

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

DIANE HANZ, CYNTHIA HAYDEN  
AND DEBORAH WILSON-GREEN,

Plaintiff,

v.

MONROEVILLE CHRISTIAN JUDEA  
FOUNDATION,

Defendant.

Case No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT**

NOW COMES Plaintiffs, Diane Hanz, Cynthia Hayden and Deborah Wilson-Green, by and through their attorney, Christi Wallace, Esquire, and files this Complaint alleging as follows:

**I. Nature of the Action**

1. Plaintiffs bring this Complaint to recover damages under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §2000e, and the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §951-963 alleging they were subjected to Race Discrimination and subsequently terminated because they were White and/or married to a White man.

2. Plaintiff also alleges discrimination under the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. §§621-623, and PHRA, 43 P.S. §955, because each Plaintiff was terminated by a younger Supervisor and was replaced by younger individuals after their termination.

## **II. Jurisdiction and Venue**

3. This action arises under the Title VII, 42 U.S.C. §2000e, and the PHRA, 43 P.S. §951-963. This Court has jurisdiction over Plaintiffs' discrimination claims pursuant to 28 U.S.C. § 1331.

4. This Court has supplemental jurisdiction over Plaintiffs' discrimination claims pursuant to 28 U.S.C. § 1367(a).

5. Plaintiff are residents and citizens of Pennsylvania, a substantial part of the events or omissions giving rise to the claims occurred in Western Pennsylvania, and, therefore, this action is within the jurisdiction of the United States District Court for the Western District of Pennsylvania and the venue is proper pursuant to 28 U.S.C. § 1391(b).

## **III. Parties**

6. Plaintiff, Diane Hanz ("Ms. Hanz"), is an adult individual residing at 27 Duquesne Court, Springdale, PA 15144 of Allegheny County, Commonwealth of Pennsylvania.

7. Plaintiff, Cynthia Hayden ("Ms. Hayden"), is an adult individual residing at 10261 Lavenne Drive, North Huntingdon, PA 15642 of Westmoreland County, Commonwealth of Pennsylvania.

8. Plaintiff, Deborah Wilson-Green ("Ms. Wilson-Green"), is an adult individual residing at 111 Mardi Gras Drive, Pittsburgh, PA 15239 of Allegheny County, Commonwealth of Pennsylvania.

9. Defendant, Monroeville Christian Judea Foundation (“Defendant”), is a business with a location at 4363 Northern Pike, Monroeville, PA 15146 of Allegheny County, Commonwealth of Pennsylvania.

#### **IV. Facts**

10. Ms. Hanz became employed by the Defendant on April 18, 2011.

11. Ms. Hayden became employed by the Defendant on February 22, 2012.

12. Ms. Deborah Wilson-Green was employed by the Defendant.

13. Prior to the hiring of Dometria Blue (“Ms. Blue”) as the new Director of Nursing, all of the Plaintiffs had excellent employment records.

14. After the promotion of Ms. Blue in December 2012, all three Plaintiffs were subjected to discriminatory treatment.

15. Plaintiffs received disciplinary write-ups for situations that were either caused by other employees or not significant enough to warrant a warning.

16. Plaintiffs received these unwarranted write-ups because Ms. Blue did not like the Plaintiffs’ ages or races.

17. Ms. Hanz received three write-ups (none of which were warranted) from Ms. Blue within 30 days, which resulted in Ms. Hanz’s termination.

a. Ms. Hanz received her first written warning on February 22, 2013 for working overtime.

i. Ms. Hanz worked over her scheduled shift in order to attend to all of the residents’ needs.

ii. This particular incident did not warrant a written warning.

- b. Ms. Hanz received her second written warning on the same day, February 22, 2013, which resulted in a one-day suspension.
  - i. On the morning of 2/22/13, Ms. Hanz went over the Medication Administer Record (“MAR sheet”) with another supervisor named John, a young, African-American male.
  - ii. At that time, everything looked normal and Ms. Hanz went about her daily routine.
  - iii. A few hours later, Ms. Hanz noticed that the other supervisor, John, made an error and failed to redline a doctor’s orders.
  - iv. Ms. Hanz immediately attempted to correct the mistake but was instead called into Ms. Blue’s office.
  - v. Ms. Blue blamed Ms. Hanz for the mistake even though it was not her fault.
  - vi. The African-American supervisor, John, who made the mistake, received no punishment.
  - vii. This written warning was not justified as another employee caused the mistake.
- c. Ms. Hanz received her final warning (which resulted in termination) on March 8, 2013. Ms. Hanz was accused of removing medical documents in violation of HIPPA.
  - i. A black portfolio was found near a time clock. The black portfolio contained medical documents inside it.

- ii. An Administrator for the Employer, a younger woman, named Ms. Ellis Arato (“Ms. Arato), called Ms. Hanz into her office to discuss the black portfolio.
- iii. Ms. Arato and Ms. Blue attended the meeting.
- iv. Ms. Arato stated that Ms. Blue brought this black portfolio to her attention believing it was Ms. Hanz’s portfolio.
- v. During the meeting, Ms. Arato asked to search Ms. Hanz’s bag that she carries around while visiting residents.
- vi. Inside the bag, Ms. Arato found a 24-hour medical report. Ms. Hanz explained that all RN’s always carry necessary supplies inside bags when visiting residents.
- vii. Following procedure, Ms. Hanz was going to give the 24-hour medical report to Ms. Blue, but was called into Ms. Arato’s office before she could do so.
- viii. Ms. Hanz did not engage in any misconduct to warrant termination. A Hearing was held before an Unemployment Referee who also confirmed that Ms. Hanz did not engage in any misconduct.

18. Ms. Hayden received three write-ups (none of which were warranted) from Ms. Blue within 60 days, which resulted in Ms. Hayden’s termination.

- a. Ms. Hayden received her first warning on January 21, 2013.
  - i. Ms. Hayen was instructed to insert a suppository into a resident.

- ii. The resident informed Ms. Hayden that she wanted to insert the suppository herself. All the RN's allow residents to insert their own suppository as long as the resident knows how to and is fully competent and alert to do so.
  - iii. Ms. Hayden allowed the resident to insert the suppository and she verified it was done properly.
  - iv. Afterwards, Ms. Hayden was called into Ms. Blue's office and reprimanded.
  - v. None of the other RN's were punished or counseled on this issue.
  - vi. This warning was unjustified.
- b. On February 22, 2013, Ms. Hayden received a second warning for failing to administer medication in a timely manner.
  - i. Two different residents needed pain medication at the same time.
  - ii. For the first resident, Ms. Hayden noticed that the correct dosage of medication was not in the medical chart. Ms. Hayden went to Ms. Blue to find the correct dosage.
  - iii. While Ms. Hayden and Ms. Blue were determining the proper dosage, another employee notified Ms. Hayden that a second resident was still waiting for their pain medication.
  - iv. After 25-30 minutes, Ms. Blue eventually determined the correct dosage for the first resident.

- v. Both residents received their proper pain medication.
  - vi. Ms. Hayden did nothing wrong to warrant a written warning. Instead of giving a resident the wrong dosage, Ms. Hayden followed procedure and asked Ms. Blue for help.
  - vii. Although it was another employee's fault, Ms. Hayden received the warning and was punished for it.
- c. On March 19, 2013, Ms. Hayden received a third warning (which resulted in termination) for failing to properly administer medication.
- i. On March 10, 2013, Ms. Hayden applied a Nicotine patch to a resident's arm.
  - ii. Ms. Hayden was off on March 11, 2013, and another RN applied another Nicotine patch to the resident's chest and didn't remove the old one Ms. Hayden applied.
  - iii. On March 19, 2013, Ms. Hayden was called into Ms. Blue's office and reprimanded for the other RN's mistake.
  - iv. As a result of this incident, Ms. Hayden was terminated.
  - v. The other RN was not reprimanded for their mistake.

19. Ms. Wilson-Green received a warning in February 2013 for allegedly making a mistake on an admission form for a resident.

- a. This warning resulted in Ms. Wilson-Green's termination.
- b. No evidence was produce to prove Ms. Wilson-Green committed an error.
- c. Ms. Wilson-Green did not receive a warning prior to being terminated.

20. As a result of Ms. Blue's discriminatory behavior, all of the Plaintiffs were terminated.

- a. Ms. Hanz was terminated on March 8, 2013.
- b. Ms. Hayden was terminated on March 19, 2013.
- c. Ms. Wilson-Green was terminated in February 2013.

**Count I**  
**Discrimination in Violation of Title VII and PHRA**

21. The preceding paragraphs are incorporated herein as if set forth at length.

22. All of the Plaintiffs are members of a protected class under Title VII and the PHRA.

23. Ms. Hanz and Ms. Hayden are white female and members of a protected class. Ms. Hanz and Ms. Hayden were discriminated against because of their Race.

24. Ms. Wilson-Green is an African-American female married to a white man. Ms. Wilson-Green is a member of a protected class and was discriminated against because of her marriage to a white man.

25. All of the Plaintiffs were subjected to discriminatory treatment from Ms. Blue, an African-American, because of their Race.

26. Ms. Blue discriminated against the Plaintiffs in the following ways:

- a. Ms. Blue would issue the Plaintiffs unwarranted write-ups.
  - i. Ms. Hanz received a written warning on February 22, 2013 because she worked over her scheduled shift in order to attend to all of the residents' needs.
  - ii. Ms. Hayden received a written warning on February 22, 2013 for failing to administer medication in a timely manner. Ms.



Hayden did nothing wrong to warrant a written warning. Instead of giving a resident the wrong dosage, Ms. Hayden followed procedure and asked Ms. Blue for help.

- b. Ms. Blue would only issue write-ups to the Plaintiffs because of their Race. Other African-American employees either made the mistake or a similar mistake but were not reprimanded by Ms. Blue.
  - i. Ms. Hanz received a second written warning on February 22, 2013. Ms. Hanz did not make the mistake. It was another supervisor named John, a young, African-American male who made the mistake. Ms. Hanz was reprimanded but the African-American male was not.
  - ii. Ms. Hayden received a warning on January 21, 2013. All the RN's allow residents to insert their own suppository as long as the resident knows how to and is fully competent and alert to do so. None of the other RN's were punished or counseled on this issue.
  - iii. Ms. Hayden received another warning on March 19, 2013 for allegedly failing to properly administer medication. Ms. Hayden was reprimanded for the other RN's mistake and subsequently fired. The other RN was not reprimanded for their mistake
- c. Ms. Blue singled out the Plaintiffs and tried to get them fired because of their Race. Prior to Ms. Blue's hire, the Plaintiffs had excellent

employment records. Subsequent to Ms. Blue's hire in December 2012:

- i. Ms. Hanz received three write-ups in 30 days, which resulted in her termination;
- ii. Ms. Hayden received three write-ups in 60 days, which resulted in her termination; and
- iii. Ms. Wilson-Green was terminated with no prior warning in February 2013.

27. Ms. Blue also gave preferential treatment to African-American RN's by giving them better shifts and longer hours. Ms. Blue would hire less experienced non-class members and give them supervisory positions over RN's like the Plaintiffs with years of seniority.

**Count II**  
**Discrimination in Violation of the ADEA**

28. The preceding paragraphs are incorporated herein as if set forth at length.

29. Plaintiffs were all over 40 years of age when they were discriminated against.

- a. Ms. Hanz was 56 years old when she was terminated;
- b. Ms. Hayden was 56 years old when she was terminated; and
- c. Ms. Wilson-Green was 52 years old when she was terminated.

30. Plaintiffs were discriminated against because of their Age in the following ways:

- a. After the Plaintiffs were terminated, younger, less-skilled RNs, who were friends with Ms. Blue, were hired to take the Plaintiffs' job; and

- b. The decision to terminate the Plaintiffs was made by Ms. Blue and Ms. Amato, both of which are younger than all of the Plaintiffs.

**Request for Relief**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against the Defendant for the following:

- a. Loss of wages for Ms. Hanz in the amount of \$73,528;
- b. Loss of future wages for Ms. Hanz in the amount of \$100,838;
- c. Loss of wages for Ms. Hayden in the amount of \$71,760;
- d. Loss of future wages for Ms. Hayden in the amount of \$143,520;
- e. Loss of wages for Ms. Wilson-Green in the amount of \$73,000;
- f. Loss of future wages for Ms. Wilson-Green in the amount of \$146,000;
- g. Additional liquidated and punitive damages;
- h. Plaintiffs' legal fees in an amount exceeding \$50,000;
- i. Pre-judgment and continuing interest;
- j. Court costs; and
- k. Other such relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Christi Wallace

Pa ID: 313721

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