

2008-45045

CAUSE NO. _____

ASSESSED
ENTERED
VERIFIED

ANGELA ROBINSON,

PLAINTIFF,

V.

RICHARD N. LAMINACK,
 LAMINACK, PIRTLE &
 MARTINES, L.L.P. and
 THE O'QUINN LAW FIRM, f/k/a
 O'QUINN, LAMINACK & PIRTLE

DEFENDANTS.

§ IN THE DISTRICT COURT OF

§

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§ HARRIS COUNTY, TEXAS

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295th JUDICIAL DISTRICT

FILED
 THERESA
 DISTRICT CLERK
 HARRIS COUNTY TEXAS
 JUL 25 PM 4:15
[Signature]

**PLAINTIFF'S ORIGINAL PETITION
 AND REQUEST FOR DISCLOSURE AND RULE 193.7 NOTICE**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Angela Robinson and makes and files this Original Petition complaining Richard N. Laminack, Laminack, Pirtle & Martines, L.L.P. and the O'Quinn Law Firm f/k/a O'Quinn, Laminack & Pirtle and for cause of action would respectfully show the court the following:

I.

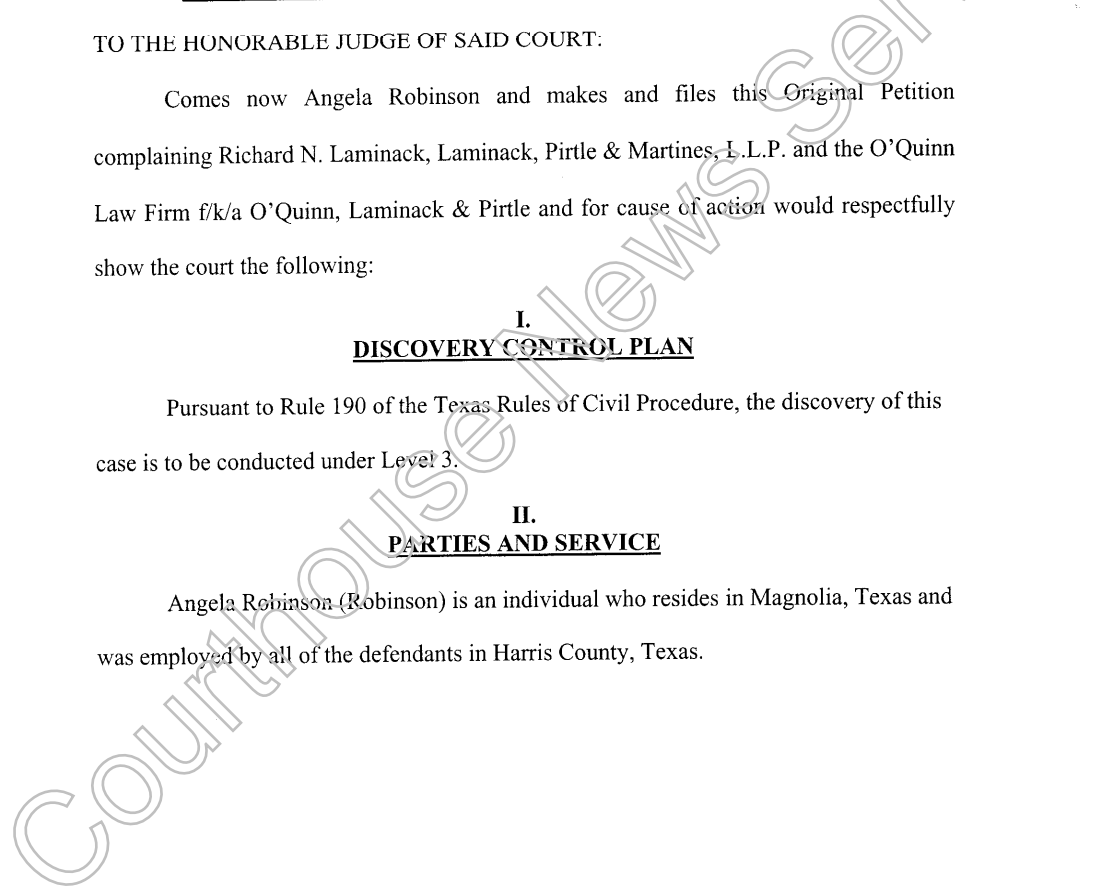
DISCOVERY CONTROL PLAN

Pursuant to Rule 190 of the Texas Rules of Civil Procedure, the discovery of this case is to be conducted under Level 3.

II.

PARTIES AND SERVICE

Angela Robinson (Robinson) is an individual who resides in Magnolia, Texas and was employed by all of the defendants in Harris County, Texas.



Defendant Richard N. Laminack (Laminack) is an individual residing in Harris County, Texas. He may be served with process at his place of business, 5020 Montrose Blvd., 9th Floor, Houston, Texas 77006-6535

Defendant Laminack, Pirtle & Martines, L.L.P. (LPM) is a limited liability partnership or otherwise a business entity with its principal place of business, 5020 Montrose Blvd., 9th Floor, Houston, Texas 77006-6535. It may be served by serving its principal, Richard N. Laminack at its principal place of business.

The O'Quinn Law Firm f/k/a O'Quinn, Laminack & Pirtle (OLP) is a law firm and business entity existing under the laws of the state of Texas. It may be served by serving its principal, John M. O'Quinn at his place of business, 440 Louisiana Street, Suite 2300, Houston, Texas 77002.

II.
PARTIES AND SERVICE

The subject matter in controversy is within the jurisdictional limits of this honorable court. The court has jurisdiction over the causes of action asserted herein and over the individual parties. Venue is proper in Harris County, Texas.

IV.

Robinson was a competent, loyal and hardworking employee of OLP and thereafter LPM from May 2002 through her date of wrongful termination, April 14, 2008. Throughout that period, Laminack was a principal in both law firms with direct supervisory control over Robinson and others similarly situated.

Laminack was and remains a sexual predator. During and after working hours, both on and off the premises and with the actual knowledge of his peers and superiors, he used and continues to use his position of power and authority over vulnerable,

economically-dependant and emotionally vulnerable subordinates to seduce or compel, as circumstances might warrant, intimate sexual relations of a conventional as well as deviate nature. Laminack is bisexual, preying on susceptible male as well as female employees. Knowing full well of Laminack's proclivities, OLP and LPM simply adopted the expedient practice of enabling Laminack's tastes by handsomely compensating injured employees in exchange for their perpetual silence.

Laminack's appetite and oppression was an open secret at both OLP and LPM. That he would routinely demand sexual favors with the express or implied promise of continued employment was well known among the employees of both law firms. A clear pattern and practice developed, for all to see, that those giving into Laminack's appetite secured job security, raises, bonuses and promotions where rejecting him exposed employees to adverse employment consequences, up to and including termination.

The hostile work environment produced by Laminack's voracity was of such intensity and duration that it actually became, and probably remains, somewhat of a tradition at both law firms. Laminack's trysts are well known and an established part of both firm's 'lore.'

In addition to the emotionally distressing environment created by the pattern and practice of Defendant Laminack's predatory sexual behavior and his law firms' ratification of such behavior, Laminack began to focus his sights on Robinson, who was 23 years of age when hired by Defendant law firms. Laminack repeatedly told Robinson off-color, sexually oriented jokes. He repeatedly made comments about her physical attractiveness and his desire to get to know her better. On multiple occasions he placed

his hand on her buttocks despite being told by her that this conduct was inappropriate and unwelcome.

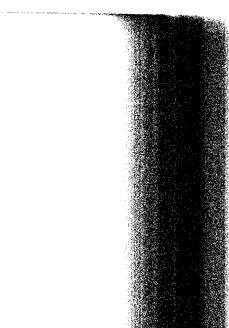
On one specific occasion in the spring of 2005, Defendant Laminack emerged from a deposition of a crucial testifying expert witness and informed Angela Robinson that the expert, Dr. George Miller was not doing well and that the firm paid him over \$100,000.00. Defendant Laminack told Angela Robinson to go back in his office and wait for the doctor and he would shut the door so that she could “take care” of the expert witness so that he would be in a better mood and more receptive to testifying in a manner consistent with the litigation theory of Defendant law firms. The clear implication of Laminack’s suggestion was that, at a minimum, Robinson was expected to fellate Laminack’s very expensive yet defective expert witness.

In December, 2007 Defendant Laminack offered Robinson \$15,000.00 to accompany him to Las Vegas and stay in a hotel room with him over a long weekend. She rejected this and coupled with her previous continuous rejection of the sexual advances sealed her fate as an employee of Defendant law firms.

During her employment, Robinson worked was assigned to the firms’ Fen-phen docket. She was told repeatedly to work whatever hours it took to “get the job done” but was also prohibited from turning in her excess hours as overtime. In fact, Robinson worked extraordinary amounts of overtime for which she was not even paid her basic hourly rate, much less the “time and a half” required by law. At a minimum, the actual overtime during her employment with LPM, exclusive of interest, penalties and attorney’s fees, due and owing to Robinson is at least \$27,500.00.

Further, for some period of time, firm employees would order fictitious medical records for each client from healthcare providers that had never seen, examined or treated the firms' client. With the assistance of several record retrieval companies who would report that 'no records' existed with respect to a particular doctor or hospital, a charge of \$100 to \$150 for each such client would be added to their expense accountings and deducted from the client's portion of the settlement. The record companies would then pay a kickback to employees of the firms. After learning of this unlawful scheme to defraud thousands of Fen-phen litigation clients, Robinson went to Laminack and informed him of the scheme and further informed him that if the Defendant firms would then pass these charges on to the clients when the litigation settled it would be fraud and theft. Laminack told her to be quiet and not inform anyone of this, go along with this illegal act, and at his direction Defendant law firms then mailed settlement statements containing these fraudulent charges and deducted the amount from the gross settlement recoveries of hundreds if not thousands of Fen-phen litigation clients. This conduct on the part of Defendant Laminack and Defendant law firms constitutes, *inter alia*, mail fraud, an unlawful act under 18 United States Code Section 1962.

After years of refusing to submit to Defendant Laminack's battery and intentional infliction of emotional distress, the attempt to blow the whistle on mail fraud being committed by Defendant Laminack and Defendant law firms, despite the fact that the principals of Defendant law firms including Defendant Laminack repeatedly told Angela Robinson that she was the best paralegal the firm had ever had, was an excellent employee, that she was "the best" (Buffy Martines), she was summarily terminated



without any explanation and in fact a complete refusal on the part of Defendant Laminack to provide a reason for her termination.

As a result of the various wrongs that had been committed by the Defendants, Angela Robinson now sues.

V.

No cause of action under or alleging violations of Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000e or Chapter 21 of the Texas Labor Code is being asserted at this time against any Defendant.

VI.

FAIR LABOR STANDARDS ACT CAUSE OF ACTION

Pursuant to 29 U.S.C., Chapter 8 Section 216, et seq., Angela Robinson is entitled to the overtime wages that she earned by working but was not paid; a like amount in penalties, plus attorney's fees and litigation expenses. She is owed an amount of at least \$27,500.00, doubled for a total of \$55,000.00 plus attorneys fees and litigation costs.

VII.

**SABINE PILOT AND WHISTLE BLOWER
WRONGFUL TERMINATION CAUSE OF ACTION**

Within the employment of O'Quinn, Laminack & Pirtle and under the control and auspices of Richard N. Laminack and Laminack, Pirtle & Martines, a scheme was being carried out by employees of Defendant law firms to defraud thousands of Fen-phen pharmaceutical litigation clients. Angela Robinson became aware of this scheme and informed Defendant Laminack that she was aware of this scheme, that the scheme was wrong and unlawful and that the firms needed to take immediate steps not to perpetuate this fraud by actually deducting these false and fraudulent charges from gross settlement amounts to be received by the clients. With this knowledge, Defendant Laminack and

through Defendant Laminack, Defendant law firms ratified, approved and perpetuated this mail fraud in violation of the Federal R.I.C.O. Statutes by thereafter sending through the mail settlement statements to thousands of clients, containing fictitious charges and in essence stealing and converting client monies. In conjunction with this, Defendant Laminack warned Angela Robinson to keep quiet about this situation, and as a paralegal involved in the litigation, to go along with and participate in this illegality. At or about the time that the illegality was being perpetuated by Defendant Laminack and Defendant law firms by actually sending out settlement statements, Angela Robinson was summarily terminated without cause or explanation.

VIII.
BATTERY AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

As ratified by Defendant law firms, Defendant Laminack made it well known among the employees thereof that it was in their best interests to submit to his sexual advances and engage in sexual activity with him at his request. It was also made known to the employees through many prior instances of harassment and attempted harassment by Defendant Laminack, that those employees who refused his advances would be, subjected to adverse employment consequences, including but not limited to termination. Angela Robinson worked hard at her job and needed her job. While working hard and working overtime hours which were not being compensated, she was subjected not only to this hostile environment but to direct physical manifestations of harmful and offensive touching and direct encouragement by Defendant Laminack to have sexual relations with him. He made repeated sexual comments to her, touched and stroked her buttocks on numerous occasions, offered her \$15,000.00 to accompany him to a hotel for a weekend in Las Vegas, requested that she go in and “take care” of an expert witness so that he

would be relaxed and malleable during a deposition and other repeated outrageous acts. This conduct was so outrageous that it constitutes an intentional infliction of emotional distress and repeated offensive touching. For this reason, Angela Robinson sues for intentional infliction of emotional distress and battery.

IX.
DAMAGES

As a result of the conduct of Defendant Laminack, the conduct of Defendant law firms and the ratification by Defendant law firms of the conduct of Defendant Laminack, Angela Robinson has been damaged. She has suffered emotional distress, mental anguish, lost wages, loss of overtime pay and has and will continue to incur reasonable and necessary attorney's fees in the prosecution of this action. She hereby seeks for actual damages in an amount well in excess of the jurisdictional limits of this Honorable Court and exemplary damages against Defendant Laminack and Defendant law firms in an amount to be determined by the court and jury.

X.

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Angela Robinson hereby requests a trial by jury. Plaintiff hereby tenders the appropriate jury fee.

XI.
RULE 193.7 NOTICE

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Angela Robinson hereby gives actual notice to Defendants that any and all documents produced may be used against the Defendants at any pre-trial proceeding and or at the trial of this matter without the necessity of authenticating the documents.

XII.
REQUEST FOR DISCLOSURE

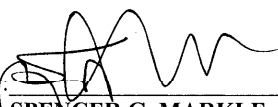
Pursuant to Rule 194 of the Texas Rules of Civil Procedure, all parties named herein as Defendants are requested to disclose, within 50 days of service of this request, the information or material described in Texas Rule of Civil Procedure 194.2(a)-(1).

XIII.

Wherefore premises considered, Angela Robinson respectfully prays that the Defendants be cited to appear and answer herein and that upon final hearing of the cause, judgment be entered for Plaintiff against Defendants, jointly and severally for actual damages in an amount in excess of the minimum jurisdictional limits of the court, exemplary damages, interest, attorneys fees and taxable costs of court.

Respectfully submitted,

MCKINNEY & COOPER, L.L.P.

By: 

SPENCER G. MARKLE
State Bar No. 12989200
ANDREW T. MCKINNEY IV
State Bar No. 13716800
Three Riverway, Suite 500
Houston, Texas 77056
(713) 623-6868
(713) 623-8222 – fax

ATTORNEYS FOR PLAINTIFF