

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

DAPREE THOMPSON,

Plaintiff,

v.

ALLEGHENY COUNTY and the
ALLEGHENY COUNTY DEPARTMENT
OF EMERGENCY SERVICES

Defendant.

Civil Division – General Docket

No. GD.

COMPLAINT

Filed on Behalf of Plaintiff:
DAPREE THOMPSON

Counsel of Record for this Party:

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

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

Kraemer, Manes & Associates
US Steel Tower
600 Grant Street #660
Pittsburgh, PA 15219

Telephone No.: 412-613-9323
Facsimile No.: 412-637-0231

JURY TRIAL DEMANDED

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Defendant.

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

AND NOW comes the Plaintiff, Dapree Thompson, by and through her undersigned counsel and files the following Complaint against Allegheny County and the Allegheny County Department of Emergency Services, and in support thereof avers as follows:

PARTIES

1. Plaintiff, Dapree Thompson (hereinafter “Plaintiff”), is an adult individual residing at 112 Hall Drive, Penn Hills, PA 15235 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. All management personnel described in the common facts below were employees of the ACDES at all times relevant to this Complaint and were subject to the control and supervision of Allegheny County and the ACDES.

COMMON FACTS

6. Plaintiff is an adult African-American woman.

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

8. Plaintiff became employed with the ACDES in 2003.

9. Plaintiff is currently employed by the ACDES and is a dispatcher who receives 9-1-1 calls and then relays them to emergency services in the field.

10. In mid-2011 Plaintiff was promoted to become a lead trainer.

11. Since Plaintiff became a lead trainer she has not been given a single trainee, while other Non-African-American trainers have been given several trainees.

12. In November of 2011, while Plaintiff was on the phone with an emergency unit that was in the field, someone from that unit called her a “nigger.” Plaintiff complained to the ACDES about being called a “nigger.” ACDES’ management personnel, including Chief Alvin Henderson, Communications Director Gary Thomas, Robert Harvey, and Brain Mach had a meeting with Plaintiff and told her they would investigate and find out who called her the racial slur. However, no investigation was ever conducted and no culprit was ever identified.

13. From 2011 onward, Plaintiff was frequently made to work mandatory overtime, while Non-African-American workers were rarely made to work mandatory overtime.

14. In November of 2012 Plaintiff got into an argument with a white female co-worker. The argument escalated into yelling. Plaintiff and the co-worker walked away from the incident peacefully. Manager Rebecca Frazier suspended Plaintiff 5 days for the incident, but Ms. Frazier did not suspend the white co-worker at all.

15. In October of 2013, Manager Donnie Sands reprimanded Plaintiff for speaking too fast while taking calls. Plaintiff had worked in the same position for 10 years and was never once told before that she spoke too fast.

16. Additionally, Plaintiff and other African-American co-workers were made to receive calls from the inner city of Pittsburgh because ACDES told them that they could speak “ghetto.”

17. On January 25, 2014 Plaintiff filed a formal charge with the Equal Employment Opportunity Commission (“EEOC”).

18. On September 8, 2014 Plaintiff was issued a right to sue letter by the Department of Justice (“DOJ”).

COUNT I

Racial Discrimination in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

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

20. Plaintiff is an African-American.

21. Plaintiff was discriminated against on the basis of being an African-American by the ACDES in the following ways:

- a. ACDES did not give the Plaintiff any trainees, while Non-African-American trainers were given trainees.
- b. Emergency services personnel called Plaintiff a “nigger” and the ACDES’ personnel conducted no investigation and took no disciplinary action against the culprit.
- c. ACDES made Plaintiff work mandatory overtime while Non-African-American workers were not made to work mandatory overtime.
- d. ACDES disciplined Plaintiff with a 5-day suspension after she engaged in a mutual argument with a white co-worker. The white co-worker was not disciplined at all for the argument.
- e. ACDES reprimanded Plaintiff for “speaking too fast.”
- f. ACDES made Plaintiff answer calls from the inner city of Pittsburgh because she could “speak ghetto.”

22. ACDES failed to take prompt remedial action to cure this behavior as it took place in a continuous and regular pattern from 2011 until late 2013.

23. The conduct described above resulted in racial discrimination towards the Plaintiff in violation of the PHRA.

COUNT II

Racial Discrimination in Violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) v. Allegheny County and the Allegheny County Department of Emergency Services

24. The preceding paragraphs are incorporated herein as if set forth at length.
25. Plaintiff is an African-American.
26. ACDES discriminated against Plaintiff and took several adverse employment actions against her on the basis of her race.

27. ACDES failed to take prompt remedial action to cure this behavior as it took place in a continuous and regular pattern from 2011 until late 2013.

28. The conduct described above resulted in racial discrimination towards the Plaintiff in violation of Title VII.

COUNT III

Hostile Environment Racial Discrimination in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

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

30. Plaintiff is an African-American female.

31. ACDES discriminated against Plaintiff and took several adverse employment actions against her on the basis of her race.

32. ACDES was aware that this discriminatory conduct was taking place.

33. ACDES failed to take prompt remedial action to cure this behavior.

34. The conduct described above resulted in hostile environment racial discrimination towards the Plaintiff in violation of the PHRA.

COUNT IV

Hostile Environment Racial Discrimination in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

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

36. Plaintiff is an African-American female.

37. ACDES discriminated against Plaintiff and took several adverse employment actions against her on the basis of her race.

38. ACDES was aware that this discriminatory conduct was taking place.

39. ACDES failed to take prompt remedial action to cure this behavior.

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

COUNT V

Retaliation in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

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

42. Plaintiff complained and reported to ACDES about being called a “nigger” while on the phone with emergency services personnel.

43. This complaint is protected conduct under the PHRA.

44. No remedial actions were taken against the personnel who called Plaintiff a “nigger.”

45. Following the incident, ACDES punished Plaintiff with suspensions, mandatory overtime and reprimands.

46. This conduct resulted in Retaliation for opposing practices made illegal under the PHRA.

COUNT VI

Retaliation in Violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) v. Allegheny County and the Allegheny County Department of Emergency Services

47. Preceding paragraphs are incorporated herein as if set forth at length.

48. Plaintiff complained and reported to ACDES about being called a “nigger” while on the phone with emergency services personnel.

49. This complaint is protected conduct under the PHRA.

50. No remedial actions were taken against the personnel who called Plaintiff a

“nigger.”

51. Following the incident, ACDES punished Plaintiff with suspensions, mandatory overtime and reprimands.

52. This conduct resulted in Retaliation for opposing practices made illegal under Title VII.

Request for Relief

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

- a. Loss of income;
- b. Back wages;
- c. Front wages;
- d. Emotional damages;
- e. Plaintiff's legal fees;
- f. Additional punitive damages;
- g. 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
DAPREE THOMPSON

JURY TRIAL DEMANDED

VERIFICATION

The undersigned, Dapree Thompson, 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: 10/23/14



DAPREE THOMPSON



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
2015 0461

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

September 8, 2014

Ms. Dapree Thompson
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. 533201400461

Dear Ms. Thompson:

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