

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

CASHNITA MATHIESON,  
  
Plaintiff,  
  
v.  
  
OREGON HEALTH & SCIENCE  
UNIVERSITY dba OHSU;  
  
Defendant.

Case No.  
  
**COMPLAINT**  
  
**Prayer Amount: \$300,000**  
  
**Subject to ORS 21.160**  
  
**NOT SUBJECT TO MANDATORY  
ARBITRATION**  
  
**JURY TRIAL REQUESTED**

Plaintiff Cashnita Mathieson (“Plaintiff” or “Ms. Mathieson”) by and through her attorneys, alleges as follows for her complaint:

**PARTIES**

1. Plaintiff Cashnita (Cassie) Mathieson is an individual and is and at all relevant times was a resident of the County of Multnomah in the State of Oregon.
2. Defendant Oregon Health & Science University, dba OHSU (hereinafter “OHSU” or “Defendant”) is a public university located in Portland, Oregon.
3. OHSU has employed Ms. Mathieson from 2011 to date as a phlebotomist in the Hatfield Lab.

**FACTUAL ALLEGATIONS**

4. Ms. Mathieson is an African American woman.

1           5.       In or about 2015, Michael Pitts became a phlebotomist supervisor in OHSU's  
2 Hatfield Lab.

3           6.       In or about the fall of 2019, Mr. Pitts became the interim phlebotomy manager at  
4 the Hatfield Lab.

5           7.       In his role as a supervisor and interim manager, Mr. Pitts consistently singled out  
6 Ms. Mathieson and other African American and female employees for discriminatory treatment  
7 and harassment.

8           8.       Mr. Pitts' discriminatory and harassing treatment of Ms. Mathieson included:

- 9                   a.       Speaking in a disrespectful and intimidating manner to Ms. Mathieson;
- 10                   b.       Subjecting Ms. Mathieson to higher standards than her white or male co-  
11                    workers, including formally disciplining and terminating Ms. Mathieson  
12                    for conduct for which he did not discipline her white or male co-workers.
- 13                   c.       Responding with hostility and aggression when Ms. Mathieson raised her  
14                    concerns about her white or male co-workers' misconduct.
- 15                   d.       Refusing to move Ms. Mathieson into an open swing shift position even  
16                    though Ms. Mathieson was the most senior employee who applied for this  
17                    position.

18           9.       Ms. Mathieson frequently went to her black female co-worker (who had also  
19 experienced discrimination and harassment by Mr. Pitts) in tears as a result of Mr. Pitts'  
20 disrespectful treatment.

21           10.       As a result of Mr. Pitts' singling out of Ms. Mathieson, she has been subject to at  
22 least the following disciplinary action while under his supervision and management: two verbal  
23 warnings, a written warning, a final written warning in January 2020, a predismisal hearing in  
24 April 2020, and termination which ultimately resulted in placement onto a Last Chance  
25 Agreement in May 2020.

26           11.       In addition to the harassment and discrimination by Mr. Pitts, Ms. Mathieson was  
27 subject to harassing and disrespectful treatment by many of her peers based on her race. For  
28

1 example, Ms. Mathieson overheard and also learned of co-workers talking and joking about  
2 “black people.”

3 12. In addition, multiple co-workers refused to respond to Ms. Mathieson’s requests  
4 for assistance when the work load required it, refused to provide training to Ms. Mathieson  
5 despite orders from Mr. Pitts and other managers to provide her with coaching and training for  
6 certain challenging blood draws, made false accusations about Ms. Mathieson’s conduct to Mr.  
7 Pitts and repeatedly snubbed Ms. Mathieson and another black female co-worker.

8 13. Ms. Mathieson made multiple complaints to OHSU regarding the discrimination  
9 and harassment she was subject to at work including to OHSU’s Affirmative Action and Equal  
10 Opportunity Office (“AAEO) and OSHU’s human resource department. She also filed a  
11 complaint with the Oregon Bureau of Labor and Industries. Ms. Mathieson most recently raised  
12 these issues with OHSU’s AAEO in or about the spring of 2019.

13 14. AAEO did nothing to address Ms. Mathieson’s concerns, and in response, Mr.  
14 Pitts’ discrimination and harassment of her increased, culminating in the final written warning,  
15 pre-hearing dismissal meeting and ultimately, Ms. Mathieson was told she was being terminated  
16 in the spring of 2020.

17 15. On or about June 19, 2020, Ms. Mathieson provided defendant, OHSU, with  
18 notice of her claims pursuant to ORS 30.275, by sending a letter via certified mail outlining her  
19 claims and the basis for those claims known at that time to: Mr. Danny Jacobs, OHSU President,  
20 Ms. Elena Andresen, OHSU Executive Vice President & Provost and Ms. Connie Seeley, OHSU  
21 Executive Vice President, Chief Administrative Officer and Chief of Staff. The letter was sent  
22 within 180 days of the losses and injuries alleged in this Complaint and therefore satisfies ORS  
23 30.275(2)(b).

24 **FIRST CLAIM FOR RELIEF**  
25 **(Race Discrimination– ORS 659A.030 *et seq.*)**

26 16. Plaintiff incorporates Paragraphs 1 to 15 above by reference.

27 17. OHSU subjected Plaintiff to discrimination and harassment based on her race and  
28 created a hostile working environment for Plaintiff.

1 18. Plaintiff's race was a motivating factor for OHSU's adverse conduct toward  
2 Plaintiff, including her disciplinary actions and her termination.

3 19. The conduct of OHSU was sufficiently severe and pervasive to unreasonably  
4 interfere with Plaintiff's work performance and to create a hostile or offensive work  
5 environment.

6 20. OHSU knew or should have known of the discriminatory and/or harassing  
7 conduct based on Plaintiff's race.

8 21. OHSU failed to take steps reasonably necessary to prevent or protect Plaintiff  
9 from discrimination and harassment based on her race.

10 22. OHSU therefore made submission to the harassing or offensive conduct a term or  
11 condition of employment.

12 23. As a result OHSU's conduct, it has violated ORS 659A.030(1)(a) & (b).

13 24. As a direct and proximate result of OHSU's conduct, Plaintiff suffered lost  
14 income and benefits, including prejudgment interest, all to her economic detriment, in an amount  
15 to be determined at trial.

16 25. As a direct and proximate result of OHSU's conduct, Plaintiff suffered  
17 embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, and loss of  
18 enjoyment of life and is entitled to an award of compensatory damages in the amount of  
19 \$300,000.

20 26. Plaintiff is entitled to recover her reasonable attorneys' fees, expert fees and costs  
21 pursuant to ORS 20.107 and ORS 659A.885(1).

22 **SECOND CLAIM FOR RELIEF**  
23 **(Retaliation – ORS 659A.030(1)(f) & ORS 659.203 & ORS 659A.199)**

24 27. Plaintiff incorporates Paragraphs 1 to 26 above by reference.

25 28. Plaintiff engaged in protected activity when she complained about the  
26 discrimination and harassment to OHSU's AAEO, to OHSU's human resource department and  
27 to BOLI.



1 39. OHSU failed to take steps reasonably necessary to prevent or protect Plaintiff  
2 from discrimination and harassment based on her gender.

3 40. OHSU therefore made submission to the harassing or offensive conduct a term or  
4 condition of employment.

5 41. As a result OHSU's conduct, it has violated ORS 659A.030(1)(a) & (b).

6 42. As a direct and proximate result of OHSU's conduct, Plaintiff suffered lost  
7 income and benefits, including prejudgment interest, all to her economic detriment, in an amount  
8 to be determined at trial.

9 43. As a direct and proximate result of OHSU's conduct, Plaintiff suffered  
10 embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, and loss of  
11 enjoyment of life and is entitled to an award of compensatory damages in the amount of  
12 \$300,000.

13 44. Plaintiff is entitled to recover her reasonable attorneys' fees, expert fees and costs  
14 pursuant to ORS 20.107 and ORS 659A.885(1).

15 **PRAYER FOR RELIEF**

16 **WHEREFORE**, Plaintiff Cashnita Mathieson prays for relief as follows:

17 (1) A judgment for the back pay for the time she was off work due to her  
18 termination, compensatory damages for the emotional distress, embarrassment, humiliation,  
19 mental suffering, and loss of personal dignity she has endured, all in an amount of not less than  
20 \$300,000, along with prejudgment interest thereon and her expert and other litigations costs and  
21 reasonable attorneys' fees, pursuant to ORS 20.107 and ORS 659A.885,

22 (2) For such other and further relief as the Court deems appropriate.

23 DATED: January 29, 2021

24 **STUTHEIT KALIN LLC**

25  
26  
27 By 

28 KYANN C. KALIN, OSB No. 060754  
Attorneys for Plaintiff Cashnita Mathieson