

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

CHRISTINE DENT,)
Plaintiff,) Cause No:
vs.) JURY TRIAL DEMANDED
PAUL CERAME AUTO GROUP)
Serve:)
Spenserv - St. Louis, Inc.)
1 North Brentwood Blvd. Suite 1000)
Clayton, MO 63105)
Defendant.)

PETITION FOR VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT

Plaintiff Christine Dent brings this claim under the Missouri Human Rights Act, Mo. Rev.

Stat. § 213.055 *et seq.*, In support thereof, Plaintiff states:

GENERAL ALLEGATIONS

1. Plaintiff is a citizen of the State of Missouri and currently resides at 23 Sugarwood Ct., Saint Peters, MO 63376.
2. Paul Cerame Auto Group (“Defendant”) is a Missouri business located at 11400 New Halls Ferry Rd., Florissant, MO 63033.
3. At all times relevant to the allegations in this Petition, Plaintiff is an individual meeting the definition of “age” as defined by Mo. Rev. Stat. § 213.010(1).
4. At all times relevant to the allegations in this Petition, Defendant was and is an employer within the meaning of Mo. Rev. Stat. § 213.010(8).
5. Venue in this Court is proper because the allegations that give rise to this Petition occurred in St. Louis County, Missouri.

6. Plaintiff has satisfied the administrative requirements to file suit under the Missouri Human Rights Act, R.S.Mo. § 213.111. On June 14, 2017, Plaintiff filed a timely charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”), and that charge was cross-filed with the Missouri Commission on Human Rights (“MCHR”). On January 25, 2018, Plaintiff received a Notice of Right to Sue letter from the MCHR, and this lawsuit was filed within ninety days of its issuance.

FACTUAL ALLEGATIONS

7. Defendant sells and services vehicles in the greater Saint Louis area.
8. Plaintiff is 64 years old.
9. Plaintiff was hired by Defendant on October 8, 2001.
10. Plaintiff was initially hired as a Body Shop Assistant. In that position, Plaintiff greeted customers, opened and closed repair orders, and provided customer support.
11. Plaintiff worked as a Body Shop Assistant for fourteen years, and then transferred to Accounts Payables in fall of 2014.
12. Plaintiff worked in the Accounts Payable position until late 2016 when she transferred back to the Body Shop Assistant position.
13. An office manager for Defendant, Danielle Boro, asked Plaintiff if she would be willing to transfer back to the Body Shop Assistant position as soon as the position opened up.
14. Plaintiff was regarded as a good employee. Jeff Goeke, Plaintiff’s manager, gave Plaintiff a positive 90-day review and told her she was doing a good job upon leaving the Accounts Payable Position and returning to the Body Shop Assistant position.
15. While working in the Body Shop Assistant position, Plaintiff often arrived at work early to open the shop. Plaintiff often arrived at 7:00am, even though she was not expected at until

8:00am. If another employee called off or did not show up, Plaintiff volunteered to cover for them. Plaintiff also opened the shop during dangerous and inclement weather conditions.

16. During her employment in the Body Shop Assistant position, Mr. Goeke often thanked Plaintiff for coming in early and helping him out.

17. While working in the Accounts Payable Position, Plaintiff approached the office manager, Danielle Boro, about receiving a raise. However, Ms. Boro told Plaintiff that she "made too much money" already.

18. At the time, Plaintiff made \$16.00 per hour.

19. On January 27, 2017, Mr. Goeke told Plaintiff she was being terminated due to "cutbacks" in the company.

20. Mr. Goeke told Plaintiff that six or seven other employees were also being discharged due to company "cutbacks."

21. Plaintiff learned that only one other employee was terminated. Dianne Shoppe, who had been an office manager for Defendant for over 28 years, was terminated shortly after Plaintiff. She was also an older employee, like Plaintiff.

22. Within weeks of Plaintiff's termination, Defendant hired a new employee of approximately 30 years in age to take Plaintiff's old position.

23. Plaintiff's position was not eliminated from the company.

24. At the time of her termination, Plaintiff was 63 years old.

25. Plaintiff made \$34,000.00 annually at the time of her termination.

COUNT I: VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT

26. Plaintiff hereby incorporates all previous paragraphs as if fully set forth herein.

27. At all relevant times, Plaintiff was an individual entitled to the rights, protections, and benefits provided under the Missouri Human Rights Act (“MHRA”), R.S.Mo. § 213.055 *et seq.*

28. Pursuant to the MHRA, it is unlawful for an employer to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual’s age.

29. Plaintiff completed her job duties in a competent and timely manner.

30. Defendant violated the MHRA by terminating Plaintiff from her position due to her age.

31. As a direct result of Defendants' discriminatory practices, Plaintiff has sustained and continues to sustain damages, including but not limited to economic loss in the form of back wages and benefits, future lost wages and earnings, emotional distress, humiliation, embarrassment, and deprivation of her civil rights.

32. Defendants' conduct was outrageous because of their evil motive or reckless indifference to the rights of Plaintiff, thereby entitling Plaintiff to an award of punitive damages in an amount that will punish Defendants and deter them and others from like conduct.

33. As a direct result of Defendant's conduct, Plaintiff has incurred and continues to incur attorney's fees, costs, and other expenses in connection with this matter.

34. Pursuant to R.S.Mo. § 213.111(2), Plaintiff seeks actual and punitive damages, court costs and reasonable attorney's fees.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Court to enter judgment in her favor and against Defendant and thereafter:

- A. Declare the conduct engaged in by Defendant to be in violation of Plaintiff's rights under the MHRA;
- B. Award Plaintiff such damages as are fair and reasonable, including actual damages such as backpay and front pay, lost benefits of employment, compensatory damages, emotional distress damages, punitive damages, pre and post judgment interest, all in an amount over \$25,000.00;
- C. Award Plaintiff her costs and attorneys' fees; and
- D. Grant such other relief as it may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues triable by a jury in the complaint.

Law Offices of Thomas E. Kennedy, III, L.C.

By: /s/ *Sarah Jane Hunt*

Thomas E. Kennedy, III, 44617
Sarah Jane Hunt, 63899
906 Olive St., Ste. 200
St. Louis, MO 63101
(314) 872-9041
(314) 872-9043 fax
tkennedy@tkennedylaw.com
sarahjane@tkennedylaw.com