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

BENJAMIN HOSHOUR,
Plaintiff,

v.

PROVIDENCE HEALTH &
SERVICES – OREGON *d/b/a*
PROVIDENCE PORTLAND MEDICAL
CENTER; and JENNIFER GENTRY,
Defendants.

Case No.

COMPLAINT

1. Retaliation for Reporting Unlawful Conduct ORS 659A.199
2. Whistleblowing—Retaliation Against Nursing Staff for Reporting Patient Safety Concerns/Violations of Chapter 441 ORS 441.181/183/184
3. Retaliation in Violation of 659A.233 for Reporting Violations of ORS Chapters 441 and/or 443
4. Wage Inquiry/Complaint Retaliation ORS 659A.355/ORS 653.060
5. Retaliation ORS 659A.030(1)(f)
6. Aiding, Abetting or Inciting ORS 659A.030(1)(g)

[Prayer: \$550,000]

Fee Authority: ORS 20.160(1)(c)

**NOT SUBJECT TO MANDATORY
ARBITRATION**

Plaintiff Benjamin Hoshour was employed by Defendant Providence Health & Services—
Oregon *d/b/a* Providence Portland Medical Center from on or about June 26, 2017, until the date
of his unlawful termination on February 9, 2021, and for his Complaint alleges as follows:

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///

1 **JURISDICTION, VENUE AND PARTIES**

2 1.

3 Defendant Providence Health & Services—Oregon *d/b/a* Providence Portland Medical Center
4 (“PROVIDENCE”) is an Oregon non-profit corporation that is registered and licensed to conduct
5 business in Oregon. At all material times, PROVIDENCE was Plaintiff’s employer and
6 conducted regular and sustained business activities in Multnomah County. At all material times,
7 Plaintiff worked for PROVIDENCE out of a location in Multnomah County.
8

9 2.

10 Defendant Jennifer Gentry (“GENTRY”) was at all material times an authorized agent of and/or
11 employed by PROVIDENCE and was in substantial part acting within the course and scope of
12 such agency and employment, unless otherwise specifically alleged in the alternative. At all
13 material times, GENTRY was Chief Nursing Officer at PROVIDENCE and held direct
14 supervisory authority over Plaintiff. Plaintiff is informed and believes that GENTRY is a resident
15 of the State of Oregon.
16

17 **STATEMENT OF FACTS**

18 3.

19 On or about June 26, 2017, Plaintiff began working at PROVIDENCE as a Registered
20 Nurse/Hospital Supervisor at an annual salary plus additional compensation.
21

22 4.

23 Over the next several years, Plaintiff performed his job well. Plaintiff holds a Bachelor of
24 Science in Nursing and completed some graduate courses in nursing. Plaintiff began his position
25 at PROVIDENCE with over ten years of nursing experience.
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5.

As Hospital Supervisor at PROVIDENCE, Plaintiff was responsible for coordinating the nursing staff for the entire hospital for the overnight shift.

6.

When the COVID-19 pandemic began in earnest in Oregon in or about March of 2020, PROVIDENCE began experiencing a severe staffing shortage. Plaintiff consistently encountered poor communication from the PROVIDENCE staffing office which made his work much more difficult. When units in the hospital requested staff, Plaintiff was given only the number that each unit was short, not the number of staff initially requested by the unit or the number of staff currently working in the unit, which caused Plaintiff concerns. Given the severity of the staffing shortage, Plaintiff often had to move staff from floor to floor to try to ensure adequate staffing to keep patients safe and well-cared for. This vital work was made significantly more challenging due to the basic staffing information that was not being provided to Plaintiff. Plaintiff was concerned about the health and safety impacts on staff at the hospital as a result of being chronically short staffed. To try to address this concerning situation, Plaintiff created a staffing office spreadsheet that would quickly and efficiently communicate the necessary staffing request information to Plaintiff.

7.

However, when Plaintiff presented the spreadsheet idea to GENTRY, he was told that despite the unprecedented nature of the COVID-19 pandemic, management was not interested in changes to protocol. GENTRY even claimed that she had “never met a group so resistant to change.” PROVIDENCE made no changes and Plaintiff’s concerns over patient care, as well as patient

1 and staff safety, were not resolved. PROVIDENCE continued to fill beds with patients and
2 would then attempt to adequately staff the departments after the beds were filled, often resulting
3 in dangerous staffing shortages. Plaintiff also continued to experience resistance from the
4 staffing office and management over his complaints and concerns about these staffing issues.
5

6 8.

7 Defendants PROVIDENCE and GENTRY have admitted that Plaintiff raised concerns with
8 GENTRY about inadequate staffing levels and improper communication resulting in patient
9 safety concerns on multiple occasions prior to his unlawful termination.

10 9.

11 By in or about November 2020, the staffing shortage had worsened, and Plaintiff began to work
12 extra shifts at PROVIDENCE. Though Plaintiff was an exempt employee, he regularly filled out
13 and submitted timecards. When he began working extra shifts, he believed that he needed to list
14 all the hours he actually worked on his timecards. Plaintiff initially raised his concerns about
15 accurate timekeeping to GENTRY and management at PROVIDENCE. Plaintiff was
16 subsequently told by management that he must list only 36 hours, reflecting four eight-hour
17 shifts Monday through Thursday, and one four-hour shift on Friday on his timecards, no matter
18 the actual time Plaintiff worked. Although Plaintiff continued being compensated for more hours
19 than what was entered on his time records, he felt uncomfortable submitting inaccurate
20 information.
21

22 10.

23 Plaintiff was further concerned that the employee schedule was not updated when employees
24 called out sick, were out on leave, or were otherwise unable to work, so inaccurate information
25
26

1 on time records meant that there was no document that accurately reflected who staffed the
2 hospital at any given time which caused Plaintiff concerns regarding patient care and safety.

3
4 11.

5 On or about December 21, 2020, Plaintiff contacted PROVIDENCE Human Resources about his
6 concerns regarding not being able to place his actual time worked on his timecards. Plaintiff told
7 Human Resources that he believed not being able to report his actual time was a form of
8 timecard fraud. Human Resources responded that was just the way PROVIDENCE did it and
9 that Plaintiff had to do it that way. Plaintiff told Human Resources that he would not falsify his
10 timecards. GENTRY was aware at the time that Plaintiff contacted Human Resources to
11 complain about his timekeeping documentation concerns.

12
13 12.

14 Plaintiff is informed and believes that his reports of concerns about timecard fraud to
15 PROVIDENCE Human Resources were communicated to GENTRY prior to his termination.

16
17 13.

18 Thereafter, PROVIDENCE Human Resources informed Plaintiff that it would be altering his
19 timecards for him if he refused to put inaccurate information on his timecards. Plaintiff,
20 believing in good faith that it was unlawful for PROVIDENCE to require him to put inaccurate
21 information on his timecards, complained to Human Resources that he would file a complaint if
22 the issue was not resolved. Human Resources proceeded to alter Plaintiff's time records anyway
23 in or about January 2021.

24
25 14.

26 On or about January 27, 2021, Plaintiff complained to Amber Blume, Operations Manager at

1 PROVIDENCE, while copying GENTRY that he was concerned his staffing concerns at the
2 hospital were not being addressed. When GENTRY became aware that Plaintiff had complained
3 to Blume about his ongoing staffing concerns, she retaliated against him by berating Plaintiff for
4 his tone in the email as overly aggressive and because he had escalated the issue over her head to
5 Blume thereby taking the issue out of her control.
6

7 15.

8 Plaintiff also spoke with PROVIDENCE Human Resources once more to complain about his
9 time records. Plaintiff was told at that time that PROVIDENCE Human Resources would look
10 into his complaint about being forced to report inaccurate time on his timecards, but that in the
11 meantime he should abide by the current policy. Plaintiff never heard back from anyone at
12 PROVIDENCE about his timecard concerns prior to his unlawful termination.
13

14 16.

15 On or about February 2–3, 2021, Plaintiff worked an overnight shift during which a patient
16 suffered a heart attack and died while he was being transported through the hospital for
17 discharge. Plaintiff recorded the incident in the End of Shift Report as he had previously been
18 instructed to do for incidents of this nature. Plaintiff was never informed about any issue
19 regarding this event prior being placed on administrative leave.
20

21 17.

22 During this same shift, Plaintiff communicated with two PROVIDENCE employees who worked
23 at another PROVIDENCE location. Plaintiff discussed his concerns about PROVIDENCE’s
24 compensation policies, its practice of filling all vacant hospital beds despite staff shortages which
25 he believed posed a risk to safe patient care, and his frustration with the PROVIDENCE staffing
26

1 office over the spreadsheet issue that he wanted to utilize to try to improve the staffing issues.

2 18.

3 Plaintiff wrote to his coworkers that “*We are told all the time that staffing grids are ‘guidelines*
4 *only’ and that they are not an excuse to avoid admissions*”, and that “*We’re also losing RNs left*
5 *and right lately. I keep hearing that Providence is underpaying employees when compared to*
6 *other organizations right now, especially those giving some kind of COVID pay*”, and “*It’s sad*
7 *when I have to advocate for my nurses against our own leadership.*”

9 19.

10 In turn, Plaintiff’s coworkers voiced concern about the practices, with one writing, “*That seems*
11 *like it would create an unsafe care environment, tbh. If you’re [sic] unit is only staffed to safely*
12 *care for 20 people but all 27 of your beds have patients in them? Waiting for an accident to*
13 *happen,*” and “*I feel that if this got above the local ministry leadership and hit the regional*
14 *leadership’s radar, there might be more discussion around it.*”

16 20.

17 On or about February 3, 2021, GENTRY telephoned Plaintiff to inform him that she had read the
18 communications between Plaintiff and his coworkers from the previous evening and that the
19 conversation had her concerned. Just one hour later, GENTRY spoke with Plaintiff a second time
20 to inform him that PROVIDENCE was placing him on administrative leave, effective
21 immediately.

23 21.

24 On or about February 5, 2021, Plaintiff attended a video meeting with GENTRY, Brianna
25 Ekandem, the Service Area Chief Human Resource Officer at PROVIDENCE, and Pedro Rios,
26

1 another PROVIDENCE employee. During the meeting, GENTRY questioned Plaintiff, asking
2 why he communicated what he did to his coworkers. Plaintiff responded that what he had written
3 was true, that he was frustrated with the ongoing lack of resolution of the wage and staffing
4 issues by PROVIDENCE, and that there were stark differences between the management of their
5 PROVIDENCE location and the location where his coworkers worked. Following the meeting,
6 in further retaliation for his complaints and opposition to Defendants' unlawful practices,
7 Plaintiff remained on administrative leave.

9 22.

10 On or about February 9, 2021, Plaintiff had a second video meeting with GENTRY and
11 Ekandem in which he was terminated. The title of the meeting was "Transcript," in reference to
12 the transcript of the messages between Plaintiff and his coworkers concerning wage and staffing
13 issues at PROVIDENCE.

15 23.

16 At first, Plaintiff was told only that he was "not a good fit for the job." When Plaintiff asserted
17 that he felt this was a retaliatory termination for his complaints about wage and staffing issues,
18 including those from his February 3, 2021, communications with his coworkers, GENTRY
19 produced a single document from April 2018 reflecting a disciplinary action that took place
20 before GENTRY had even assumed her position as Chief Nursing Officer as Plaintiff supervisor,
21 which had already been long resolved.

23 24.

24 Believing he was being retaliated against, Plaintiff continued to push back regarding why
25 PROVIDENCE was suddenly terminating him. In response, GENTRY became frustrated and, in
26

1 a further attempt to conceal Plaintiff's retaliatory termination, for the first time claimed that
2 Plaintiff had not escalated the heart attack incident from Plaintiff's February 3, 2021, shift.

3
4 25.

5 When Plaintiff reminded GENTRY that the incident had already been discussed and apparently
6 cleared with her, GENTRY shifted her explanation yet again and claimed that Plaintiff's use of
7 the hospital-owned Bluetooth speaker was a problem. Plaintiff's use of the Bluetooth speaker
8 had never been raised before his termination meeting by anyone at PROVIDENCE and to
9 Plaintiff's knowledge such use was not against PROVIDENCE policy and was common among
10 staff throughout his employment. Plaintiff never received a consistent explanation from anyone
11 at PROVIDENCE regarding the reason for his sudden termination.

12
13 26.

14 Plaintiff was humiliated and stunned by his retaliatory termination from PROVIDENCE and
15 suffered emotional distress as a result.

16
17 27.

18 In further retaliation, PROVIDENCE willfully failed to pay Plaintiff all wages due and owing
19 within the time period required by Oregon law. As of the date of this Complaint, PROVIDENCE
20 has not provided Plaintiff with any documentation to substantiate that it timely paid Plaintiff all
21 wages due and owing by PROVIDENCE, nor has it paid Plaintiff the applicable civil penalty
22 wages for late payment.

23
24 28.

25 Plaintiff is informed and believes that the two coworkers he had communicated with about wage
26 and staffing concerns on February 3, 2021, were not terminated by PROVIDENCE, but instead

1 were verbally disciplined by their managers.

2 29.

3 Plaintiff is informed and believes that Defendants also engaged in further post-termination
4 retaliation by creating false evidence of Plaintiff's alleged performance issues after he was
5 terminated in order to cover up Defendants' unlawful practices.
6

7 30.

8 Plaintiff filed a timely claim with the Oregon Bureau of Labor and Industries (BOLI), and after
9 investigating found substantial evidence to support most of Plaintiff's claims. Plaintiff chose to
10 pursue his case in court and timely filed this lawsuit within 90-days from the date of the Notice
11 of Right-to-Sue Letter issued by that agency.
12

13 **DAMAGES**

14 31.

15 As a direct and proximate result of Defendants' actions, Plaintiff has suffered normal "garden
16 variety" emotional distress, humiliation, and anxiety, and in general what a reasonable person
17 under similar circumstances would have felt and requests an award of noneconomic damages in
18 an amount to be determined at the time of trial, and not to exceed \$500,000.
19

20 32.

21 As a direct and proximate result of Defendants' actions, Plaintiff has also suffered and will likely
22 continue to suffer economic damages, including, loss of earnings, loss of benefits, loss of job
23 opportunities, relocation expenses, damage to his reputation, and other employment benefits
24 which continue to accrue in an amount to be determined at the time of trial and not to exceed
25 \$50,000, together with interest and the amount necessary to offset the income tax consequences
26

1 of the award pursuant to ORS 659A.885(1) and/or (3) and/or as special damages under common
2 law.

3
4 33.

5 Plaintiff also seeks equitable relief including reinstatement to Plaintiff's former position, if
6 feasible, and a permanent injunction enjoining Defendants from engaging in any employment
7 practice which discriminates on the basis as alleged in this Complaint.

8 34.

9 Plaintiff places Defendants on notice of Plaintiff's intent to move the Court to amend this
10 Complaint to seek punitive damages and to seek discovery of all relevant financial documents
11 from Defendants.

12 35.

13 Plaintiff also seeks reasonable attorney's fees and costs in an amount to be proven at the time
14 of trial pursuant to ORS 659A.885(1) and/or ORS 20.107 and/or other applicable statute.

15
16 **FIRST CLAIM FOR RELIEF**

17 Whistleblowing in Violation of ORS 659A.199
18 (Against Defendant PROVIDENCE)

19 36.

20 Plaintiff restates and incorporates by reference paragraphs 1-30, inclusive.

21 37.

22 In perpetrating the actions described in the above paragraphs, Defendant PROVIDENCE, acting
23 through its agents and/or employees, violated many civil and regulatory statutes and subjected
24 Plaintiff to retaliation, and discrimination for reporting its unlawful conduct in good faith.
25 Defendant's actions were unlawful in nature, including, but limited to, in violation of one or
26 more of the following laws relating to Defendant's conduct: ORS 441.181 *et seq.* (making
retaliation against a nurse reporting patient care and safety concerns unlawful); ORS Chapter 441

1 *et. seq.* (laws, rules, and regulations governing health care facilities); ORS 441.155 (written
2 staffing plan requirements/minimum number of nursing staff); ORS 441.166 (nursing staff
3 replacement requirements); ORS 441.173 (hospital must maintain staffing records demonstrating
4 compliance); ORS 165.080 (falsifying business records unlawful); ORS 659A.355(a)
5 (discrimination against employee that discusses wages with another employee prohibited);
6 ORS 653.045(b) (employer must maintain records of “actual hours worked each week and each
7 pay period by each employee”); ORS 653.060 (discrimination against employee for inquiring
8 about provisions of ORS Chapter 653 unlawful); and ORS 653.465 (employer required to
9 maintain records of employee scheduling for three years).

10 38.

11 Plaintiff’s protected reports were a substantial factor in Defendant’s decisions to place him on
12 administrative leave and terminate his employment which constitutes retaliation for reporting
13 illegal activity in violation of ORS 659A.199.

14 39.

15 Plaintiff requests an award of damages, equitable relief, costs, and attorney’s fees as alleged in
16 paragraphs 31-35, inclusive, *supra*.

17
18 **SECOND CLAIM FOR RELIEF**

19 Retaliation against Nursing Staff in Violation of ORS 441.181–184
20 (Against Defendant PROVIDENCE)

21 40.

22 Plaintiff restates and incorporates by reference paragraphs 1-30 inclusive, and 37.

23 41.

24 After Plaintiff made complaints to management of PROVIDENCE regarding Plaintiff’s
25 reasonable belief that PROVIDENCE’s conduct was in violation of the law and/or rules and/or
26 professional standards of practice, as more fully set forth above, including unsafe staffing levels

1 and insufficient tracking of staffing in violation of Chapter 441, which Plaintiff reasonably
2 believed posed a risk to the health and/or safety and/or welfare of the patients and/or the public,
3 PROVIDENCE retaliated against Plaintiff by taking adverse employment actions against
4 Plaintiff, including placing Plaintiff on administrative leave and terminating Plaintiff's
5 employment, in violation of ORS 441.181. Plaintiff's reports were a substantial factor in
6 Defendant's decision to take these adverse employment actions.
7

8 42.

9 Pursuant to ORS 441.183, Plaintiff requests an award of damages, equitable relief, costs, and
10 attorney's fees as alleged in paragraphs 31-35, inclusive, supra, as well as the supplement relief
11 provided by ORS 441.183(2) including reasonable litigation costs and expert witness fees.
12

13 **THIRD CLAIM FOR RELIEF**

14 Retaliation for Reporting Health Care Facility Violations ORS 659A.233
(Against Defendant PROVIDENCE)

15 43.

16 Plaintiff restates and incorporates by reference paragraphs 1-30 inclusive, and 37.

17 44.

18 Plaintiff reported, in good faith, violations of ORS 441 and/or ORS 443.400 through 443.455 by
19 agents of Defendant PROVIDENCE to the attention of management and/or the proper authority
20 as set forth above, including unsafe staffing levels and insufficient tracking of staff in violation
21 of Chapter 441.
22

23 45.

24 Defendant retaliated against Plaintiff by taking adverse employment actions against Plaintiff in
25 violation of ORS 659A.233, including subjecting Plaintiff to administrative leave and
26 terminating his employment and as otherwise set forth above. Plaintiff's reports were a

1 substantial factor in Defendant's decision to take these adverse employment actions.

2 46.

3 Plaintiff requests an award of damages, equitable relief, costs, and attorney's fees as alleged in
4 paragraphs 31-35, inclusive, supra.
5

6 **FOURTH CLAIM FOR RELIEF**

7 Wage Claim/Inquiry Retaliation ORS 659A.355/ORS 653.060
(Against Defendant PROVIDENCE)

8 47.

9 Plaintiff restates and incorporates by reference paragraphs 1-30, inclusive.

10 **COUNT ONE:**

11 Wage Inquiry Retaliation (ORS 659A.355)

12 48.

13 Defendant PROVIDENCE, acting through its agents and/or employees, discriminated and
14 retaliated against Plaintiff by subjecting Plaintiff to disparate treatment, placing him on
15 administrative leave, and terminating Plaintiff's employment, because Plaintiff inquired about,
16 discussed, and/or disclosed in any manner his own wages and/or wages of other employees.
17 Plaintiff's inquiries, discussions and/or disclosures were a substantial factor in Defendant's
18 decision to take these adverse employment actions.

19 49.

20 Defendant's discrimination and retaliation against Plaintiff constitutes an unlawful employment
21 practice in violation of ORS 659A.355. Defendant's discrimination and retaliation against
22 Plaintiff caused Plaintiff to suffer damages, as discussed in detail above.
23

24 50.

25 Plaintiff requests an award of damages, equitable relief, costs, and attorney's fees as alleged in
26 paragraphs 31-35, inclusive, supra.

COUNT TWO:

Wage Complaint Retaliation (ORS 653.060)

51.

Defendant PROVIDENCE, acting through its agents and/or employees, discriminated and retaliated against Plaintiff by subjecting Plaintiff to disparate treatment, placing him on administrative leave, and terminating Plaintiff’s employment, because Plaintiff made complaints about what he reasonably believed constituted violations of wage and hour laws, rules, and/or regulations set forth in ORS 653.010 through 653.261 and related Oregon Administrative Rules, including, but not limited to, ORS 653.045(b) (employer must maintain records of “actual hours worked each week and each pay period by each employee”); and ORS 653.060 (discrimination against employee for inquiring about the provisions of ORS Chapter 653 unlawful). Plaintiff’s complaints were a substantial factor in Defendant’s decision to take these adverse employment actions.

52.

Defendant’s discrimination and retaliation against Plaintiff constitutes an unlawful employment practice in violation of ORS 653.060. Defendant’s discrimination and retaliation against Plaintiff caused Plaintiff to suffer damages, as discussed in detail above.

53.

Plaintiff requests an award of damages, equitable relief, costs, and attorney’s fees as alleged in paragraphs 31, 32, 33, and 35, inclusive, supra.

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1 **FIFTH CLAIM FOR RELIEF**
2 Retaliation– ORS 659A.030(1)(f)
3 (Against All Defendants)

4 54.

5 Plaintiff restates and incorporates by reference paragraphs 1-30, inclusive.

6 55.

7 Plaintiff engaged in protected activity when Plaintiff opposed and complained about what he
8 reasonably believed were Defendants’ “unlawful practices” as defined by ORS Chapter 659A, as
9 described above.

10 56.

11 Defendants, acting through their agents/employees and/or individually, retaliated against
12 Plaintiff by taking adverse employment actions against Plaintiff, including causing Plaintiff to be
13 placed on administrative suspension and causing his termination. Plaintiff’s complaints and/or
14 opposition were a substantial factor in Defendant’s decision to take these adverse employment
15 actions.

16 57.

17 Defendant PROVIDENCE also engaged in post-termination retaliation by failing to pay Plaintiff
18 all wages due and owing within in the time period required by law and failed to pay Plaintiff
19 applicable civil penalty wages for late payment, because of Plaintiff’s complaints and/or
20 oppositional conduct.

21 58.

22 Plaintiff is informed and believes that Defendants also engaged in further post-termination
23 retaliation by creating false evidence of Plaintiff’s alleged performance issues after he was
24 terminated and threatened litigation in order to cover up Defendants’ unlawful practices.
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59.

In perpetrating the actions described in the above paragraphs, Defendants violated ORS 659A.030(1)(f) by retaliating against Plaintiff, causing Plaintiff to suffer damages.

60.

Plaintiff requests an award of damages, equitable relief, costs, and attorney’s fees as alleged in paragraphs 31-35, inclusive, supra.

SIXTH CLAIM FOR RELIEF

Aiding, Abetting or Inciting Unlawful Employment Practices (ORS 659A.030(1)(g))
(Against Defendant GENTRY)

61.

Plaintiff restates and incorporates by reference paragraphs 1-30, inclusive.

62.

As set forth in detail above, Defendant GENTRY, aided, abetted and/or incited unlawful discrimination, retaliation, and other unlawful employment practices, against Plaintiff by PROVIDENCE and its agents.

63.

Defendant GENTRY, helped, assisted, and/or facilitated the commission by Defendant PROVIDENCE and its agents in the unlawful discrimination and retaliation against Plaintiff, as set forth in detail above, resulting in his administrative suspension and unlawful termination by Defendant PROVIDENCE. Defendant GENTRY did so while intending to cause Plaintiff harm and/or she was substantially certain her conduct would cause Plaintiff harm.

64.

Defendant GENTRY also helped advance and/or bring about and/or encouraged, and/or

1 counseled and/or incited unlawful discrimination and retaliation against Plaintiff by Defendant
2 PROVIDENCE and its agents, as set forth in detail above, resulting in his administrative
3 suspension and unlawful termination by Defendant PROVIDENCE. Defendant GENTRY did so
4 while intending to cause Plaintiff harm and/or she was substantially certain her conduct would
5 cause Plaintiff harm.
6

7 65.

8 Defendant GENTRY violated Oregon Revised Statute 659A.030(1)(g) by aiding, abetting and/or
9 inciting unlawful employment practices against Plaintiff by Defendant PROVIDENCE and its
10 agents, causing Plaintiff damages.
11

12 66.

13 Plaintiff requests an award of damages, equitable relief, costs, and attorney's fees as alleged in
14 paragraphs 31-35, inclusive, supra.
15

16 **DEMAND FOR JURY TRIAL**

17 Plaintiff demands a jury trial on all claims and issues to the extent allowed under the law.

18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiff requests the following judgments and relief according to proof:

- 20 1. Economic damages, as alleged;
- 21 2. Non-economic damages, as alleged;
- 22 3. In the alternative to a compensatory damage award, Plaintiff demands nominal damages
23 and/or the statutory minimum damages award provided by ORS 659A.885 for violation
24 of Plaintiff's statutory rights, as alleged;
- 25 4. Reasonable costs and attorney's fees per statute, as alleged;
- 26 5. Reinstatement, if feasible, and a permanent injunction enjoining Defendant from
engaging in any employment practice which discriminates on the basis as alleged herein;
6. For prejudgment and post-judgment interest as appropriate and allowed by law;

- 1 7. On all claims, amounts necessary to offset the income tax consequences of receiving a
- 2 lump sum payment, rather than receiving payment of wages over time;
- 3 8. The supplement relief provided by ORS 441.183(2) including reasonable litigation costs
- 4 and expert witness fees, as alleged;
- 5 9. Upon motion, punitive damages, as alleged; and
- 6 10. All such other relief as this Court may deem proper.

7 Dated: April 26, 2023.

Unlawful Termination Lawyers, LLC

8 s/Daniel K. Le Roux

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