Evans and the other employee engaged in the conduct described above in paragraph 21, and to discourage employees from engaging in these or other protected and concerted activities in violation of the rights guaranteed them under Section 7 of the National Labor Relations Act (the "Act") in violation of Section 8(a)(1) of the Act.

**V. CAUSE OF ACTION: RETALIATION IN VIOLATION OF THE TEXAS
HEALTH & SAFETY CODE**

25. Plaintiff adopts and incorporates herein by reference all preceding paragraphs.
26. Defendant is a hospital, mental health facility, or treatment facility as defined by Texas Health & Safety Code § 161.131 and Texas Mental Health Code § 571.003.
27. Defendant suspended or terminated the employment of or disciplined or otherwise discriminated against Plaintiff for reporting in good faith to Plaintiff's supervisor, an administrator of Defendant, a state regulatory agency, or a law enforcement agency a violation of law, including a violation of this chapter, a rule adopted under this chapter, or a rule of another agency.
28. Defendant also terminated Plaintiff's employment on or before the 60th day after the date on which Plaintiff made a good faith report.
29. Defendant's conduct violated Texas Health & Safety Code § 161.134.
30. This lawsuit is filed before the 180th day after the date the alleged violation occurred or was discovered by the Plaintiff through the use of reasonable diligence.

VI. DAMAGES

31. As a result of Defendant's unlawful conduct, Plaintiff has suffered economic and actual damages, including past and future lost income, back wages, interest on back pay and front pay, future wages or front pay, lost earnings in the past and future, lost benefits under the contract or employment relationship, employment benefits in the past, and employment benefits in the future. Plaintiff has also incurred other actual damages as a result of Defendant's unlawful conduct, including but not limited to past and future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of earning capacity, loss of enjoyment of life, injury to professional standing, injury to character and reputation, and other pecuniary and non-pecuniary losses.

VII. COMPENSATORY DAMAGES

32. Plaintiff additionally brings suit for compensatory damages, including emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character and reputation, injury to credit standing, job search expenses, lost earning capacity in the past and future, and other pecuniary and non-pecuniary losses.

VIII. EXEMPLARY DAMAGES

33. The conduct committed by Defendant against Plaintiff is the type of conduct demonstrating malice or reckless indifference to the rights of the Plaintiff. Therefore, Plaintiff additionally brings suit for exemplary damages.

IX. ATTORNEY'S FEES AND EXPERT FEES

34. Plaintiff seeks all reasonable and necessary attorneys' fees in this case, including preparation and trial of this lawsuit, post-trial, pre-appeal legal services, and any appeals. Plaintiff additionally brings suit for expert fees.

X. DEMAND FOR JURY TRIAL

35. Plaintiff demands a trial by jury of all the issues in this case and tenders herewith the requisite jury fee.

XI. PRAYER FOR RELIEF

36. WHEREFORE, cause having been shown, Plaintiff prays for, on trial of this just cause, judgment against Defendant as follows:

- a. All actual damages, including but not limited to past and future lost wages, past and future lost benefits, lost benefits of contract, consequential damages, reinstatement of lost fringe benefits or seniority rights;
- b. Mental anguish / compensatory damages;
- c. Exemplary / punitive damages;

- d. Pre-judgment and post-judgment interest as allowed by law;
- e. Court costs and expenses, and litigation expenses, including but not limited to the expenses for any expert witnesses;
- f. Equitable relief, including reinstatement, front pay;
- g. Attorneys' fees; and
- h. Any such further relief as the Court deems proper and just under the circumstances.

Respectfully submitted,

/s/ Roland Wiederaenders
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