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

RACHELLE MULLEN,

Plaintiff,

v.

LEGACY HEALTH, an Oregon nonprofit corporation, and LEGACY EMANUEL HOSPITAL & HEALTH CENTER, an Oregon nonprofit corporation,

Defendants.

NO.

COMPLAINT

Type of Claims: Count 1 for Race Discrimination, Count 2 for Race Harassment, Count 3 for National Origin Discrimination, Count 4 for National Origin Harassment, Count 5 for Sex Discrimination, Count 6 for Sex Harassment, Count 7 for Retaliation under ORS 659A.030, Count 8 for Aiding, Abetting, Coercing, Compelling, and Inciting under ORS 659A.030, Count 9 for Aiding, Abetting, Coercing, Compelling, and Inciting under ORS 659A.030, Count 10 for Retaliation under ORS 659A.199, and Count 11 for Retaliation under ORS 659A.355

Filing Fee: \$594 (ORS 21.160(1)(c))

Damages Sought in an Amount Not to Exceed \$999,000

NOT SUBJECT TO MANDATORY ARBITRATION

JURY TRIAL DEMANDED

1 Plaintiff Rachelle Mullen (“Plaintiff”), by counsel, brings this action under ORS
2 659A.030, et seq. to redress acts of race discrimination, harassment because of race, national
3 origin discrimination, harassment because of national origin, sex discrimination, harassment
4 because of sex, retaliation under ORS 659A.030, retaliation under ORS 659A.199, and
5 retaliation under ORS 659A.355. Plaintiff seeks full and fair compensation for emotional
6 distress damages (not medical), deprivation of civil rights, lost compensation, attorneys’ fees
7 and costs, and declaratory, injunctive, and other relief. In support, Plaintiff states and alleges
8 as follows:

9 **I. PARTIES, JURISDICTION AND VENUE**

10 1.

11 Plaintiff is a Caucasian (white) female with a national origin of the United States of
12 America. During relevant times, Plaintiff engaged in protected conduct by opposing and
13 reporting race, national origin, and sex discrimination and harassment, opposing and
14 reporting retaliation, reporting information Plaintiff in good faith believed was evidence of
15 violations of law, and discussed and/or disclosed wages of other employees.

16 2.

17 Defendant Legacy Health (“Legacy Health”) is a nonprofit corporation formed under
18 the laws of Oregon and headquartered in Oregon. Legacy Health’s state of citizenship is
19 Oregon. Legacy Health conducts and at relevant times conducted regular and sustained
20 business in Multnomah County, Oregon. During the relevant times, Legacy Health
21 employed one or more persons in the State of Oregon and is and at relevant times was an
22 “employer” subject to ORS 659A.030. Legacy Health, directly or through an agent, engaged
23 or used the personal service of Plaintiff reserving the right to control the means by which
24 such service was performed. Legacy Health is and at relevant times was a “person” within
25 the meaning of ORS 659A.030(f) at the times of the unlawful retaliation stated herein.
26 Legacy Health is and at relevant times was an “employer” within the meaning of ORS

1 659A.199 at the times of the unlawful retaliation stated herein. Legacy Health is and at
2 relevant times was an “employer” within the meaning of ORS 659A.355 at the times of the
3 unlawful retaliation stated herein. Legacy Health’s registered agent is Anne Greer, 1919
4 Northwest Lovejoy Street, Portland, Oregon 97209.

5 3.

6 Defendant Legacy Emanuel Hospital & Health Center (“Legacy Emanuel”) is a
7 nonprofit corporation formed under the laws of Oregon and headquartered in Oregon.
8 Legacy Emanuel uses, among other names, the assumed business name of Unity Center for
9 Behavioral Health. Legacy Emanuel’s state of citizenship is Oregon. Legacy Emanuel
10 conducts and at relevant times conducted regular and sustained business in Multnomah
11 County, Oregon. During the relevant times, Legacy Emanuel employed one or more persons
12 in the State of Oregon and is and at relevant times was an “employer” subject to ORS
13 659A.030. Legacy Emanuel, directly or through an agent, engaged or used the personal
14 service of Plaintiff reserving the right to control the means by which such service was
15 performed. Legacy Emanuel is and at relevant times was a “person” within the meaning of
16 ORS 659A.030(f) at the times of the unlawful retaliation stated herein. Legacy Emanuel is
17 and at relevant times was an “employer” within the meaning of ORS 659A.199 at the times
18 of the unlawful retaliation stated herein. Legacy Emanuel is and at relevant times was an
19 “employer” within the meaning of ORS 659A.355 at the times of the unlawful retaliation
20 stated herein. Legacy Emanuel’s registered agent is Anne Greer, 1919 Northwest Lovejoy
21 Street, Portland, Oregon 97209.

22 4.

23 Legacy Health and Legacy Emanuel were (and remain) joint employers over Plaintiff
24 in that, on information and belief, each of the above stated entities chose to jointly handle
25 important aspects of their employer-employee relationships, including, but not limited to,
26 essential terms and conditions, and are and/or were therefore the joint employers of various

1 employees including Plaintiff. Legacy Health and Legacy Emanuel shared significant
2 control, or otherwise made codeterminations, over the essential employment terms and
3 conditions of Plaintiff, those who mistreated Plaintiff, and others who worked with and
4 above Plaintiff. This includes, but is not limited to, decisions involving hiring, firing, pay
5 and benefits, discipline, supervision, and direction.

6 5.

7 Legacy Health and Legacy Emanuel employed management and human resources
8 overseeing and directing the work of Plaintiff, along with those working with and working
9 above Plaintiff. Legacy Health and Legacy Emanuel were responsible to jointly adopt and
10 provide workplace rules to their employees, including those relevant here such as the
11 discrimination, harassment, and retaliation rules. Legacy Health and Legacy Emanuel jointly
12 were responsible for receiving reports involving and investigating rule violations involving
13 discrimination, harassment, and retaliation. Legacy Health and Legacy Emanuel were jointly
14 responsible for enforcing the discrimination, harassment, and retaliation rules including, but
15 not limited to, taking corrective action for rule violations involving discrimination,
16 harassment, and retaliation.

17 **II. FACTUAL ALLEGATIONS**

18 6.

19 Plaintiff began working for Legacy Health and Legacy Emanuel in about September,
20 2019 and remains employed as of this filing. Plaintiff works in environmental services.
21 Plaintiff was (and remains) qualified for Plaintiff's position and performed satisfactorily, at
22 all relevant times. The conduct took place in Multnomah County, Oregon.

23 7.

24 The following contains examples of the discrimination, harassment, and retaliation
25 and is not meant to include all conduct. The conduct was part of an ongoing, interrelated,
26

1 and continuous pattern of discrimination, harassment, and retaliation thus constituting a
2 continuing violation.

3 8.

4 In about early January, 2020, Plaintiff was asked by management about whether
5 certain employees were increasing their wages through having others clock out for them.
6 Plaintiff discussed and disclosed to management the information that she understood
7 regarding the wages and how these other employees clocked out. Plaintiff understood the
8 wage misconduct of these other employees violated local and/or state law.

9 9.

10 Soon thereafter, an employee understood to be connected to the wage misconduct put
11 bleach on Plaintiff's uniform and in Plaintiff's drinking water. Plaintiff understood this
12 dangerous use of bleach violated local and/or state law.

13 10.

14 Beginning in about January, 2020, a group of employees, not Caucasian or white,
15 exposed Plaintiff repeatedly in a pervasive basis to racial statements such as white girls do
16 not know how to work and that is white privilege. While Plaintiff had heard statements
17 before, the statements amplified beginning in January, 2020. In addition to making offensive
18 statements, these employees also regularly and pervasively engaged in hostile, belittling, and
19 demeaning conduct against Plaintiff. This group entirely or largely consisted of those who
20 have ancestry different than Plaintiff and who have national origins different than Plaintiff.
21 Plaintiff opposed this misconduct to the employees.

22 11.

23 One of the same coworkers who repeatedly made anti-Caucasian statements also
24 made other statements involving Plaintiff such as referring to Plaintiff as a "bitch," saying in
25 regards to Plaintiff that it smells like a fat girl in here, and referring to Plaintiff as a
26 prostitute. In addition to making offensive racial statements, the employee also regularly

1 engaged in hostile, belittling, and demeaning conduct against Plaintiff. On information and
2 belief, given the circumstances, these statements were understood also to be a targeted attack
3 against Plaintiff as a female, as a Caucasian, as a person of Plaintiff's national origin, and as
4 an employee who discussed and disclosed information involving wages. Plaintiff opposed
5 this misconduct to this employee.

6 12.

7 In about February, 2020, Plaintiff witnessed employee(s) who appeared to be stealing
8 products or supplies and putting them into a vehicle trunk. Plaintiff understood this violated
9 local and/or state law.

10 13.

11 In about March, 2020, Plaintiff had a meeting with human resources. Plaintiff
12 reported what she had witnessed regarding what appeared to be the stealing of products or
13 supplies.

14 14.

15 In about March, 2020, Plaintiff also reported to human resources and management
16 examples of offensive statements and conduct (consistent with the racial, national origin, and
17 sex comments and conduct above).

18 15.

19 Human resources and management told Plaintiff they were not interested in offensive
20 statements unless they were made directly to Plaintiff. Management and human resources
21 told Plaintiff not to report what is said around Plaintiff or in Plaintiff's presence.

22 16.

23 In response to Plaintiff's concerns about the offensive statements, a manager told
24 Plaintiff that management cannot control the conversations of employees. The manager also
25 tried to excuse the offensive statements.

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17.

In about March, 2020, Plaintiff also reported that a supervisor (a lead) who, on information and belief, was involved in the wage misconduct and the offensive statements (and conduct), was understood to be hiding Plaintiff's equipment / supply cart making it more difficult for Plaintiff to do her job.

18.

A group of employees including those involved in the wage misconduct, the offensive racial and national origin statements (and conduct), and the anti-female statements (and conduct) repeatedly failed to do their work which then fell onto Plaintiff to do and made Plaintiff's work more difficult effectively changing the terms and conditions of Plaintiff's employment.

19.

Plaintiff engaged in protected conduct by discussing the bleach with coworkers and this ultimately resulted in additional information being reported to human resources and management.

20.

Plaintiff properly notified management that she would be absent on April 21, 2020. Despite knowing Plaintiff properly notified management, the lead (in paragraph 17) in retaliation falsely marked Plaintiff as a no call no show, which served to discipline Plaintiff. Plaintiff reported this to a manager who had been involved in Plaintiff's protected conduct and the manager unfairly verbally disciplined Plaintiff.

21.

In the meantime, management and human resources' failure to control the work environment at Unity Center for Behavioral Health including but not limited to the ongoing discrimination, harassment, and retaliation and the failed responses of management and human resources, resulted in Plaintiff seeking a transfer to a different facility, Emanuel

1 Legacy. Management transferred Plaintiff. The position at Emanuel Legacy was in effect a
2 demotion because it was on the overnight shift (not preferable for her family schedule) and
3 was otherwise a less desirable position for Plaintiff.

4 22.

5 Plaintiff was eventually transferred back to Unity Center for Behavioral Health from
6 Emanuel Legacy.

7 23.

8 After returning to Unity Center for Behavioral Health, the anti-Caucasian, anti-
9 female, and retaliatory statements (and conduct) continued. Among other offensive
10 statements, a coworker referred to Plaintiff as a bitch and a whore.

11 24.

12 After returning to Unity Center for Behavioral Health, a group of employees involved
13 in the wage misconduct, the offensive racial statements (and conduct), and the anti-female
14 statements (and conduct) resumed sabotaging or trying to sabotage Plaintiff's ability to do
15 her job.

16 25.

17 Shortly after returning to Unity Center for Behavioral Health, a manager who was
18 aware of Plaintiff's ongoing protected conduct regarding discrimination, harassment, and
19 retaliation and Plaintiff's reporting of the other misconduct told Plaintiff that he did not want
20 Plaintiff complaining anymore which was understood to be verbal discipline.

21 26.

22 In about July, 2020, Plaintiff met with management and human resources. Plaintiff
23 reported that management knows that Plaintiff is being harassed but will not recognize the
24 issue or take appropriate action.

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27.

In early August, 2020, a coworker who had been making anti-female and anti-Caucasian statements again referred to Plaintiff, on information and belief, as using “white privilege” and again referred to Plaintiff as a “bitch.”

28.

Also in early August, 2020, a manager, aware of Plaintiff’s ongoing protected conduct regarding discrimination, harassment, and retaliation and Plaintiff’s reporting of the other misconduct, made a joke about bleach to Plaintiff. The manager also told Plaintiff as an apparent threat that he knew Plaintiff was emailing a higher manager about the work environment and how he can read the higher manager’s emails. This manager also told Plaintiff that he was a really good boss for Plaintiff and that they have to investigate now because Plaintiff brought her concerns to a higher member of management. This same manager, however, then verbally disciplined Plaintiff for attendance issues that happened in the previous year.

29.

A coworker who had been making anti-female and anti-Caucasian statements again referred to Plaintiff as a “fat bitch.” This coworker, with the others in the group, also continued to act in a hostile, belittling, and demeaning manner towards Plaintiff.

30.

On or about August 8, 2020, Plaintiff was sent home early by a manager who had known of Plaintiff’s ongoing protected conduct.

31.

Upon information and belief, management aware of Plaintiff’s ongoing protected conduct regarding discrimination, harassment, and retaliation and Plaintiff’s reporting of the other misconduct provided written discipline to Plaintiff through a memorandum of understanding in August, 2020.

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32.

Those in management who were aware of Plaintiff's protected conduct regarding discrimination, harassment, and retaliation and Plaintiff's reporting of the other misconduct, continued in a pattern of verbally disciplining and criticizing Plaintiff. Management was scrutinizing and keeping a close eye on Plaintiff, looking for anything that they could use as an excuse to discipline Plaintiff. Management nitpicked Plaintiff.

33.

Plaintiff continued her protected conduct, including additional reporting of discrimination in October, 2020.

34.

Then in 2021, Plaintiff continued to receive discipline from those in management who are aware of Plaintiff's protected conduct regarding discrimination, harassment, and retaliation and Plaintiff's reporting of the other misconduct.

35.

By example, management unfairly disciplined Plaintiff for attendance whereas others similarly situated who acted the same or similarly as Plaintiff were not disciplined.

36.

By example, management unfairly disciplined Plaintiff regarding the Tug machine. Plaintiff was disciplined although she acted consistent with the practices of others who were not disciplined and were similarly situated.

37.

Legacy Health and Legacy Emanuel failed to take prompt, adequate, and remedial action to stop the conduct stated herein.

38.

Legacy Health and Legacy Emanuel are liable for the actions of its agents, employees, and supervisors under the doctrine of Respondeat Superior. At all times relevant

1 herein, Plaintiff relied on the actual or apparent authority of Legacy Health and Legacy
2 Emanuel's employees, supervisors, and management.

3 39.

4 Legacy Health and Legacy Emanuel acted willfully, in bad faith, or with a wanton
5 and reckless disregard for Plaintiff's civil rights.

6 **III. FIRST CAUSE OF ACTION**
7 **VIOLATION OF ORS 659A.030, ET SEQ.**
8 **DISPARATE TREATMENT BECAUSE OF RACE**
9 **(AGAINST ALL DEFENDANTS)**

10 40.

11 Plaintiff re-alleges and incorporates the allegations stated herein.

12 41.

13 Plaintiff's race was a substantial factor in the acts and conduct of Legacy Health and
14 Legacy Emanuel including but not limited to the discriminatory conduct stated above thereby
15 constituting discrimination because of race for disparate treatment in violation of ORS
16 659A.030, et seq. Specifically, this includes discriminatory verbal discipline, written
17 discipline, nitpicking, constructive transfer away from the mistreatment, sending Plaintiff
18 home before her scheduled shift ended, sabotaging Plaintiff's ability to do Plaintiff's job,
19 setting up Plaintiff to look like Plaintiff was not performing her job, continued harassment,
20 along with the other conduct stated above.

21 42.

22 Alternatively, or in addition to, the discriminatory conduct would not have occurred if
23 Plaintiff was not Caucasian, the conduct disadvantaged Plaintiff because of Plaintiff's race as
24 a Caucasian person, Plaintiff was treated differently as a Caucasian person versus being a
25 non-Caucasian person, and Plaintiff was treated differently than those similarly-situated
26 employees who are not Caucasian.

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43.

This caused, directly and proximately, Plaintiff to be damaged in various ways, including, but not limited to, emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation.

44.

Legacy Health and Legacy Emanuel’s actions violated ORS 659A.030, et seq. and Legacy Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy Health and Legacy Emanuel’s discriminatory actions, Plaintiff has been damaged in amounts to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation not to exceed \$25,000. Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages Plaintiff has incurred.

45.

Legacy Health and Legacy Emanuel’s conduct as alleged herein was intentional, willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds the bounds of what is socially acceptable and is the type of conduct that warrants punitive damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves the right and intends to amend this Complaint to seek punitive damages.

46.

Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the Court deems just including but not limited to: (1) a declaration that all Defendants violated Plaintiff’s legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction enjoining all Defendants, and their owners, officers, management personnel, employees, agents, successors, and assigns, from engaging in any employment practice which retaliates or discriminates against its employees in violation of Oregon statute including but not limited to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out

1 policies, practices, and programs for providing equal employment opportunities which
2 affirmatively eradicate the effects of past and present unlawful employment practices.

3 47.

4 Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's
5 costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation
6 expenses, and court costs.

7 **IV. SECOND CAUSE OF ACTION**
8 **VIOLATION OF ORS 659A.030, ET SEQ.**
9 **HARASSMENT BECAUSE OF RACE**
10 **(AGAINST ALL DEFENDANTS)**

11 48.

12 Plaintiff re-alleges and incorporates the allegations stated herein.

13 49.

14 Legacy Health and Legacy Emanuel created and maintained an intimidating, hostile,
15 and offensive work environment that was unwelcome and unreasonably interfered with
16 Plaintiff's ability to perform Plaintiff's work and Plaintiff's race was a substantial factor in
17 the conduct. The conduct disadvantaged Plaintiff because of Plaintiff's race. The conduct
18 was sufficiently severe and/or pervasive in that a reasonable person would find the work
19 environment intimidating, hostile, and offensive and affecting or altering the terms,
20 conditions, and privileges of employment making it an abusive working environment.
21 Plaintiff found the conduct to be sufficiently severe and/or pervasive in that Plaintiff found
22 the work environment intimidating, hostile, and offensive and affecting or altering the terms,
23 conditions, and privileges of employment making it an abusive working environment with
24 Plaintiff's race as a substantial factor. The hostile work environment stated herein was a
25 pattern of continuing, ongoing, repeated, and interrelated conduct thus constituting a
26 continuing violation.

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50.

Legacy Health and Legacy Emanuel knew and/or should have known about the harassing conduct.

51.

Legacy Health and Legacy Emanuel failed to take prompt, adequate, and remedial action to rectify the hostile work environment when management knew and/or should have known of the harassing conduct.

52.

This caused, directly and proximately, Plaintiff to be damaged in various ways, including, but not limited to, emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation.

53.

Legacy Health and Legacy Emanuel's actions violated ORS 659A.030, et seq. and Legacy Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy Health and Legacy Emanuel's discriminatory actions, Plaintiff has been damaged in amounts to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation not to exceed \$25,000. Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages Plaintiff has incurred.

54.

Legacy Health and Legacy Emanuel's conduct as alleged herein was intentional, willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds the bounds of what is socially acceptable and is the type of conduct that warrants punitive damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves the right and intends to amend this Complaint to seek punitive damages.

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55.

Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the Court deems just including but not limited to: (1) a declaration that all Defendants violated Plaintiff's legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction enjoining all Defendants, and their owners, officers, management personnel, employees, agents, successors, and assigns, from engaging in any employment practice which retaliates or discriminates against its employees in violation of Oregon statute including but not limited to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out policies, practices, and programs for providing equal employment opportunities which affirmatively eradicate the effects of past and present unlawful employment practices.

56.

Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation expenses, and court costs.

V. THIRD CAUSE OF ACTION
VIOLATION OF ORS 659A.030, ET SEQ.
DISPARATE TREATMENT BECAUSE OF NATIONAL ORIGIN
(AGAINST ALL DEFENDANTS)

57.

Plaintiff re-alleges and incorporates the allegations stated herein.

58.

Plaintiff's national origin was a substantial factor in the acts and conduct of Legacy Health and Legacy Emanuel including but not limited to the discriminatory conduct stated above thereby constituting discrimination because of national origin for disparate treatment in violation of ORS 659A.030, et seq. Specifically, this includes discriminatory verbal discipline, written discipline, nitpicking, constructive transfer away from the mistreatment,

1 sending Plaintiff home before her scheduled shift ended, sabotaging Plaintiff's ability to do
2 Plaintiff's job, setting up Plaintiff to look like Plaintiff was not performing her job, continued
3 harassment, along with the other conduct stated above.

4 59.

5 Alternatively, or in addition to, the discriminatory conduct would not have occurred if
6 Plaintiff was not of the United States of America, the conduct disadvantaged Plaintiff
7 because of Plaintiff's national origin, Plaintiff was treated differently as a person with her
8 national origin versus having a different national origin, and Plaintiff was treated differently
9 than those similarly-situated employees who are not of Plaintiff's national origin.

10 60.

11 This caused, directly and proximately, Plaintiff to be damaged in various ways,
12 including, but not limited to, emotional distress (garden variety, not medical) and deprivation
13 of civil rights, along with lost compensation.

14 61.

15 Legacy Health and Legacy Emanuel's actions violated ORS 659A.030, et seq. and
16 Legacy Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy
17 Health and Legacy Emanuel's discriminatory actions, Plaintiff has been damaged in amounts
18 to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety,
19 not medical) and deprivation of civil rights, along with lost compensation not to exceed
20 \$25,000. Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages
21 Plaintiff has incurred.

22 62.

23 Legacy Health and Legacy Emanuel's conduct as alleged herein was intentional,
24 willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds
25 the bounds of what is socially acceptable and is the type of conduct that warrants punitive
26

1 damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves
2 the right and intends to amend this Complaint to seek punitive damages.

3 63.

4 Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the
5 Court deems just including but not limited to: (1) a declaration that all Defendants violated
6 Plaintiff's legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction
7 enjoining all Defendants, and their owners, officers, management personnel, employees,
8 agents, successors, and assigns, from engaging in any employment practice which retaliates
9 or discriminates against its employees in violation of Oregon statute including but not limited
10 to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out
11 policies, practices, and programs for providing equal employment opportunities which
12 affirmatively eradicate the effects of past and present unlawful employment practices.

13 64.

14 Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's
15 costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation
16 expenses, and court costs.

17 **VI. FOURTH CAUSE OF ACTION**

18 **VIOLATION OF ORS 659A.030, ET SEQ.**

19 **HARASSMENT BECAUSE OF NATIONAL ORIGIN**

20 **(AGAINST ALL DEFENDANTS)**

21 65.

22 Plaintiff re-alleges and incorporates the allegations stated herein.

23 66.

24 Legacy Health and Legacy Emanuel created and maintained an intimidating, hostile,
25 and offensive work environment that was unwelcome and unreasonably interfered with
26 Plaintiff's ability to perform Plaintiff's work and Plaintiff's national origin was a substantial

1 factor in the conduct. The conduct disadvantaged Plaintiff because of Plaintiff's national
2 origin. The conduct was sufficiently severe and/or pervasive in that a reasonable person
3 would find the work environment intimidating, hostile, and offensive and affecting or
4 altering the terms, conditions, and privileges of employment making it an abusive working
5 environment. Plaintiff found the conduct to be sufficiently severe and/or pervasive in that
6 Plaintiff found the work environment intimidating, hostile, and offensive and affecting or
7 altering the terms, conditions, and privileges of employment making it an abusive working
8 environment with Plaintiff's national origin as a substantial factor. The hostile work
9 environment stated herein was a pattern of continuing, ongoing, repeated, and interrelated
10 conduct thus constituting a continuing violation.

11 67.

12 Legacy Health and Legacy Emanuel knew and/or should have known about the
13 harassing conduct.

14 68.

15 Legacy Health and Legacy Emanuel failed to take prompt, adequate, and remedial
16 action to rectify the hostile work environment when management knew and/or should have
17 known of the harassing conduct.

18 69.

19 This caused, directly and proximately, Plaintiff to be damaged in various ways,
20 including, but not limited to, emotional distress (garden variety, not medical) and deprivation
21 of civil rights, along with lost compensation.

22 70.

23 Legacy Health and Legacy Emanuel's actions violated ORS 659A.030, et seq. and
24 Legacy Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy
25 Health and Legacy Emanuel's discriminatory actions, Plaintiff has been damaged in amounts
26 to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety,

1 not medical) and deprivation of civil rights, along with lost compensation not to exceed
2 \$25,000. Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages
3 Plaintiff has incurred.

4 71.

5 Legacy Health and Legacy Emanuel’s conduct as alleged herein was intentional,
6 willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds
7 the bounds of what is socially acceptable and is the type of conduct that warrants punitive
8 damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves
9 the right and intends to amend this Complaint to seek punitive damages.

10 72.

11 Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the
12 Court deems just including but not limited to: (1) a declaration that all Defendants violated
13 Plaintiff’s legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction
14 enjoining all Defendants, and their owners, officers, management personnel, employees,
15 agents, successors, and assigns, from engaging in any employment practice which retaliates
16 or discriminates against its employees in violation of Oregon statute including but not limited
17 to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out
18 policies, practices, and programs for providing equal employment opportunities which
19 affirmatively eradicate the effects of past and present unlawful employment practices.

20 73.

21 Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff’s
22 costs in bringing this action, including reasonable attorneys’ fees, expert fees, litigation
23 expenses, and court costs.

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1 **VII. FIFTH CAUSE OF ACTION**
2 **VIOLATION OF ORS 659A.030, ET SEQ.**
3 **DISPARATE TREATMENT BECAUSE OF SEX**
4 **(AGAINST ALL DEFENDANTS)**

5 74.

6 Plaintiff re-alleges and incorporates the allegations stated herein.

7 75.

8 Plaintiff's sex was a substantial factor in the acts and conduct of Legacy Health and
9 Legacy Emanuel including but not limited to the discriminatory conduct stated above thereby
10 constituting discrimination because of sex for disparate treatment in violation of ORS
11 659A.030, et seq. Specifically, this includes discriminatory verbal discipline, written
12 discipline, nitpicking, constructive transfer away from the mistreatment, sending Plaintiff
13 home before her scheduled shift ended, sabotaging Plaintiff's ability to do Plaintiff's job,
14 setting up Plaintiff to look like Plaintiff was not performing her job, continued harassment,
15 along with the other conduct stated above.

16 76.

17 Alternatively, or in addition to, the discriminatory conduct would not have occurred if
18 Plaintiff was not female, the conduct disadvantaged Plaintiff because of Plaintiff's sex as a
19 female, Plaintiff was treated differently as a female versus being a male, and Plaintiff was
20 treated differently than those similarly-situated employees who are not female.

21 77.

22 This caused, directly and proximately, Plaintiff to be damaged in various ways,
23 including, but not limited to, emotional distress (garden variety, not medical) and deprivation
24 of civil rights, along with lost compensation.

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78.

Legacy Health and Legacy Emanuel’s actions violated ORS 659A.030, et seq. and Legacy Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy Health and Legacy Emanuel’s discriminatory actions, Plaintiff has been damaged in amounts to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation not to exceed \$25,000. Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages Plaintiff has incurred.

79.

Legacy Health and Legacy Emanuel’s conduct as alleged herein was intentional, willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds the bounds of what is socially acceptable and is the type of conduct that warrants punitive damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves the right and intends to amend this Complaint to seek punitive damages.

80.

Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the Court deems just including but not limited to: (1) a declaration that all Defendants violated Plaintiff’s legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction enjoining all Defendants, and their owners, officers, management personnel, employees, agents, successors, and assigns, from engaging in any employment practice which retaliates or discriminates against its employees in violation of Oregon statute including but not limited to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out policies, practices, and programs for providing equal employment opportunities which affirmatively eradicate the effects of past and present unlawful employment practices.

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81.

Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation expenses, and court costs.

VIII. SIXTH CAUSE OF ACTION
VIOLATION OF ORS 659A.030, ET SEQ.
HARASSMENT BECAUSE OF SEX
(AGAINST ALL DEFENDANTS)

82.

Plaintiff re-alleges and incorporates the allegations stated herein.

83.

Legacy Health and Legacy Emanuel created and maintained an intimidating, hostile, and offensive work environment that was unwelcome and unreasonably interfered with Plaintiff's ability to perform Plaintiff's work and Plaintiff's sex was a substantial factor in the conduct. The conduct disadvantaged Plaintiff because of Plaintiff's sex. The conduct was sufficiently severe and/or pervasive in that a reasonable person would find the work environment intimidating, hostile, and offensive and affecting or altering the terms, conditions, and privileges of employment making it an abusive working environment. Plaintiff found the conduct to be sufficiently severe and/or pervasive in that Plaintiff found the work environment intimidating, hostile, and offensive and affecting or altering the terms, conditions, and privileges of employment making it an abusive working environment with Plaintiff's sex as a substantial factor. The hostile work environment stated herein was a pattern of continuing, ongoing, repeated, and interrelated conduct thus constituting a continuing violation.

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84.

Legacy Health and Legacy Emanuel knew and/or should have known about the harassing conduct.

85.

Legacy Health and Legacy Emanuel failed to take prompt, adequate, and remedial action to rectify the hostile work environment when management knew and/or should have known of the harassing conduct.

86.

This caused, directly and proximately, Plaintiff to be damaged in various ways, including, but not limited to, emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation.

87.

Legacy Health and Legacy Emanuel's actions violated ORS 659A.030, et seq. and Legacy Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy Health and Legacy Emanuel's discriminatory actions, Plaintiff has been damaged in amounts to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation not to exceed \$25,000. Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages Plaintiff has incurred.

88.

Legacy Health and Legacy Emanuel's conduct as alleged herein was intentional, willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds the bounds of what is socially acceptable and is the type of conduct that warrants punitive damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves the right and intends to amend this Complaint to seek punitive damages.

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89.

Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the Court deems just including but not limited to: (1) a declaration that all Defendants violated Plaintiff's legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction enjoining all Defendants, and their owners, officers, management personnel, employees, agents, successors, and assigns, from engaging in any employment practice which retaliates or discriminates against its employees in violation of Oregon statute including but not limited to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out policies, practices, and programs for providing equal employment opportunities which affirmatively eradicate the effects of past and present unlawful employment practices.

90.

Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation expenses, and court costs.

IX. SEVENTH CAUSE OF ACTION
VIOLATION OF ORS 659A.030, ET SEQ.
RETALIATION
(AGAINST ALL DEFENDANTS)

91.

Plaintiff re-alleges and incorporates the allegations stated herein.

92.

ORS 659A.030(f) states that it is unlawful "[f]or any person to discharge, expel or otherwise discriminate against any other person because that other person has opposed any unlawful practice, or because that other person has filed a complaint, testified or assisted in any proceeding under this chapter or has attempted to do so."

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93.

Plaintiff engaged in protected conduct by including, but not limited to, opposing and reporting workplace discrimination and harassment because of race, national origin, and/or sex or what Plaintiff reasonably and in good-faith believed was discrimination and harassment because of race, national origin, and/or sex.

94.

Plaintiff's protected conduct was a substantial factor in Legacy Health and Legacy Emanuel's retaliatory actions against Plaintiff. The retaliation includes, but is not limited to, the retaliatory conduct stated above. Specifically, this includes retaliatory verbal discipline, written discipline, nitpicking, constructive transfer away from the mistreatment, sending Plaintiff home before her scheduled shift ended, sabotaging Plaintiff's ability to do Plaintiff's job, setting up Plaintiff to look like Plaintiff was not performing her job, continued harassment, along with the other conduct stated above.

95.

This caused, directly and proximately, Plaintiff to be damaged in various ways, including, but not limited to, emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation.

96.

Legacy Health and Legacy Emanuel's actions violated ORS 659A.030, et seq. and Legacy Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy Health and Legacy Emanuel's retaliatory actions, Plaintiff has been damaged in amounts to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation not to exceed \$25,000. Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages Plaintiff has incurred.

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97.

Legacy Health and Legacy Emanuel’s conduct as alleged herein was intentional, willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds the bounds of what is socially acceptable and is the type of conduct that warrants punitive damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves the right and intends to amend this Complaint to seek punitive damages.

98.

Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the Court deems just including but not limited to: (1) a declaration that all Defendants violated Plaintiff’s legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction enjoining all Defendants, and their owners, officers, management personnel, employees, agents, successors, and assigns, from engaging in any employment practice which retaliates or discriminates against its employees in violation of Oregon statute including but not limited to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out policies, practices, and programs for providing equal employment opportunities which affirmatively eradicate the effects of past and present unlawful employment practices.

99.

Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff’s costs in bringing this action, including reasonable attorneys’ fees, expert fees, litigation expenses, and court costs.

X. EIGHTH CAUSE OF ACTION
VIOLATION OF ORS 659A.030(1)(G)
AID, ABET, COERCE, COMPEL, AND INCITE
(AGAINST DEFENDANT LEGACY HEALTH)

100.

Plaintiff re-alleges and incorporates the allegations stated herein.

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101.

Defendant Legacy Health engaged in deliberate actions and inactions designed to aid, abet, coerce, compel, and incite Legacy Emmanuel’s unlawful discriminatory and retaliatory practices alleged herein. This includes the race discrimination in the First Cause of Action, the racial harassment in the Second Cause of Action, the national origin discrimination in the Third Cause of Action, the national origin harassment in the Fourth Cause of Action, the sex discrimination in the Fifth Cause of Action, the sex harassment in the Sixth Cause of Action, and the retaliation in the as stated in the Seventh Cause of Action.

102.

This caused, directly and proximately, Plaintiff to be damaged in various ways, including, but not limited to, emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation.

103.

Defendant’s actions violated ORS 659A.030, et seq. and Defendant is so liable. As a direct and proximate result of Defendant’s conduct, Plaintiff has been damaged in amounts to be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not medical) and deprivation of civil rights, along with lost compensation not to exceed \$25,000. Defendant must compensate Plaintiff for the damages Plaintiff has incurred.

104.

Defendant’s conduct as alleged herein was intentional, willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds the bounds of what is socially acceptable and is the type of conduct that warrants punitive damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves the right and intends to amend this Complaint to seek punitive damages.

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105.

Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the Court deems just including but not limited to: (1) a declaration that Defendant violated Plaintiff's legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction enjoining Defendant, and their owners, officers, management personnel, employees, agents, successors, and assigns, from engaging in any employment practice which retaliates or discriminates against its employees in violation of Oregon statute including but not limited to ORS 659A.030, et seq., and (3) order Defendant to create, implement, and carry out policies, practices, and programs for providing equal employment opportunities which affirmatively eradicate the effects of past and present unlawful employment practices.

106.

Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation expenses, and court costs.

XI. NINTH CAUSE OF ACTION
VIOLATION OF ORS 659A.030(1)(G)
AID, ABET, COERCE, COMPEL, AND INCITE
(AGAINST DEFENDANT LEGACY EMANUEL HOSPITAL & HEALTH CENTER)

107.

Plaintiff re-alleges and incorporates the allegations stated herein.

108.

Defendant Legacy Emanuel Hospital & Health Center engaged in deliberate actions and inactions designed to aid, abet, coerce, compel, and incite Legacy Health's unlawful discriminatory and retaliatory practices alleged herein. This includes the race discrimination in the First Cause of Action, the racial harassment in the Second Cause of Action, the national origin discrimination in the Third Cause of Action, the national origin harassment in

1 the Fourth Cause of Action, the sex discrimination in the Fifth Cause of Action, the sex
2 harassment in the Sixth Cause of Action, and the retaliation in the as stated in the Seventh
3 Cause of Action.

4 109.

5 This caused, directly and proximately, Plaintiff to be damaged in various ways,
6 including, but not limited to, emotional distress (garden variety, not medical) and deprivation
7 of civil rights, along with lost compensation.

8 110.

9 Defendant's actions violated ORS 659A.030, et seq. and Defendant is so liable. As a
10 direct and proximate result of Defendant's conduct, Plaintiff has been damaged in amounts to
11 be demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety,
12 not medical) and deprivation of civil rights, along with lost compensation not to exceed
13 \$25,000. Defendant must compensate Plaintiff for the damages Plaintiff has incurred.

14 111.

15 Defendant's conduct as alleged herein was intentional, willful, and with reckless
16 disregard to the rights of Plaintiff and others. Such conduct exceeds the bounds of what is
17 socially acceptable and is the type of conduct that warrants punitive damages as a deterrent to
18 future unlawful employment practices. Therefore, Plaintiff reserves the right and intends to
19 amend this Complaint to seek punitive damages.

20 112.

21 Plaintiff further seeks injunctive and declaratory relief in favor of Plaintiff that the
22 Court deems just including but not limited to: (1) a declaration that Defendant violated
23 Plaintiff's legally protected rights under ORS 659A.030, et seq., (2) a permanent injunction
24 enjoining Defendant, and their owners, officers, management personnel, employees, agents,
25 successors, and assigns, from engaging in any employment practice which retaliates or
26 discriminates against its employees in violation of Oregon statute including but not limited to

1 ORS 659A.030, et seq., and (3) order Defendant to create, implement, and carry out policies,
2 practices, and programs for providing equal employment opportunities which affirmatively
3 eradicate the effects of past and present unlawful employment practices.

4 113.

5 Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's
6 costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation
7 expenses, and court costs.

8 **XII. TENTH CAUSE OF ACTION**
9 **VIOLATION OF ORS 659A.199**
10 **RETALIATION**
11 **(AGAINST ALL DEFENDANTS)**

12 114.

13 Plaintiff re-alleges and incorporates the allegations stated herein.

14 115.

15 ORS 659A.199(1) states that it is unlawful "for an employer to discharge, demote,
16 suspend or in any manner discriminate or retaliate against an employee with regard to
17 promotion, compensation or other terms, conditions or privileges of employment for the
18 reason that the employee has in good faith reported information that the employee believes is
19 evidence of a violation of a state ... law, rule or regulation."

20 116.

21 Plaintiff, in good faith, reported information to human resources and management
22 that she was being discriminated, harassed, and retaliated against both as stated above and as
23 a form of bullying. Plaintiff believed such mistreatment was evidence of violations of local
24 and/or state law, rule, or regulation. Plaintiff, in good faith, reported information to human
25 resources and management involving wage misconduct, the dangerous use of bleach, and the
26

1 theft of products or supplies. Plaintiff believed such mistreatment was evidence of violations
2 of local and/or state law, rule, or regulation.

3 117.

4 Plaintiff's protected conduct was a substantial factor in Legacy Health and Legacy
5 Emanuel's retaliatory actions against Plaintiff. The retaliation includes, but is not limited to,
6 the retaliatory conduct stated above. Specifically, this includes retaliatory verbal discipline,
7 written discipline, nitpicking, constructive transfer away from the mistreatment, sending
8 Plaintiff home before her scheduled shift ended, sabotaging Plaintiff's ability to do Plaintiff's
9 job, setting up Plaintiff to look like Plaintiff was not performing her job, continued
10 harassment, the dangerous use of bleach, along with the other conduct stated above.

11 118.

12 This caused, directly and proximately, Plaintiff to be damaged in various ways,
13 including, but not limited to, emotional distress (garden variety, not medical), deprivation of
14 civil rights, and lost compensation.

15 119.

16 Legacy Health and Legacy Emanuel's actions violated ORS 659A.199 and Legacy
17 Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy Health
18 and Legacy Emanuel's discriminatory actions, Plaintiff has been damaged in amounts to be
19 demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not
20 medical) and deprivation of civil rights, along with up to \$25,000 in lost compensation.
21 Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages Plaintiff has
22 incurred.

23 120.

24 Legacy Health and Legacy Emanuel's conduct as alleged herein was intentional,
25 willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds
26 the bounds of what is socially acceptable and is the type of conduct that warrants punitive

1 damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves
2 the right and intends to amend this Complaint to seek punitive damages.

3 121.

4 Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's
5 costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation
6 expenses, and court costs.

7 **XIII. ELEVENTH CAUSE OF ACTION**

8 **VIOLATION OF ORS 659A.355**

9 **RETALIATION**

10 **(AGAINST ALL DEFENDANTS)**

11 122.

12 Plaintiff re-alleges and incorporates the allegations stated herein.

13 123.

14 ORS 659A.355 states, in-part, that "(1) It is an unlawful employment practice for an
15 employer to discharge, demote or suspend, or to discriminate or retaliate against, an
16 employee with regard to promotion, compensation or other terms, conditions or privileges of
17 employment because the employee has:

18 (a) Inquired about, discussed or disclosed in any manner the wages of the employee
19 or of another employee..."

20 124.

21 Plaintiff discussed or disclosed the wages of other employees with human resources
22 and management.

23 125.

24 Plaintiff's protected conduct was a substantial factor in Legacy Health and Legacy
25 Emanuel's retaliatory actions against Plaintiff. The retaliation includes, but is not limited to,
26 the retaliatory conduct stated above. Specifically, this includes retaliatory verbal discipline,

1 written discipline, nitpicking, constructive transfer away from the mistreatment, sending
2 Plaintiff home before her scheduled shift ended, sabotaging Plaintiff's ability to do Plaintiff's
3 job, setting up Plaintiff to look like Plaintiff was not performing her job, continued
4 harassment, along with the other conduct stated above.

5 126.

6 This caused, directly and proximately, Plaintiff to be damaged in various ways,
7 including, but not limited to, emotional distress (garden variety, not medical), deprivation of
8 civil rights, and lost compensation.

9 127.

10 Legacy Health and Legacy Emanuel's actions violated ORS 659A.355 and Legacy
11 Health and Legacy Emanuel are so liable. As a direct and proximate result of Legacy Health
12 and Legacy Emanuel's discriminatory actions, Plaintiff has been damaged in amounts to be
13 demonstrated at trial, but not to exceed \$475,000 for emotional distress (garden variety, not
14 medical) and deprivation of civil rights, along with up to \$25,000 in lost compensation.
15 Legacy Health and Legacy Emanuel must compensate Plaintiff for the damages Plaintiff has
16 incurred.

17 128.

18 Legacy Health and Legacy Emanuel's conduct as alleged herein was intentional,
19 willful, and with reckless disregard to the rights of Plaintiff and others. Such conduct exceeds
20 the bounds of what is socially acceptable and is the type of conduct that warrants punitive
21 damages as a deterrent to future unlawful employment practices. Therefore, Plaintiff reserves
22 the right and intends to amend this Complaint to seek punitive damages.

23 129.

24 Pursuant to ORS 20.107 and ORS 659A.885, Plaintiff is entitled to recover Plaintiff's
25 costs in bringing this action, including reasonable attorneys' fees, expert fees, litigation
26 expenses, and court costs.

1 **XIV. OTHER CAUSES OF ACTION**

2 130.

3 Plaintiff reserves the right to conduct discovery into alternative claims and additional
4 defendants and to amend these claims as necessary.

5 **XV. JURY TRIAL REQUESTED**

6 131.

7 Plaintiff hereby respectfully requests a jury trial for all claims stated herein.

8 **XVI. PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff Rachelle Mullen respectfully requests judgment including
10 an award of damages against Defendants Legacy Health and Legacy Emanuel Hospital *
11 Health Center for the following:

- 12 A. Compensatory damages in an amount determined by the jury that is fair and
13 reasonable, but not to exceed \$475,000 for emotional distress (garden variety,
14 not medical) and deprivation of civil rights Plaintiff has experienced, along
15 with an amount not to exceed \$25,000 for lost compensation;
- 16 B. Upon motion, punitive damages in an amount determined by a jury to be
17 sufficient to deter Defendants and others from like conduct;
- 18 C. Pre-judgment and post-judgment interest;
- 19 D. Plaintiff's costs in bringing this action, including reasonable attorneys' fees,
20 expert fees, litigation expenses, and court costs pursuant to ORS 20.107 and
21 ORS 659A.885;
- 22 E. All other actual damages under ORS 659A.030, et seq. and applicable law;
- 23 F. For the injunctive and declaratory relief in favor of Plaintiff that the Court
24 deems just including but not limited to: (1) a declaration that all Defendants
25 violated Plaintiff's legally protected rights under ORS 659A.030, et seq., (2) a
26 permanent injunction enjoining all Defendants, and their owners, officers,

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management personnel, employees, agents, successors, and assigns, from engaging in any employment practice which retaliates or discriminates against its employees in violation of Oregon statute including but not limited to ORS 659A.030, et seq., and (3) order all Defendants to create, implement, and carry out policies, practices, and programs for providing equal employment opportunities which affirmatively eradicate the effects of past and present unlawful employment practices; and

G. Such other relief as the Court deems appropriate.

1 Dated: April 19, 2021.

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THE BULLMAN LAW FIRM

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/s/ Paul A. Bullman

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Paul A. Bullman, OSB No. 175985

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Grant M. Freeman, OSB No. 181739

Attorneys for Plaintiff

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