

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KELLI RODRIGUEZ,

Plaintiff,

v.

ALLEGHENY COUNTY, ALLEGHENY
COUNTY DEPARTMENT OF EMERGENCY
SERVICES, JAY LEGIN, CAROL JANSSEN
and REBECCA FRAZIER

Defendants.

Civil Division – General Docket

No. GD.

COMPLAINT

Filed on Behalf of Plaintiff:
KELLI RODRIGUEZ

Counsel of Record for this Party:

Joseph D. Pometto, Esq.
PA I.D. # 316346

Michael L. Kraemer, Esq.
PA I.D. # 314204

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JURY TRIAL DEMANDED

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COMPLAINT

Defendants.

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following papers, you must take action within TWENTY (20) days after the Complaint and Notice are served by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. IF YOU CANNOT AFFORD TO HIRE A LAWYER, this office may be able to provide you with information about agencies that may offer legal service to eligible persons at a reduced fee or no fee.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
11th Floor Koppers Bldg.
436 Seventh Avenue, Pittsburgh, PA 15219
TELEPHONE: 412-261-5555

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COMPLAINT

Defendants.

AMENDED COMPLAINT

AND NOW comes the Plaintiff, Kelli Rodriguez, by and through her undersigned counsel and files the following Complaint and in support thereof avers as follows:

PARTIES

1. Plaintiff, Kelli Rodriguez (hereinafter “Plaintiff”), is an adult individual residing at 529 North Avenue, Verona, PA 15147 of Allegheny County, Commonwealth of Pennsylvania.
2. Defendant, Allegheny County, is a County of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania with an office at 445 Fort Pitt Blvd., Suite 300, Pittsburgh, PA 15219.
3. Defendant, Allegheny County Department of Emergency Services (hereinafter “ACDES”) is a local entity, located within Allegheny County, in the Commonwealth of Pennsylvania. It employs, owns, operates, manages, directs and controls the emergency 9-1-1 communications and emergency dispatchers, including the other named defendants.

4. The ACDES is located within Allegheny County, in the Commonwealth of Pennsylvania. It has a business address of 400 North Lexington Street, Pittsburgh, PA 15208 of Allegheny County, Commonwealth of Pennsylvania.

5. Defendant Jay Legin was at all times relevant to the Complaint a Training Supervisor with the ACDES. He is being sued in his individual and official capacities.

6. Defendant Carol Janssen was at all times relevant to the Complaint a Supervisor with the ACDES. She is being sued in her individual and official capacities.

7. Defendant Rebecca Frazier was at all times relevant to the Complaint a Chief of Administration with ACDES. She is being sued in her individual and official capacities.

COMMON FACTS

8. Plaintiff is an adult Hispanic female.

9. Defendant ACDES is a Pennsylvania governmental organization that employed four or more people when the unlawful conduct described below occurred.

10. Plaintiff became employed with the Defendant Allegheny County and the Defendant ACDES on September 3, 2013 and was a dispatcher who received 9-1-1 calls and then relayed them to emergency services in the field.

11. During one of Plaintiff's first days on the floor another co-worker asked her immediate training supervisor, Defendant Jay Legin (hereinafter "Legin"), an adult white male, what her background was. While sitting next to Plaintiff, Legin replied, "a spick." Legin then said "or maybe Mexican, who gives a fuck it's the same thing."

12. On another occasion, Plaintiff asked her supervisor, Defendant Carol Janssen (hereinafter "Janssen"), if she could wear a hat to work. Janssen would not allow her to wear one and told her that wearing a hat to work was a "black thing."

13. While having a conversation with supervisor Legin during work hours, Plaintiff mentioned to him that she was going to have her hair cut short. Legin then said “don’t, long hair is hot as fuck.” Legin then told her that if he were not married, he would tell her how he truly felt about her. Legin’s comments were not welcome and made Plaintiff extremely nervous and uncomfortable.

14. In the following days and weeks on the job, on multiple occasions, Legin would scream in Plaintiff’s face and tell her she was stupid, all while Plaintiff was actively on the phone with 9-1-1 emergency callers.

15. Legin would take a printout of Plaintiff’s calls, point out spelling mistakes to her co-workers, question how she even got a college degree, and then laugh at them in front of everyone.

16. Legin yelled at Plaintiff several times telling her to “shut the fuck up” and then when she would cry, he would ask her “what’s your problem?”

17. On one occasion Legin got extremely close to Plaintiff’s face and said “I want to punch you right in your fucking face.”

18. On another occasion, Legin asked Plaintiff if she “liked to fuck niggers?”

19. Legin would often scream at Plaintiff and other co-workers, all while they were actively on the phone with 9-1-1 callers. This screaming was so loud that 9-1-1 callers could hear the screaming in the background and would ask Plaintiff what the noise was. Plaintiff would be forced to fabricate excuses to cover up for Legin’s screaming and ranting.

20. As a result of this harassment Plaintiff sent an email to Janssen asking to be transferred away from Legin. Janssen then held a meeting with Legin and Plaintiff. This meeting only served to make Legin’s conduct towards Plaintiff worse and it did not result in a transfer.

21. Eventually, a co-worker of Plaintiff reported Legin's harassment of her to higher-ranking supervisors, and as a result of this reporting, Plaintiff was transferred to a different training supervisor, Andrea Carroll.

22. Under Andrea Carroll, Ms. Andrea Carroll did not criticize Plaintiff's work and told her that she did her job well.

23. However, after the transfer, Janssen, who had previously complimented Plaintiff's work, began to harshly criticize much of her work.

24. On one particular occasion Janssen played Plaintiff's calls out loud in her office with a crowd of people around and made fun of the way that she handled the call, publicly embarrassing the Plaintiff.

25. Shortly after that incident, on December 18, 2013, Janssen and Defendant Rebecca Frazier, the Chief of Administration, called Plaintiff into an office and terminated her.

26. At the termination meeting Plaintiff was not given an explanation for the termination. Janssen and Rebecca Frazier only talked about Legin's behavior and did not complain about her performance or any job related measure.

27. On January 30, 2013, Plaintiff filed a claim with the EEOC.

28. On September 8, 2014, the DOJ issued a Right to Sue Letter.

COUNT I

Hostile Environment Sexual Harassment in Violation of the Pennsylvania Human Relations Act ("PHRA"), 43 P.S. §955 v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier.

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

30. Plaintiff is an adult female.

31. Training supervisor Legin sexually harassed and subjected the Plaintiff to a hostile work environment while on the job.

32. Carol Janssen and Rebecca Frazier treated Plaintiff differently from other employees and ultimately terminated her, creating a hostile work environment for the Plaintiff.

33. Allegheny County and the ACDES were aware that this hostile work environment was taking place over the course of several weeks and months.

34. Allegheny County and the ACDES failed to take prompt remedial action to cure the hostile work environment.

35. The conduct described above resulted in hostile environment sexual harassment towards the Plaintiff in violation of the PHRA.

COUNT II

Hostile Environment Sexual Harassment in Violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier

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

37. Plaintiff is an adult female.

38. Training supervisor Legin sexually harassed and subjected the Plaintiff to a hostile work environment while on the job.

39. Carol Janssen and Rebecca Frazier treated Plaintiff differently from other employees and ultimately terminated her, creating a hostile work environment for the Plaintiff.

40. Allegheny County and the ACDES were aware that this hostile work environment was taking place over the course of several weeks and months.

41. Allegheny County and the ACDES failed to take prompt remedial action to cure the hostile work environment.

42. The conduct described above resulted in hostile environment sexual harassment of the Plaintiff in violation of Title VII.

COUNT III

Sex Discrimination in Violation of the PHRA v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier

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

44. Plaintiff is an adult female.

45. Training supervisor Legin, discriminated against the Plaintiff on the basis of her sex.

46. Carol Janssen and Rebecca Frazier treated Plaintiff differently from other employees and ultimately terminated her because of her sex.

47. Allegheny County and ACDES were aware that Plaintiff was being discriminated on the basis of her sex.

48. Allegheny County and ACDES failed to take prompt remedial action to cure the sex discrimination.

49. The conduct described above resulted in sex discrimination and the eventual termination of the Plaintiff in violation of the PHRA.

COUNT IV

Sex Discrimination in Violation of Title VII v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier

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

51. Plaintiff is an adult female.

52. Training supervisor Legin discriminated against the Plaintiff on the basis of her sex.

53. Carol Janssen and Rebecca Frazier treated Plaintiff differently from other employees and ultimately terminated her because of her sex.

54. Allegheny County and ACDES were aware that Plaintiff was being discriminated against on the basis of her sex.

55. Allegheny County and ACDES failed to take prompt remedial action to cure the sex discrimination.

56. The conduct described above resulted in sex discrimination and the eventual termination of the Plaintiff in violation of Title VII.

COUNT V

Race Discrimination in Violation of the PHRA v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier

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

58. Plaintiff is an adult, Hispanic female.

59. Training supervisor Legin, discriminated against the Plaintiff on the basis of her race.

60. Carol Janssen and Rebecca Frazier treated Plaintiff differently from other employees and ultimately terminated her because of her race.

61. Allegheny County and ACDES were aware that Plaintiff was being discriminated on the basis of her race.

62. Allegheny County and ACDES failed to take prompt remedial action to cure the race discrimination.

63. The conduct described above resulted in racial discrimination and the eventual termination of the Plaintiff in violation of the PHRA.

COUNT VI

Race Discrimination in Violation of the Title VII v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier

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

65. Plaintiff is an adult, Hispanic female.

66. Training supervisor Legin, discriminated against the Plaintiff on the basis of her race.

67. Carol Janssen and Rebecca Frazier treated Plaintiff differently from other employees and ultimately terminated her because of her race.

68. Allegheny County and ACDES were aware that Plaintiff was being discriminated on the basis of her race.

69. Allegheny County and ACDES failed to take prompt remedial action to cure the race discrimination.

70. The conduct described above resulted in racial discrimination and the eventual termination of the Plaintiff in violation of Title VII.

COUNT VII

Retaliation in Violation of the PHRA v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier

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

72. The harassing, hostile and discriminatory conduct that Plaintiff was subjected to was reported to Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier.

73. Allegheny County, Allegheny County Department of Emergency Services, Jay

Legin, Carol Janssen and Rebecca Frazier retaliated against the Plaintiff for this reporting by terminating the Plaintiff shortly after the conduct was reported.

74. This termination was retaliatory in nature and in violation of the PHRA.

COUNT VIII

Retaliation in Violation of Title VII v. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier

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

76. The harassing, hostile and discriminatory conduct that Plaintiff was subjected to was reported to Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier.

77. Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier retaliated against the Plaintiff for this reporting by terminating the Plaintiff shortly after the conduct was reported.

78. This termination was retaliatory in nature and in violation of Title VII.

Request for Relief

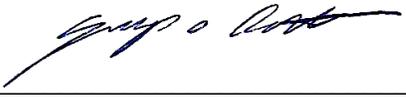
WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Allegheny County, Allegheny County Department of Emergency Services, Jay Legin, Carol Janssen and Rebecca Frazier for the following in a total amount in excess of the arbitration limits of this court:

- a. Back wages;
- b. Front wages;
- c. Plaintiff's legal fees;
- d. Emotional damages;
- e. Additional punitive damages;

- f. Pre-Judgment, interest, court costs and other such relief as the Court may deem just and proper.

Respectfully Submitted,

KRAEMER, MANES & ASSOCIATES

BY: 

JOSEPH D. POMETTO

Counsel for Plaintiff
KELLI RODRIGUEZ

JURY TRIAL DEMANDED

VERIFICATION

The undersigned, Kelli Rodriguez, avers that the statements of fact contained in the attached Complaint are true and correct to the best of her information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 11/19/2014



KELLI RODRIGUEZ



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
2012 4318

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

September 8, 2014

Ms. Kelli Rodriguez
c/o Joseph D. Pometto, Esquire
Law Offices of Kraemer, Manes & Assocs.
US Steel Tower
600 Grant St., Suite 660
Pittsburgh, PA 15219

Re: EEOC Charge Against Allegheny County, Emergency Services 911 Call Center
No. 533201400460

Dear Ms. Rodriguez:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Cleveland District Office, Cleveland, OH.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Molly J. Moran
Acting Assistant Attorney General
Civil Rights Division

by

Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Cleveland District Office, EEOC
Allegheny County, Emergency Services 911 Call Center