

**IN THE CIRCUIT COURT OF JACKSON COUNTY,  
AT INDEPENDENCE**

BRENDA SNIEZEK, )  
2500 W. 71<sup>st</sup> Street )  
Prairie Village, KS 66208 )  
Plaintiff, )  
v. )  
KANSAS CITY CHIEFS FOOTBALL CLUB )  
One Arrowhead Drive )  
Kansas City, MO 64129 )  
Defendant. )  
(SERVE: REGISTERED AGENT: )  
Siegfried, Bingham, Levy, Selzer )  
911 Main Street, Suite 2800 )  
Kansas City, Mo 64105 )

1116-0754648

Case No:

Division:

REQUEST FOR JURY TRIAL

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**PETITION FOR DAMAGES (TJ)**

Plaintiff Brenda Sniezek, for her cause of action against defendant, alleges and avers as follows:

**Parties, General Allegations, Jurisdiction and Venue**

1. Plaintiff Brenda Sniezek (hereinafter "Plaintiff") is an individual currently residing in Prairie Village, Kansas, at the address more fully set forth above.
2. Defendant Kansas City Chiefs Football Club, Inc. ("Chiefs") is a foreign corporation organized and existing under the laws of Texas. Defendant is a citizen of Missouri because its principal place of business is in Missouri, at the address more fully set forth above. At all times relevant herein Defendant Chiefs was Plaintiff's employer.
3. Defendant Chiefs, at all times relevant hereto, is and has been an "employer" within the meaning of the Missouri Human Rights Act ("MHRA") § 213.010 et seq., RSMo.
4. Defendant Chiefs employ (and at all times relevant hereto has employed) far in excess of six (6) employees, so as to come within the coverage of the MHRA, § 213.010, et seq., RSMo.

5. Both jurisdiction and venue are proper in this Court. This Court has original subject matter jurisdiction over all of plaintiff's MHRA causes of action. Defendant is located in Jackson County, and/or the state of Missouri; and the unlawful employment practices and all other transactions were committed within Jackson County, at the main office at One Arrowhead Drive, Kansas City, MO 64129.

6. This Court, as a court of general jurisdiction, has jurisdiction pursuant to the MHRA. This Court also has jurisdiction over plaintiff's discrimination claims arising out of Missouri law, pursuant to § 213.010, et seq., specifically § 213.111, RSMo.

7. Plaintiff seeks damages far in excess of this Court's jurisdictional minimum of \$25,000.

8. On or about May 19, 2011, Sniezek filed a charge of discrimination based on her age (over 40), with the Missouri Commission on Human Rights ("MCHR"), and Equal Employment Opportunity Commission ("EEOC"). Said Charges of Discrimination were assigned No. E05/11-39258 and 28E-2011-01116, respectively (attached as Ex. A to this Petition). The MCHR issued Sniezek a Notice of Right to Sue on September 13, 2011. Said Notice of Right to Sue is attached (Ex. B to this Petition).

9. This action has been timely commenced by filing this Petition within ninety (90) days after the date of her Notice of Right to Sue. Therefore, plaintiff has duly met all administrative requirements of the MHRA.

#### **COUNT I- AGE DISCRIMINATION**

10. Sniezek hereby incorporates paragraphs 1 through 9 of this Petition, and all paragraphs that follow, by reference, as if fully set forth in these Factual Allegations.

11. Defendant Chiefs employed Sniezek from March 1982, until January 26, 2011. Sniezek last performed the job duties of Community Relations Director. Her responsibilities included, but were not limited to directing community outreach. She reported to the President.

12. During Sniezek's tenure, Sniezek was one of many managers over 40 years old at Defendant Chiefs' Kansas City, Missouri facility. At the same time as her termination, at least seven other managers and employees were "laid off" or terminated. They were replaced by younger employees.

13. Sniezek was a valued employee and met the expectations of her position until her termination in a "so-called" reduction-in-force in January 2011. Sniezek, born in 1959, was 51 when terminated.

14. In the year before plaintiff's termination, several comments by Chiefs' management evidenced a pattern of age discrimination. After Lamar Hunt's death in 2006, Clark Hunt took over the Chiefs organization. Hunt described a new strategy to "change the culture". Scott Pioli, the new General Manager hired by Clark Hunt in 2009 said:

***"It's not about having the best people. It's about having the right people. We are going to change the culture of this organization."***

On another occasion Pioli was overheard saying, "We're going to get rid of everyone who was with Carl Peterson, especially anyone over the age of 40". In the press conference to announce Scott Pioli's new position with the Chiefs, Clark Hunt described how he and Pioli were nearly the same age, both 42 and about to turn 43. Hunt made a nearly identical remark when introducing Pioli to the staff. Plaintiff had an uneasy feeling after hearing those statements and requested the PR department to remove references to her age and years of service from her bio.

16. In January 2010, Ann Roach, an employee with 40 years with the organization, was told she needed to retire or she would be terminated. After that, more older employees were terminated.

17. Hunt appointed a new president, Mark Donovan. Donovan referred to Larry Clemmons, the former controller (terminated 4 months after Sniezek) as "that old guy". In May 2011, Clemmons was fired by newly hired CFO Dan Crumb, after refusing to retire. Despite Clemmons' insistence that he didn't want to retire, and even after he protested that this treatment of him was age discrimination, he was terminated. Clemmons was also told they needed someone in his position who would be there for the next 15-20 years, and was told by Crumb, "well, you're the last of them". Clemmons had made no plans to retire and was not ready to retire at that time. Clemmons was replaced the week after his termination by a man in his mid-30's.

18. Despite the Chiefs claim that they were "eliminating" Sniezek's position, the duties of the position have not been eliminated, only temporarily reassigned. Community Relations is essential to the Chiefs' organization and the National Football League. The Defendant continues to fulfill social responsibility through Community Relations efforts and relationships. Clark Hunt reinforced that strategy with this statement at the Lift Up America Press Conference on November 15, 2011:

**"Since 2004, the Chiefs, Tyson Foods and Lift Up America have come together to distribute almost a million pounds of food to tens of thousands of families throughout the Kansas City area. Today's event is one of several geared toward helping the hungry in Kansas City. So far this year, the Chiefs organization has dedicated more than 550 volunteer hours and**

**nearly \$100,000 for hunger relief efforts here in the community. It is a very important cause for the Chiefs family and my family.....Thank you to all of the volunteers that came out and helped load up the food earlier."**

19. Sniezek had a great year in 2010—perhaps one of her best. Despite her accomplishments in 2010, Sniezek was given a less than stellar pre-textual review for her performance in 2009. The review was a false and pretextual attempt to paper Sniezek's file. Defendant Chiefs were planning to get rid of her. Examples of Sniezek's important Community Relations role in 2010 included: Oversaw development and installation of the Chiefs Sports Lab, created position opportunities (embraced by Scott Pioli which increased media exposure and resulted in 94% voluntary participation in off-season and 69% in season); Brian Waters named NFL Man of the Year in January 2010 (106.5 million viewers); created umbrella name for chiefs community outreach participants, "Chiefs Community Caring Team"; hosted NFL Play 60 Super School event (NFL representatives complimented Mark Donovan declaring that it was the best event in the league); revamped the Coach of the Week/Year program to enhance potential sponsor; developed and implemented cause marketing programs, which were sold to sponsors to improve revenue flow for the Chiefs organization (Truman Medical Center, Veterans of Foreign Wars Blue Cross Blue Shield, Kentucky Fried Chicken, the Missouri National Guard, and a yet to be named "community sponsor).

20. On January 5, 2011 at a Directors' Meeting Mark Donovan was discussing playoff bonuses. In response, the CFO Dan Crumb publicly stated "These old people around here think they're entitled to everything," and in response two newly hired executives (in their early 30's) followed with their opinion of "old people" and their expectations. President Donovan commented that this is the type of discussion "I like to hear" at Director's Meetings. Afterwards,

plaintiff felt a “pit in her stomach.” Another Director (in his mid-fifties) told plaintiff that he would not return to another Director’s meeting because of those venomous(ageist) comments, and soon he left the Chiefs. Another manager and recent hire, Rob Alberino, Vice President of Media and Marketing, often referred to his staff as “young guns,” and when asked for a videographer to cover the Chiefs outreach program “Kids Across America,” in Branson he responded, “Yes, I’ll get one of my young guns to go down there”.

21. On January 26, 2011, as to every person with significant tenure and responsibility who was terminated, each has been replaced by a significantly younger employee.

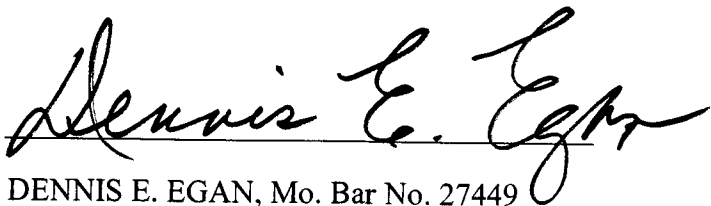
22. These events show a pattern and practice of age discrimination. Older employees have been involuntarily “fired or retired” by the Chiefs, and replaced with younger employees to “change the culture”. A chart of positions and ages of employees’ positions vacated and filled since then (attached as Exhibit C), shows a decidedly younger organization today than two years ago.

WHEREFORE, plaintiff prays for judgment, after jury trial, awarding plaintiff all actual damages and losses shown in evidence, and determined by the jury to be fair and reasonable, for prejudgment interest, for punitive damages, attorneys fees, and for all other damages, expenses and costs incurred, and for such other relief as the Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues addressed herein.

**THE POPHAM LAW FIRM, P.C.**

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