

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ASIA BLUNT)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	
PLANNED PARENTHOOD OF)	
KANSAS AND MID-MISSOURI)	
)	
Defendant.)	

**PLAINTIFF’S COMPLAINT, DEMAND FOR JURY TRIAL
AND DESIGNATION OF PLACE OF TRIAL**

Plaintiff, Asia Blunt, by and through undersigned counsel, and for her Complaint,
Demand for Jury Trial and Designation of Place of Trial states and avers to the Court as follows:

Nature of the Action

1. This action arises under Title I of the Americans with Disabilities Act, 42 U.S.C. §12101, *et seq.* (“ADA”) and 42 U.S.C. §1981.

Parties

2. Plaintiff Blunt, an African American female, who also has a disability as defined under the ADA.
3. Plaintiff Blunt is a former employee of Defendant and is a resident of Wyandotte County, Kansas.
4. Defendant Planned Parenthood of Kansas and Mid-Missouri (“PPKM”) is a non-profit corporation incorporated under the laws of the State of Missouri, is engaged in an industry affecting commerce, has in excess of 15 employees, and conducts business within the State of Kansas. Defendant may be served with process at its principal place of business located at 4401 W. 109th St., Suite 200, Overland Park, Kansas 66211.

5. Jurisdiction of this Court over the parties to this action is provided to this Court under 28 U.S.C §1331 and 1343.
6. Venue with respect to all parties is proper in this Court pursuant to 28 U.S.C. §1391, because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Johnson County, Kansas, which lies in the District of Kansas and because Defendant transacts business within the District of Kansas.
7. Plaintiff Blunt has exhausted all her administrative remedies, having received a Notice of Right to Sue from the Equal Employment Opportunity Commission ("EEOC") dated February 25, 2016 pertaining to her complaint of discrimination on Charge No. 846-2016-01738.

General Facts

8. Plaintiff has Bipolar II Disorder, a condition which she was diagnosed with by her doctor in 2011, and which was controlled by medication.
9. Plaintiff has earned an MBA, certifications in Health Care Management and Administration, and is a certified coding professional.
10. Plaintiff Blunt was hired by Defendant PPKM as a Revenue Cycle Manager on or about June 8, 2015 where she would be responsible for managing claims, processing, denials, payments, remittances, payment plans, coding, billing, accounts receivable, and managing representatives who handled several of those activities.
11. When Plaintiff began her job with PPKM, she was instructed to catch up on approximately three years of backlogged accounts receivable. She was told to fix serious accounting problems and reconcile numbers which could not be substantiated.
12. Plaintiff was not provided substantial, meaningful, or sufficient training to do her job.

13. Plaintiff's department was severely understaffed: upon information and belief, one employee resigned shortly after Plaintiff began working, and her only other employee was a temporary employee who was only allowed limited access to the billing system.
14. Plaintiff, having been assigned more work than one person could reasonably complete within the time allowed, requested that the organization provide her help to complete the assigned tasks.
15. PPKM informed her that they could not hire her temporary employee on a full time basis, and told her that a job posting would be placed to begin the search for a new employee.
16. The job posting was never placed and PPKM never took applications for the position.
17. The stress caused by the workload and pressure to provide an immediate solution to the backlog began to affect Plaintiff's Bipolar Disorder, resulting in her promptly visiting her doctor to adjust her medication.
18. Plaintiff's doctor and therapist advised her to speak with her supervisor(s) to request help with her workload.
19. Plaintiff met with Sue Limm, the CFO, and requested an employee to help her. Sue Limm advised Plaintiff to speak with Monica Kaye, Director of Human Resources.
20. Plaintiff met with Monica Kaye on September 30, 2015. She informed Kaye that she suffered from Bipolar Disorder, that the job was too much for one person, and that the workload was causing stress and quick-cycling of her Bipolar Disorder resulting in a doctor's visit.
21. Kaye assumed Plaintiff needed a leave of absence and advised Plaintiff that she did not qualify for FMLA. Plaintiff responded that she did not need leave, but needed help with the workload.

22. The following day, on October 1, 2015, PPKM terminated Plaintiff and refused to provide her with a reason.
23. At all times, Plaintiff was meeting the legitimate job expectations of Defendant, and, upon information and belief, had not been disciplined, written up, or warned about her performance.

Count I

Failure to Provide a Reasonable Accommodation in Violation of the ADA

24. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.
25. Plaintiff's Bipolar Disorder is a disability as defined in the ADA as it is a mental or physical impairment which substantially limits one or more of her major life activities.
26. Plaintiff therefore is a member of a category of persons protected from disability and perceived disability discrimination under the Act.
27. Plaintiff was qualified for the position and was able to perform the essential functions of her position with or without a reasonable accommodation.
28. Plaintiff informed Defendant of her disability, requested a reasonable accommodation, and Defendant was aware of her need for reasonable accommodations.
29. There was a reasonable, effective accommodation available in that Defendant could have filled the vacant position in Plaintiff's department, provided the temporary employee access to necessary systems to help Plaintiff, hired the temporary employee on as a permanent employee to help Plaintiff, or otherwise reduced Plaintiff's workload.
30. Plaintiff's request for a reasonable accommodation could have been met in a way as to not unduly burden Defendant.

31. Defendant failed to reasonably accommodate Plaintiff's Bipolar Disorder by failing to engage in any interactive process with Plaintiff, including in failing to investigate reasonable accommodations for Plaintiff during her employment with PPKM.
32. Defendant further failed to meet Plaintiff's request for reasonable accommodation by terminating her the day after Plaintiff requested the accommodation.
33. As a direct and proximate result of Defendant's unlawful actions described above, Plaintiff has sustained lost wages and benefits of employment and it is reasonably certain that Plaintiff has and will continue to sustain additional lost wages and benefits of employment in the future.
34. As a further result of Defendant's unlawful action described above, Plaintiff continues to suffer emotional distress, embarrassment, mental anguish and suffering, and loss of enjoyment of life.
35. The actions of Defendant alleged herein were outrageous because of Defendant's malice, willful acts, or reckless disregard for Plaintiff's federally-protected rights, entitling Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- A. Award the Plaintiff damages against Defendant in an amount equal to any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute, including back pay in an amount yet to be determined, front pay in an amount yet to be determined, and lost fringe benefits in an amount yet to be determined;
- B. Award the Plaintiff interest on the amount of any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute;

- C. Award the Plaintiff damages for her humiliation, embarrassment, and emotional distress;
- D. Award the Plaintiff punitive damages;
- E. Award the Plaintiff reasonable attorney's fees, reasonable expert witness fees, and other costs of the action;
- F. Award such other and further relief as the Court deems just and equitable.

Count II
Disability Discrimination/Disparate Treatment in Violation of the ADA

- 36. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.
- 37. Plaintiff is a qualified individual with a disability as defined in the ADA and is therefore a member of a protected class.
- 38. Plaintiff informed Defendant of her disability on September 30, 2015.
- 39. Defendant terminated Plaintiff on October 1, 2015, one day after she informed them of her disability.
- 40. Defendant provided no reason, explanation, or excuse for the termination, telling Plaintiff that it does not give reasons for termination of employees.
- 41. Plaintiff's disability was a motivating factor in Defendant's decision to terminate her employment, and therefore Defendant's actions were unlawful.
- 42. As a direct and proximate result of Defendant's unlawful actions described above, Plaintiff has sustained lost wages and benefits of employment and it is reasonably certain that Plaintiff has and will continue to sustain additional lost wages and benefits of employment in the future.

43. As a further result of Defendant's unlawful action described above, Plaintiff continues to suffer emotional distress, embarrassment, mental anguish and suffering, and loss of enjoyment of life.
44. The actions of Defendant alleged herein were outrageous because of Defendant's malice, willful acts, or reckless disregard for Plaintiff's federally-protected rights, entitling Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- A. Award the Plaintiff damages against Defendant in an amount equal to any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute, including back pay in an amount yet to be determined, front pay in an amount yet to be determined, and lost fringe benefits in an amount yet to be determined;
- B. Award the Plaintiff interest on the amount of any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute;
- C. Award the Plaintiff damages for her humiliation, embarrassment, and emotional distress;
- D. Award the Plaintiff punitive damages;
- E. Award the Plaintiff reasonable attorney's fees, reasonable expert witness fees, and other costs of the action;
- F. Award such other and further relief as the Court deems just and equitable.

Count III
Retaliation in Violation of the ADA

45. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.

46. Plaintiff notified Defendant of her disability and need for a reasonable accommodation on September 30, 2015 and therefore engaged in protected activity under the ADA.
47. Defendant retaliated against Plaintiff in violation of the ADA on October 1, 2015 by terminating her employment in response to her protected activity, requesting an accommodation for her disability.
48. As a direct and proximate result of Defendant's unlawful actions described above, Plaintiff has sustained lost wages and benefits of employment and it is reasonably certain that Plaintiff has and will continue to sustain additional lost wages and benefits of employment in the future.
49. As a further result of Defendant's unlawful action described above, Plaintiff continues to suffer emotional distress, embarrassment, mental anguish and suffering, and loss of enjoyment of life.
50. The actions of Defendant alleged herein were outrageous because of Defendant's malice, willful acts, or reckless disregard for Plaintiff's federally-protected rights, entitling Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- A. Award the Plaintiff damages against Defendant in an amount equal to any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute, including back pay in an amount yet to be determined, front pay in an amount yet to be determined, and lost fringe benefits in an amount yet to be determined;
- B. Award the Plaintiff interest on the amount of any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute;

- C. Award the Plaintiff damages for her humiliation, embarrassment, and emotional distress;
- D. Award the Plaintiff punitive damages;
- E. Award the Plaintiff reasonable attorney's fees, reasonable expert witness fees, and other costs of the action;
- F. Award such other and further relief as the Court deems just and equitable.

Count IV
Discrimination in Violation of 42 U.S.C. § 1981

- 51. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.
- 52. Plaintiff had an employment contract under 42 U.S.C. §1981.
- 53. Plaintiff was denied training and support in her position, while white employees and managers were helped and supported in their jobs.
- 54. Plaintiff witnessed numerous instances of discriminatory and disparate treatment toward other African American employees, including in hiring, discipline, and termination.
- 55. Plaintiff was terminated without cause which, upon information and belief, was motivated by her race, thereby impairing her contractual relationship with Defendant in violation of Section 1981.
- 56. Defendant illegally discriminated against Plaintiff with regard to the terms and conditions of her employment on account of her race.
- 57. As a direct and proximate result of Defendant's unlawful actions described above, Plaintiff has sustained lost wages and benefits of employment and it is reasonably certain that Plaintiff has and will continue to sustain additional lost wages and benefits of employment in the future.

58. As a further result of Defendant's unlawful action described above, Plaintiff continues to suffer emotional distress, embarrassment, mental anguish and suffering, and loss of enjoyment of life.
59. The actions of Defendant alleged herein were outrageous because of Defendant's malice, willful acts, or reckless disregard for Plaintiff's federally-protected rights, entitling Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- A. Award the Plaintiff damages against Defendant in an amount equal to any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute, including back pay in an amount yet to be determined, front pay in an amount yet to be determined, and lost fringe benefits in an amount yet to be determined;
- B. Award the Plaintiff interest on the amount of any wages, salary, employment benefits, and other compensation denied or lost to Plaintiff by reason of violation of the statute;
- C. Award the Plaintiff damages for her humiliation, embarrassment, and emotional distress;
- D. Award the Plaintiff punitive damages;
- E. Award the Plaintiff reasonable attorney's fees, reasonable expert witness fees, and other costs of the action;
- F. Award such other and further relief as the Court deems just and equitable.

Demand for Jury Trial and Designation of Place of Trial

Plaintiff hereby demands a jury trial in Kansas City, Kansas on any and all such claims that may be tried to a jury in this matter.

Respectfully submitted,

/s/ Eric C. Crinnian

Eric Crinnian, MO#66536, KSD#78621

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Electronically Filed

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