

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Shaneika Bolt,

Plaintiff,

vs.

Planned Parenthood of Central and Western
New York;

Sara White-Smith; and

Bivona Child Advocacy Center,

Defendants.

Civil Action No. 24-6061

Complaint and Jury Demand

Date Received 01/30/2024

PARTIES

1. Shaneika Bolt (“Plaintiff Bolt”) joined Planned Parenthood in 2020, bringing with her a background as a case worker for Monroe County, where she tirelessly worked to meet the needs of children navigating difficult situations. With her prior experience and a degree from the University of Dayton, she established a solid foundation to thrive at Planned Parenthood of Central and Western New York (“Planned Parenthood”).

2. Planned Parenthood is a prominent nonprofit organization offering essential reproductive health services and education worldwide. Their comprehensive services include reproductive health, family planning, sexual health education, safe and legal abortion services, and LGBTQ+ inclusive care.

3. Bivona Child Advocacy Center (“Bivona”) supports and advocates for children who have experienced abuse or neglect. They offer crucial services such as forensic interviews,

medical evaluations, mental health support, advocacy, and community education to ensure the safety and wellbeing of these vulnerable children.

4. Sara White-Smith is a former employee of Defendant Bivona who had supervisory authority over Plaintiff Bolt.

JURISDICTION AND VENUE

5. This Court's jurisdiction is invoked pursuant to 28 USC §1331. This Court's pendant jurisdiction is also invoked.

6. Venue is proper in the United States District Court for the Western District of New York under 28 U.S.C. § 1391(b) and (c) and 31 U.S.C. § 3732 because Defendants are headquartered and transact business in the Western District of New York.

OPENING STATEMENT

7. As a Planned Parenthood employee Plaintiff Bolt worked directly with and for employees of Defendant Bivona including the Multi-Disciplinary Coordinator of Bivona, Sara White-Smith. White-Smith engaged in illegal, harassing behavior towards Plaintiff Bolt that included physical intimidation, crude jokes, and nonconsensual sexual contact. Plaintiff Bolt reported White-Smith's conduct to their employers but to no avail. Despite these alarming actions, Bivona and Planned Parenthood took limited action in response to the harassment. Instead, they took the position that Plaintiff Bolt was required to work with all staff. When Plaintiff Bolt objected, Defendants punished Plaintiff Bolt by (a) counseling her on her deficiencies as an employee, and then (b) isolating her for her "protection" from her assailant instead of isolating (or terminating) White-Smith.

8. Plaintiff Bolt was unable to continue working in the hostile environment created by White-Smith and fostered by Defendants. She was forced to take a leave of absence to treat her extreme emotional distress.

9. Still, Planned Parenthood and Bivona failed to appropriately address the situation, ultimately resulting in her constructive termination, and profoundly and detrimentally impacting Plaintiff Bolt's professional career and emotional wellbeing.

FACTUAL ALLEGATIONS

10. Plaintiff Bolt commenced her employment with Planned Parenthood on June 8, 2020, assuming the role of a Family Advocate. In this capacity, her responsibilities primarily involved guiding children and their families through the court process in cases of sexual or physical abuse, as well as other forms of trauma.

11. With her respect for Planned Parenthood as a renowned national organization and her prior experience as a dedicated child advocate, Plaintiff Bolt was genuinely grateful for the opportunity to contribute to their mission. She eagerly anticipated the meaningful work ahead and the chance to make a positive impact in the lives of those she served.

12. Plaintiff Bolt collaborated closely with two senior child advocates, Maggie Huntoon from Planned Parenthood and Katelyn Popp from Bivona.

13. Plaintiff Bolt's office was located at Bivona's Rochester location, which shared office space with Planned Parenthood. The employees of both organizations worked closely together, engaging in daily communication and collaboration. There was virtually no distinction between the employees, except for the source of their respective paychecks.

14. Accordingly, White-Smith (an employee of Bivona) took on the role of mentoring Plaintiff Bolt, sharing her experience as a former child advocate of over twenty years. Early in

2020, Plaintiff Bolt had the opportunity to shadow White-Smith on multiple cases, observing and learning from her guidance. They also traveled together to the city court, commuting side by side in White-Smith's car.

15. As their working relationship continued, however, Plaintiff Bolt began to notice that White-Smith was developing a peculiar interest in her. This was evident as White-Smith often complimented Plaintiff Bolt's physical appearance and style.

16. White Smith also appeared to fixate on Plaintiff Bolt's approval, copying her appearance and changing her office to reflect Plaintiff Bolt's likes and dislikes.

17. There were also instances where Plaintiff Bolt discovered White-Smith standing in Plaintiff Bolt's office staring out of the window.

18. Plaintiff Bolt became increasingly unsettled by White Smith's actions.

19. Plaintiff Bolt nevertheless understood from her employer that she must continue working with White-Smith if she wanted her career to progress.

20. In September 2021, Plaintiff Bolt achieved notable success in her position, leading to her promotion as the Lead Child Advocate.

21. Around the same time, Natalie Ramirez, a colleague of Plaintiff Bolt, transitioned from Planned Parenthood to join Bivona as a family advocate. Despite the change, they continued to collaborate and work together in their new roles.

22. In March 2022, Plaintiff Bolt was walking to Katelyn Popp's office when she unexpectedly encountered White-Smith in the company of two colleagues: Natalie Ramirez and Stacey Hermanson (also an employee of Bivona) who were sitting in White-Smith's office chatting.

23. To Plaintiff Bolt's distress and humiliation, White-Smith shouted at her, "Shaneika, give me some titties," prompting laughter from Ramirez and Popp, who Plaintiff Bolt heard laughing from her office beside White-Smith's office.

24. This behavior caught Plaintiff Bolt off guard. Feeling shocked, she quietly entered Popp's office and sat down. White-Smith continued to persist, asking, "Shaneika? Shaneika? Did you hear me?" and Popp continued to laugh.

25. Observing Plaintiff Bolt's discomfort and lack of amusement at the comments, Popp quickly ceased laughing. Following an awkward silence, Popp redirected the conversation towards Plaintiff Bolt's work, engaging in a discussion of their respective roles and responsibilities.

26. On May 3, 2022, Plaintiff Bolt made a formal complaint regarding the incident to Michelle Camaratta and Mary-Jo Marino, both senior leaders at Planned Parenthood.

27. Additionally, she reported the incident to the Director of Human Resources at Planned Parenthood, Amy Purcio, who assured her that an investigation would take place.

28. However, no updates regarding the investigation were provided to Plaintiff Bolt and no one interviewed Plaintiff Bolt about the incident.

29. A few days after submitting the report, Plaintiff Bolt learned that the incident was treated as office horseplay and not as a sexually hostile comment from a superior. White-Smith approached Plaintiff Bolt in her office and explained that Deb Rosen, who served as the CEO and Director of Bivona at that time, instructed White-Smith to apologize for her actions, and acknowledged that she had said something that was "perceived as disrespectful."

30. Plaintiff Bolt confirmed that the comments by White-Smith were indeed disrespectful and strange.

31. White-Smith responded only with a semi-apology, stating, “I am sorry if you were offended.”

32. At that point, White-Smith appeared visibly uncomfortable and promptly left the room, displaying signs of anger and frustration.

33. Deeply disturbed by the unsettling interaction with White-Smith, someone whom Plaintiff Bolt had previously considered a mentor, she found it difficult to sleep that night. Plaintiff Bolt was afraid of White-Smith’s anger and afraid for her career.

34. Overwhelmed by the situation, Plaintiff Bolt called Mary-Jo Marino, the head of the Restore Sexual Assault Program at Planned Parenthood, the next day and asked to withdraw her complaint against White Smith.

35. In response, Marino reassured Plaintiff Bolt, advising her not to worry about the matter.

36. In April 2022, Plaintiff Bolt contracted COVID-19 and took a leave of absence to recover.

37. Upon returning to work, she encountered another distressing incident involving White Smith.

38. Following a morning meeting, White-Smith began to stare at Plaintiff Bolt, creating an intimidating atmosphere. Uneasy, Plaintiff Bolt quietly left the meeting and made her way to her office. However, White-Smith followed her and positioned herself menacingly in the doorway of Plaintiff Bolt’s office.

39. White-Smith proceeded to inspect various items on the walls and shelves. At one point, she singled out a pair of slippers, expressing her intention to acquire them. Plaintiff Bolt’s uneasiness grew.

40. Then, on June 22, 2022, White-Smith sexually assaulted Plaintiff Bolt at a work event. It occurred at Frontier Field during a team-building event for Planned Parenthood and Bivona. Plaintiff Bolt was in Planned Parenthood's Suite, which was dimly lit and cramped, leaving Plaintiff Bolt with minimal room to maneuver.

41. To her utter shock, White-Smith, positioned herself behind Plaintiff Bolt and placed a hand on Plaintiff Bolt's right buttock. This was not a fleeting touch but rather a continuous presence, as White-Smith kept her hand fixed on Plaintiff Bolt's buttock while conversing with other Planned Parenthood employees.

42. Plaintiff Bolt was trapped by the layout of the space and was stunned that the assault was occurring in front of her colleagues. The act was unwelcome, invasive, and deeply troubling. It was not until a break in the performance that Plaintiff Bolt finally had an opportunity to leave the suite.

43. These distressing events prompted Plaintiff Bolt to immediately reach out to her friends and family, sharing the traumatic experience.

44. Plaintiff Bolt repeatedly requested the relocation of White-Smith's office or other appropriate measures to protect her from White Smith.

45. Those in authority denied her requests and ignored her pleas for help.

46. Shockingly, they disregarded her valid complaints, and instead counseled Plaintiff Bolt on her work performance each time she attempted to make a complaint.

47. To compound her distress, Plaintiff Bolt observed a noticeable change in her colleagues' behavior. They began actively avoiding her and subjected her to ridicule and mockery. Cliques formed within the building, uniting in support of White-Smith and exacerbating Plaintiff Bolt's distress.

48. Consequently, Plaintiff Bolt found herself in a state of profound isolation, left with no other choice but to be stationed alone in the East Main Street offices of Planned Parenthood, even though she would still be required to travel to Bivona's offices (and to White-Smith's presence) for meetings.

49. These actions implied that she, the victim of harassment, was somehow to blame for the distressing situation she had endured. Eventually, these incidents led to Plaintiff Bolt taking a medical leave September 1, 2022 to address stress and anxiety as a result of White-Smith's conduct and her employers' utter failure to respond appropriately.

50. Despite Plaintiff Bolt's persistent efforts to achieve an amicable resolution and part ways with Planned Parenthood on mutually agreeable terms, the organization unilaterally terminated their relationship in 2023. This abrupt decision left Plaintiff Bolt without viable work options, without health insurance, and further added to the challenges she faced in the aftermath of her ordeal.

51. Upon information and belief, White-Smith's employment was eventually terminated. However, White-Smith continues to attend Bivona events, publicly and openly, causing Plaintiff additional distress each time she sees White-Smith welcomed to events by an organization that allowed White-Smith to harass and assault Plaintiff Bolt and refused to take corrective action.

52. On or about August 9, 2022, Plaintiff Bolt brought a complaint with the New York State Division of Human Rights against Defendants Bivona and White Smith charging them with unlawful discriminatory practices relating to employment, which was assigned Case No. 10219032.

53. After investigation, the Division determined that it had jurisdiction over the complaint and that probable cause existed to believe that Defendants had engaged in unlawful discriminatory practices.

54. On or about September 7, 2023, the Division dismissed Plaintiff's Complaint for administrative convenience to allow Plaintiff Bolt to pursue her claim in Federal Court.

55. On or about November 1, 2023, the U.S. Equal Employment Opportunity Commission provided Plaintiff Bolt with a Right to Sue letter for Charge No. 16G-2022-03655.

**AS AND FOR A FIRST
CAUSE OF ACTION
(GENDER DISCRIMINATION – TITLE VII)**

56. By the aforescribed actions, Defendants have subjected Plaintiff to adverse employment action, including a hostile work environment, because of her gender in violation of Title VII.

**AS AND FOR A SECOND
CAUSE OF ACTION
(GENDER DISCRIMINATION – NYSHRL)**

57. By the aforescribed actions, Defendants subjected Plaintiff to adverse employment actions, including a hostile work environment, because of her gender, in violation of the N.Y. State Human Rights Law.

**AS AND FOR A THIRD
CAUSE OF ACTION
(RETALIATION – TITLE VII)**

58. By the aforescribed actions, Defendants subjected Plaintiff to adverse employment actions, including termination, because she complained about gender discrimination to her employers.

**AS AND FOR AN FOURTH
CAUSE OF ACTION
(RETALIATION – NYSHRL)**

59. By the aforescribed actions, Defendants subjected Plaintiff to adverse employment actions, including termination, because she complained about gender discrimination.

DAMAGES

60. Plaintiff is entitled to compensatory damages for lost pay and other benefits in an amount to be determined at trial.

61. Plaintiff has suffered emotional distress to her injury in a sum of greater than \$1,000,000.

62. Defendants' actions described above were willful violations of Plaintiff's rights, entitling Plaintiff to an award of punitive damages in the sum of \$2 million.

JURY DEMAND

63. Plaintiff demands a jury trial.

PRAYER FOR RELIEF

64. Plaintiff requests that this Court enter judgment against Defendants, jointly and severally, awarding:

- a. Compensatory Damages for lost pay and other benefits;
- b. Damages for emotional distress;
- c. \$2 million in punitive damages;
- d. Attorneys' fees and costs; and
- e. Such other and further relief as is just and proper.

Dated: January 30, 2024

ADVOCATES FOR JUSTICE,
CHARTERED ATTORNEYS

By: /s/ Nathan D. McMurray

Nathan D. McMurray

225 Broadway, Ste. 1902

New York, New York 10007

Phone: (716) 517-5506

n McMurray@advocatesny.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Shaneika Bolt

(b) County of Residence of First Listed Plaintiff Monroe (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Advocates for Justice, Chartered Attorneys 225 Broadway, Suite 1902, New York, NY 10007 212-285-1400

DEFENDANTS

Planned Parenthood of Central and Western New York, Sara White-Smith, and Bivona Child Advocacy Center

County of Residence of First Listed Defendant Monroe (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title VII of the Civil Rights Act of 1964

Brief description of cause: Gender discrimination, sexual harassment, retaliation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 2,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 01/30/2024 SIGNATURE OF ATTORNEY OF RECORD /s/ Nathan D. McMurray

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.