

Kayla Buckley

CAUSE NO. DC-18-07930

VERONICA WILLIAMS	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	OF DALLAS COUNTY, TEXAS
	§	
CITY OF DUNCANVILLE	§	
	§	
Defendant.	§	<u>191ST</u> JUDICIAL DISTRICT

**PLAINTIFF’S ORIGINAL PETITION AND
REQUEST FOR DISCLOSURE**

**I.
INTRODUCTION**

Plaintiff, Veronica Williams, files this Plaintiff’s Original Petition Defendant City of
Duncanville.

**II.
DISCOVERY**

1. Plaintiff intends to conduct discovery under Level 3 of the Texas Rule of Civil Procedure 190.4.

**III.
PARTIES**

- 2. Plaintiff is an individual and a citizen of Dallas County, Texas
- 3. Defendant is a municipality within Dallas County, Texas.

IV.
JURISDICTION

4. The Court has jurisdiction over this action because the amount in controversy, exclusive of interest and costs, is within the jurisdictional limits of the court.

5. Plaintiff seeks monetary relief of over \$1,000,000.00

V.
VENUE

6. Venue is proper in Dallas County because (a) Defendant's principal place of business is in Dallas County¹, and (b) all or a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in Dallas County.²

VI.
BACKGROUND FACTS

7. In January 2017, Ms. Williams was looking for photos of facilities to complete a project for budgeting purposes. While looking through a folder that is accessible to many individuals, including part time minors working for the City, she discovered a photo of her direct supervisor, Bart Stevenson, holding his erect penis.

8. Ms. Williams was offended that such an inappropriate photograph was maintained on the common servers. Following employee policies, Ms. Williams complained to Jennifer Otey, Director/Manager of Human Resource.

9. Ms. Williams requested that she remain anonymous as she did not want Mr. Stevenson to know that she filed a complaint against him for the inappropriate photograph.

¹ TEX.CIV.PRAC.&REM. CODE § 15.002(a)(2)

² TEX.CIV.PRAC.&REM. CODE § 15.002(a)(1)

10. Ms. Williams also verbally complained about the inappropriate photograph to the City Manager, Kevin Hugman, at the direction of Human Resource Director/Manager, Jennifer Otey. Mr. Hugman assured Ms. Williams that they would investigate the matter and maintain her anonymity.

11. Within an hour of Ms. Williams' report of sexual harassment relating to the inappropriate photo placed on the City's server by her direct supervisor, she observed Mr. Stevenson receive a call and report to Human Resources.

12. As soon as Mr. Stevenson returned to the office from his visit with the Human Resources Department, he went directly to Ms. Williams' office and accosted her for reporting the inappropriate photo to Human Resources.

13. Despite Ms. Williams' request for anonymity, Mr. Stevenson berated her for reporting that he downloaded inappropriate photos on the City's server.

14. Ms. Williams then requested a meeting with Ms. Otey and Mr. Hugman because she was concerned about her safety and why her request for anonymity was not honored.

15. Ms. Otey suggested that Ms. Williams just avoid Mr. Stevenson and that Ms. Williams' pending medical procedure came at a good time as to allow her to be off work so things with Mr. Stevenson could blow over. Ms. Williams was further offended that her medical condition was considered a convenience to allow Mr. Stevenson an opportunity to cease retaliation towards her for reporting his inappropriate conduct.

16. After the meeting with Ms. Otey, Ms. Williams was ostracized by Mr. Stevenson, who refused to speak to her until she left a month later for a medical leave.

17. Ms. Williams was on medical leave for three (3) months. During her leave of absence, no one monitored her workload.

18. Upon her return from medical leave, Mr. Stevenson again immediately began to

retaliate against Ms. Williams for reporting his inappropriate conduct to Human Resources by refusing to allow Ms. William to take discretionary leave, required strict adherence to time off due to overtime hours worked, which was to be approved at the sole discretion of Mr. Stevenson. Mr. Stevenson treated others more favorably than Ms. Williams by approving requested time off.

19. Before her medical leave of absence, Ms. Williams noted significant performance concerns of her assistant. Ms. Williams documented her attempts to remediate the deficiencies of her direct report that she discussed with the employee in memos, verbal conversations, written notes, and employee evaluations, amongst other things.

20. The employee was eventually terminated due to poor performance.

21. The City Manager reinstated the employee pursuant to an appeal. The employee continued to perform poorly, despite Ms. Williams' continued counseling and support to remediate deficiencies. The employee was eventually terminated a second time in August 2017. This was the sole administrative support for Ms. Williams who has not been replaced.

22. Thereafter, an anonymous claim was lodged against Ms. Williams with accusations of fraudulent activity. An investigation was conducted quickly determining there was no evidence of any fraudulent activity.

23. Mr. Stevenson continued to harass and retaliate against Ms. Williams by placing her on a performance improvement plan ("PIP") without providing any written reprimands, notice of deficiencies, or negative evaluations – in short no evidence to support that Ms. Williams' performance was deficient or that any such deficiencies were ever brought to her attention. The PIP included a limiting perimeter concerning the issue of time missed due to illness related to an approved medical leave taken pursuant to the Family Medical

Leave Act.

24. Ms. Williams fully complied with the terms of the PIP, however she has never been removed from the PIP, or provided feedback concerning the PIP.

25. Lastly, in a continued act of retaliation, Ms. Williams was requested to have a meeting with Mr. Paul Fredrickson, the Assistant City Manager, Mr. Richard Summerlin, the Finance Director, Mr. Stevenson, her immediate supervisor, and Mr. Todd Siegel, from Human Resources. Ms. Williams was told the purpose of the meeting was to address concerns related to the Recreation Center, where she works. At the start of the meeting, Ms. Williams was requested to sign a document waiving her right to legal representation, at which point the meeting was abruptly ended with the Assistant city Manager, Paul Frederiksen, stating Ms. Williams was insubordinate for refusing to waive her right to legal representation.

26. Ms. Williams continues to be harassed, ridiculed and strictly singled out all due to her reporting the inappropriate conduct of her direct supervisor.

VII. CONDITION PRECEDENT

27. On January 9, 2018, Plaintiff filed Charges of Discrimination with the Equal Employment Opportunity Commission, and these charges were dual filed with the Texas Workforce commission pursuant to those agencies' work agreement.

28. The Charges were filed within 180 days after Defendant's discriminatory acts.

29. More than 180 days have passed since Plaintiff filed her charges of discrimination.

30. Plaintiff has timely exhausted all of her administrative remedies.

VIII.

CAUSES OF ACTION

A. First Cause of Action—Sex Discrimination/Sexual Harassment – Hostile Work Environment—TCHRA³

31. Plaintiff incorporates each of the foregoing paragraphs.

32. Defendant discriminated against Plaintiff because of Plaintiff's sex, and subjected Plaintiff to a sexually hostile work environment.

33. Stevenson's conduct permeated Plaintiff's workplace with discriminatory intimidation, ridicule, and insult, and was sufficiently severe and pervasive to alter the conditions of Plaintiff's employment and create an abusive working environment.

34. Defendant's actions violated section 21.051 of the Texas Labor Code.

B. Second Cause of Action-Sex Discrimination-TCHRA

35. Plaintiff incorporates each of the foregoing paragraphs.

36. Defendant discriminated against Plaintiff because of Plaintiff's sex.

37. Plaintiff was treated differently than similarly situated males.

38. Defendant's actions violated section 21.051 of the Texas Labor Code.

39. Defendant's actions violated section 21.055 of the Texas Labor Code.

C. Cause of Action-Unlawful Retaliation-TCHRA

40. Plaintiff incorporates each of the foregoing paragraphs.

41. Plaintiff engaged in protected activity as set forth in Texas Labor Code section 21.055.

42. In response, Defendant retaliated against Plaintiff and ultimately has treated Plaintiff different than similarly situated employees, by subjecting her to countless

³ Texas Commission on Human Rights Act.

unwarranted administrative investigations, requiring that she waive her right to counsel, alienating her and holding her to more strict standards of performance than other similarly situated employees.

43. Defendant's actions violated section 21 .055 of the Texas Labor Code.

IX.
DAMAGES

44. Plaintiff incorporates each of the foregoing paragraphs.

45. Defendant's actions violated TCHRA, which entitles Plaintiff to recover from Defendant back pay, front pay, compensatory damages, as well as pre-judgment and post-judgment interest.

46. Plaintiff seeks all damages available to her under the TCHRA.

X.
ATTORNEYS' FEES AND COSTS

47. Plaintiff incorporates each of the foregoing paragraphs.

48. Plaintiff retained the services of undersigned counsel to prosecute her claims.

49. Pursuant to Texas Labor Code section 21.259, Plaintiff is entitled to recover a reasonable attorneys' fee from Defendant, including reasonable expert fees.

XI.
JURY DEMAND

50. Plaintiff demands a trial by jury.

XII.
PRAYER

Plaintiff respectfully requests that Defendant be cited to appear and answer, and that upon final trial of this matter, the Court enter judgment awarding Plaintiff:

1. Back pay and front pay (including benefits);
2. Compensatory damages;
3. Reasonable attorney's fees and expert fees;
4. Injunctive and declaratory relief, including but not limited to, an Order:
 - a. Prohibiting Defendant from engaging in unlawful discrimination;
 - b. Placing Plaintiff into the position of Assistant Chief with backpay;
 - c. Reporting to the Court on the manner of compliance with the terms of a final order issued by this Court;
 - d. Paying court costs;
 - e. A declaration that Defendant violated Plaintiff's rights under Chapter 21 of the Texas Labor Code, engaged in unlawful employment discrimination, and considered an illegal factor in refusing to promote Plaintiff; and
 - f. Any additional equitable relief the Court deems proper;
5. Court costs;
6. Pre-judgment and post-judgment interest at the rate set by law; and
7. All legal or equitable relief this Court deems proper.

XIII
CONCLUSION AND PRAYER

51. Plaintiff respectfully requests that Defendant be cited to appear and answer, and that upon final trial of this matter, the Court enter judgment awarding Plaintiff:

- A. Back pay and front pay (including benefits);
- B. Compensatory damages;
- C. Punitive damages;
- D. Reasonable attorneys' fees and expert fees;
- E. Court costs;
- F. Pre-judgment and post-judgment interest at the rate set by law; and
- G. All legal or equitable relief this Court deems proper.

XIV
REQUEST FOR DISCLOSURE

Pursuant to the Texas Rules of Civil Procedure 190.4, Plaintiff hereby serves her Request for Disclosure to Defendant.

Respectfully submitted,

WEST & ASSOCIATES, L.L.P.

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