

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PAULA POWELL,

Plaintiff,

v.

ASSISTED LIVING CONCEPTS, INC.,

Defendant.

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CIVIL ACTION NO. 6:12-cv-44

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Paula Powell files this Original Complaint against Assisted Living Concepts, Inc., for violating federal law. The causes of action and summary of claims relating thereto are addressed below:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff Paula Powell ("Plaintiff" or "Powell") is currently a citizen and resident of the State of Texas.

2. Defendant Assisted Living Concepts, Inc. ("Defendant" or "ALC") is a foreign corporation, authorized to do business, and is doing business, in the State of Texas. ALC's main corporate office is located in Milwaukee, Wisconsin. Defendant may be served through its registered agent for service, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4234.

3. The court has jurisdiction to hear the merits of Plaintiff's claims under 28 U.S.C. §1331 & §1343. Venue exists in this district and division as detailed in 28 U.S.C. §1391.

4. Plaintiff filed a "Charge of Discrimination" with the Equal Employment Opportunity Commission ("EEOC") in June of 2010, alleging sex discrimination, sexual harassment, and illegal retaliation. This action is being commenced within the required statutory time limits as the Notice of Right to Sue was issued on November 29, 2011.

III. FACTUAL BACKGROUND

5. In May of 2006, Powell commenced employment with ALC as a lead medical aid. Beginning approximately around September of 2009, Powell's supervisor began to sexually harass her on almost a daily basis. Powell was forced to endure the following:

- * Sexual gestures aimed towards Powell;
- * Inappropriate leering;
- * Comments about engaging in sexual relations; and
- * Inappropriate touching;

6. Powell rebuked the supervisor's advances on virtually every occasion, but this did not deter the supervisor. Rather, the supervisor began to retaliate against Powell for not engaging in his sexual advances.

7. Powell's supervisor began yelling at her and forcing her to complete tasks that were not part of her position of a lead medical aid. Additionally, this supervisor also required that Powell write an essay describing the things Powell could do to change her attitude towards the supervisor. Powell was told that her job was dependent on this essay.

8. Powell complained of her supervisor's inappropriate behavior on multiple occasions, beginning in September 2009. However, on or about February 26, 2010, Powell complained directly to Defendant's Vice President of Human Resources.

9. After Plaintiff's complaint to human resources, Powell's co-workers began to treat her harshly. A few days later, on approximately March 5, 2010, Powell overheard her supervisor telling the Marketing Director that he was "thinking of ways to fire her [Powell]." Thereafter, Powell complained to the Marketing Director, who did nothing to prevent the harassment. Instead, Defendant terminated Plaintiff's employment

IV. CAUSE OF ACTION--VIOLATION OF TITLE VII

10. Plaintiff re-alleges and incorporates the allegations contained in Paragraphs 1 through 9 as if fully stated herein.

11. Plaintiff has satisfied all jurisdictional prerequisites in connection with her claim under the Civil Right Act of 1964 (as amended), 42 U.S.C. §§ 2000e *et. seq.* ("Title VII").

12. ALC is an "employer" as defined by the Title VII.

13. Powell is an "employee" as defined by Title VII.

14. During the time that Plaintiff was employed by Defendant, Plaintiff was subjected to severe and pervasive sexual harassment, and retaliation by Defendant for engaging in protected activity as defined by Title VII. These actions created a hostile-work environment, affected the terms and conditions of Plaintiff's employment, and ultimately led to the discharge of Plaintiff.

15. Defendant did not have adequate policies or procedures in place to address the sexual harassment and retaliation, nor did it implement prompt remedial measures.

16. As described above, Defendant intentionally and willfully violated Title VII by sexually harassing and retaliating against Plaintiff. In illegally harassing and retaliating against Plaintiff, Defendant acted with malice and/or reckless indifference to the statutory-protected rights of Plaintiff.

17. As a result of Defendant's violations of the Title VII, Plaintiff has suffered mental trauma, actual damages in the form of lost wages and benefits (past and future), and other losses.

18. As a result of these willful violations of the Title VII, Plaintiff requests that she be awarded all compensatory and punitive damages, to which she is entitled, as outlined in the Title VII, as well as all equitable relief, and attorney fees and costs.

V. JURY DEMAND

Plaintiff requests a trial by jury on all claims.

VI. PRAYER FOR RELIEF

Wherefore, Plaintiff requests that Defendant be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendant as follows:

- a. Judgment against Defendant for actual damages, including lost wages and benefits (both past and future), the sum to be determined at time of trial;
- b. Judgment against Defendant for compensatory and equitable damages in the maximum amount allowed by law;
- c. Judgment against Defendant for punitive damages in the maximum amount allowed under law;
- d. An order that Defendant take such other and further actions as may be necessary to redress its violation of the law;
- e. Pre-judgment and post-judgment interest at the maximum amount allowed by law;
- f. Costs of suit, including attorney's fees;
- g. The award of such other and further relief, both at law and in equity, to which Plaintiff may be justly entitled under Title VII.

Respectfully submitted by:



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