

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

JAYMEE LEGASPI,)	
)	
Plaintiff,)	
)	
v.)	Cause No.:
)	
WASHINGTON UNIVERSITY IN ST.)	
LOUIS,)	Division No.:
)	
Serve at:)	
1 Brookings Drive)	
St. Louis, Missouri 63130)	
)	
Defendant.)	JURY TRIAL REQUESTED

PETITION FOR DAMAGES

COMES NOW Plaintiff Jaymee Legaspi, by and through her attorneys, and for her Petition for Damages against Defendant Washington University in St. Louis states as follows:

Facts Relevant to All Claims

1. Plaintiff is a female Missouri citizen and resides in the City of St. Louis, Missouri.
2. Defendant Washington University in St. Louis is a Missouri corporation with its principal place of business in Missouri and is a citizen of Missouri.
3. At all times relevant herein, Defendant maintained offices for conducting its usual and customary business at 1 Bookings Drive, St. Louis, Missouri 63130, and 101 S. Hanley Road, Suite 1800, Clayton, Missouri 63105. Both offices are located in St. Louis County, Missouri.

4. A substantial part of the events leading up to this lawsuit occurred in St. Louis County Missouri, at 101 S. Hanley Road, Suite 1800, St. Louis, Missouri 63105, which was the office location where Plaintiff worked prior to the Covid-19 Global Pandemic.

5. Venue in this Court is proper pursuant to Mo. Rev. Stat. § 508.010 and Mo. Rev. Stat. § 213.111.1.

6. On or about March 3, 2022, Plaintiff timely filed a charge of discrimination with the MCHR. The MCHR docketed Plaintiff's charge as 560-2022-01233.

7. On October 27, 2022, the MCHR issued a Notice of Right to Sue for the above charge. A copy of the Notices is attached hereto as Exhibit 1.

8. Plaintiff has filed this action within ninety (90) days from the date on the Notice and within two (2) years of the last act of discrimination.

9. At all times relevant herein, Plaintiff was an employee of Defendant and worked for Defendant's Investment Management Company as an Executive Assistant.

10. For much of Plaintiff's employment she was only one of two Executive Assistants or was the only Executive Assistant in her department. Normally, the department would have had three Executive Assistants.

11. During her employment, Plaintiff fulfilled the duties and responsibilities of her job in a satisfactory manner.

12. In about 2019, Plaintiff received a five percent raise that was significantly higher than the regular raise of three percent normally given.

13. On information and belief, Plaintiff received a high raise due to her good work performance.

14. In about March 2020, Defendant sent all its employees home to work remotely as part of its Covid-19 mitigation strategy.

15. From about March 2020 to about September of 2021, Plaintiff fulfilled all her job responsibilities while working remotely.

16. In about 2021, Plaintiff received 150% of her expected maximum bonus.

17. On information and belief, Plaintiff received this high bonus because of her good work performance.

18. In about July 2021, Defendant informed Plaintiff and her co-workers that they would be required to return to work in person at the office in August 2021.

19. Prior to August of 2021, Plaintiff was diagnosed by her medical provider with anxiety due to the stress and strain of the Covid-19 pandemic.

20. Plaintiff's anxiety substantially impacts one or more major life activities, including but not limited to, socializing with and being around other people, sleeping, and concentrating.

21. Plaintiff was unable to return to the office in August 2021 due to her anxiety.

22. In about July of 2021, Plaintiff informed Defendant of her medically diagnosed anxiety and requested a reasonable accommodation to be allowed to continue working from home for an additional three to six months, in the hopes that her anxiety would improve and allow her to return to in-person office work.

23. In about July of 2021, Plaintiff also offered to come into the office any days her supervisors deemed her presence was necessary.

24. On or about August 23, 2021, Defendant refused Plaintiff's request for reasonable accommodation.

25. In the meantime, due to the continued Covid-19 pandemic, Defendant pushed back its mandate that all employees return to in person office work until September 7, 2021.

26. Plaintiff followed Defendant's internal appeal process to appeal Defendant's denial of her request for accommodation.

27. In or about September of 2021, Defendant denied Plaintiffs appeal.

28. Plaintiff then applied for and went on medical leave under the Family Medical Leave Act ("FMLA") due to her medically diagnosed condition of anxiety from about September 23, 2021 to about December 2021.

29. When Plaintiff's FMLA leave ended in December 2021, Defendant informed Plaintiff again that she would be required to return to the office to work in person.

30. Plaintiff informed Defendant she was still unable to return to in person work in the office in December 2021 due to her continued anxiety.

31. On or about December 22, 2021, Defendant terminated Plaintiff's employment.

32. About a month later, in January 2022, Defendant instructed all of its employees in Plaintiff's former office to again work from home, due to a community surge in Covid-19 cases.

COUNT I

DISABILITY DISCRIMINATION – MISSOURI HUMAN RIGHTS ACT

33. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

34. Plaintiff's condition of anxiety constitutes a disability under § 213.010 R.S.Mo., *et seq.*

35. Plaintiff is a person with a disability, and therefore a member of a protected group under § 213.010 R.S.Mo., *et seq.*

36. Defendant is an employer as defined by § 213.010(14) R.S.Mo. and used in § 213.055 R.S.Mo.

37. As described above, Defendant discriminated against Plaintiff by discharging her because of her disability. This action is in violation of § 213.055(1)(a) R.S.Mo.

38. This discrimination was substantially motivated by Plaintiff's status in a protected class, as a person with disabilities.

39. As a direct result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer lost wages, emotional distress, and mental anguish. Plaintiff has also incurred attorney's fees and litigation costs and will continue to incur such fees and costs.

40. Defendant's actions were outrageous and were undertaken maliciously and/or in reckless disregard for Plaintiff's right to be free from discrimination. Plaintiff will seek leave of Court to file a claim for punitive damages at the appropriate time as outlined by § 510.261 R.S.Mo..

WHEREFORE, Plaintiff prays that this Court, after trial by jury, finds for Plaintiff and against Defendants and enter judgment for Plaintiff in excess of \$25,000 for Plaintiff's lost wages, emotional distress, attorney's fees, and costs of litigation, and such other relief that this Court deems just and proper.

COUNT II:

**DISABILITY DISCRIMINATION (FAILURE TO ACCOMMODATE) –
MISSOURI HUMAN RIGHTS ACT**

41. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

42. Plaintiff is a person with a disability, and therefore a member of a protected group under § 213.010 (5) R.S.Mo.

43. Defendant is a person subject to liability and an employer as defined by § 213.010(8) R.S.Mo.

44. As described above, Defendant failed to provide the reasonable accommodation of allowing Plaintiff to work from home due to her condition of anxiety.

45. As a direct result of Defendant’s conduct and actions, Plaintiff has suffered and will continue to suffer lost wages, emotional distress, and mental anguish. Plaintiff has also incurred attorney’s fees and litigation costs and will continue to incur such fees and costs.

46. Defendant’s actions were outrageous and were undertaken maliciously and/or in reckless disregard for Plaintiff’s right to be free from discrimination. Plaintiff will seek leave of Court to file a claim for punitive damages at the appropriate time as outlined by § 510.261 R.S.Mo.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, finds for Plaintiff and against Defendants and enter judgment for Plaintiff in excess of \$25,000 for Plaintiff’s lost wages, emotional distress, attorney’s fees, and costs of litigation, and such other relief that this Court deems just and proper.

Respectfully submitted,

Kennedy Hunt Law, P. C.

/s/ Nicole Matlock

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