

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

LISA LEE GRAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No.:
	)	
TRANSPORTATION SOLUTIONS	)	Division No.:
SERVICES, LLC d/b/a,	)	
AXEL TRANSPORTATION	)	
	)	
Serve at:	)	
10432 Baur Blvd	)	
St. Louis, MO 63132	)	
	)	
Defendant.	)	JURY TRIAL REQUESTED

**PETITION FOR DAMAGES**

COMES NOW Plaintiff Lisa Lee Gray, by and through her attorneys, and for her Petition for Damages against Defendant Transportation Solutions Services, LLC d/b/a Axel Transportation (“Axel”) states as follows:

**Facts Common to All Claims**

1. Plaintiff is a female Missouri citizen.
2. Defendant Axel is a Missouri organization and/or corporation with its principal place of business in St. Louis County, Missouri.
3. Defendant Axel has offices at 10432 Bauer Blvd., Olivette, Missouri.
4. Defendant Axel provides transportation services in the St. Louis area.
5. Venue is proper pursuant to § 508.010 R.S.Mo. and § 213.111.1 R.S.Mo.
6. From approximately June 6, 2022 to June 6, 2023, Plaintiff worked for Defendant Axel as the Director of Operations.

7. At all times relevant herein, Plaintiff performed the duties and responsibilities of her job in a satisfactory manner.

***Plaintiff's Child's Disability***

8. Throughout Plaintiff's employment with Defendant, Plaintiff's child had the condition idiopathic thrombocytopenic purpura (ITP).

9. Plaintiff's child's condition substantially affects one or more major life activities, including maintaining energy, playing, sleeping, staying awake, and stopping bleeding. The condition causes fatigue and prevents blood clotting.

10. During her employment, Plaintiff informed Defendant's owner and managers of her child's condition and needs.

***Plaintiff's Complaints and Defendant's Negative Employment Actions***

11. In or about December 2022, Defendant's Chief Operating Officer (COO) told Plaintiff that Axel did not have FMLA for employees.

12. In or about December 2022, Plaintiff told the COO that Axel would likely be required to provide FMLA in January 2023 due to the size of the company and the number of workers, so they would need more standby drivers to cover any such leave.

13. The COO told Plaintiff that Defendant's owner and president would not be happy with that.

14. The COO told Plaintiff that Axel did not have FMLA and would not offer it.

15. The COO told Plaintiff she should not ask for FMLA for herself.

16. Plaintiff informed Axel that she would be requesting intermittent FMLA leave after she worked for Axel for one year and was eligible to do so.

17. Plaintiff's one-year work anniversary was June 6, 2023.

18. On June 6, 2023, Defendant terminated Plaintiff Gray's employment.
19. Defendant falsely claimed it eliminated Plaintiff's position.
20. Defendant assigned Plaintiff's job responsibilities to an employee who did not have a disabled child.
21. After Plaintiff's termination, Defendant filed a malicious lawsuit against her in St. Louis County, falsely alleging that she violated her non-solicitation agreement. Even after learning that Plaintiff did not hire any employees from Axel, Defendant has continued with the litigation.

**Count I**  
**Disability Discrimination in Violation of the Missouri Human Rights Act**

22. Plaintiff realleges and incorporates by reference the above paragraphs as if fully set forth herein.
23. At all times relevant herein, Defendant Axel was an employer, as defined by the Missouri Human Rights Act ("MHRA"), Mo. Rev. Stat. § 213.010(8), in that Defendant employed six (6) or more persons.
  24. Throughout Plaintiff's employment, Plaintiff's child had the condition of ITP.
  25. Plaintiff's child's ITP substantially affects one or more major life activities.
  26. Plaintiff's child is a disabled person under the MHRA.
  27. Since about 2022, Defendant was aware of Plaintiff's child condition.
  28. In or about December 2022, Plaintiff told the COO that Axel would likely be required to provide FMLA in January 2023 due to the size of the company and the number of workers, so they would need more standby drivers to cover any such leave.
  29. The COO told Plaintiff that Defendant's owner and president would not be happy with that.
  30. The COO told Plaintiff that Axel did not have FMLA and would not offer it.

31. The COO told Plaintiff she should not ask for FMLA for herself.

32. Plaintiff informed Axel that she would be requesting intermittent FMLA leave after she worked for Axel for one year and was eligible to do so.

33. On or about June 6, 2023, Defendant Axel terminated Plaintiff's employment.

34. After Plaintiff's termination, Defendant filed a malicious lawsuit against her in St. Louis County, falsely alleging that she violated her non-solicitation agreement.

35. Defendant took the above actions because of Plaintiff's association with her child, a disabled individual.

36. Plaintiff's child's disability was a motivating factor in Defendant's above actions.

37. Defendant's actions constituted disability discrimination in violation of the MHRA, § 213.055 R.S.Mo.

38. As a direct result of Defendant's conduct and actions, Plaintiff has suffered lost wages and benefits of employment.

39. As a direct result of Defendant's conduct and actions, Plaintiff has suffered emotional distress and mental anguish.

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

41. Defendant took the above actions with malice, willfulness, and reckless indifference to Plaintiff's rights.

42. Defendant's conduct was outrageous because of Defendant's evil motive or reckless disregard of Plaintiff's rights.

**WHEREFORE**, Plaintiff prays that this Court, after trial by jury, finds for Plaintiff and against Defendant Axel and enter judgment for Plaintiff in excess of \$25,000 for Plaintiff's lost

wages and benefits, emotional distress, punitive damages, attorney's fees, and costs of litigation, and such other relief that this Court deems just and proper.

**Count II**  
**Retaliation in Violation of the Missouri Human Rights Act**

43. Plaintiff realleges and incorporates by reference the above paragraphs as if fully set forth herein.

44. At all times relevant herein, Defendant Axel was an employer, as defined by the Missouri Human Rights Act ("MHRA"), Mo. Rev. Stat. § 213.010(8), in that Defendant employed six (6) or more persons.

45. In or about December 2022, Plaintiff told the COO that Axel would likely be required to provide FMLA in January 2023 due to the size of the company and the number of workers, so they would need more standby drivers to cover any such leave.

46. The COO told Plaintiff that Defendant's owner and president would not be happy with that.

47. The COO told Plaintiff that Axel did not have FMLA and would not offer it.

48. The COO told Plaintiff she should not ask for FMLA for herself.

49. Plaintiff informed Axel that she would be requesting intermittent FMLA leave after she worked for Axel for one year and was eligible to do so.

50. Plaintiff's statements to Defendant indicated and constituted opposition to Defendant's failure to accommodate or acknowledge the legal rights of employees with disabilities or with disabled family members.

51. Plaintiff's statements to Defendant constituted protected activity under § 213.070 R.S.Mo.

52. On or about June 6, 2023, Defendant Axel terminated Plaintiff's employment.

53. After Plaintiff's termination, Defendant filed a malicious lawsuit against her in St. Louis County, falsely alleging that she violated her non-solicitation agreement.

54. Plaintiff's protected activity was a motivating factor in Defendant's above actions.

55. Defendant's actions constituted retaliation in violation of the MHRA, § 213.070 R.S.Mo.

56. As a direct result of Defendant's conduct and actions, Plaintiff has suffered lost wages and benefits of employment.

57. As a direct result of Defendant's conduct and actions, Plaintiff has suffered emotional distress and mental anguish.

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

59. Defendant took the above actions with malice, willfulness, and reckless indifference to Plaintiff's rights.

60. Defendant's conduct was outrageous because of Defendant's evil motive or reckless disregard of Plaintiff's rights.

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

Respectfully submitted,

**KENNEDY HUNT, P.C.**

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**ATTORNEYS FOR PLAINTIFF**