

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

LAUREN ZANG,

Plaintiff,

v.

WESTERN PENNSYLVANIA TEAMSTERS
AND EMPLOYEE WELFARE FUND,

Defendant.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

NOW COMES Plaintiff, Lauren Zang, by and through her attorney, Christi Wallace, Esquire, and files this Complaint alleging as follows:

I. Nature of the Action

1. Plaintiff brings this Complaint to recover damages under the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12101-12203 (2009) and the Family and Medical Leave Act of 1993 (“FMLA”), 29 U.S.C. §§2611-2619. Plaintiff has a disability under the ADA and took FMLA leave for such disability. When Plaintiff was on FMLA leave, Plaintiff was harassed so badly by the Defendant that she was forced to quit because the harassment was causing her health to deteriorate.

2. Plaintiff also alleges discrimination under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §2000e. Plaintiff was subjected to a hostile work environment because of her sex, which led to the development of her health problems and resulted in her taking FMLA leave.

II. Jurisdiction and Venue

3. This action arises under the ADA, 42 U.S.C. §§12101-12203, FMLA, 29 U.S.C. §§2611-2619 and Title VII, 42 U.S.C. §2000e et seq. This Court has jurisdiction over Plaintiff's discrimination claims pursuant to 28 U.S.C. § 1331.

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

5. Plaintiff is a resident and citizen 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, Lauren Zang ("Plaintiff"), is an adult individual residing at 1390 Fallen Timber Road, Elizabeth, PA 15037 of Allegheny County, Commonwealth of Pennsylvania.

7. Defendant, Western Pennsylvania Teamsters and Employee Welfare Fund ("Defendant"), is a business located at 50 Penn Circle West, Pittsburgh, PA 15206 of Allegheny County, Commonwealth of Pennsylvania.

IV. Facts

8. Plaintiff became employed with the Defendant on November 27, 2007.

9. Around November 12, 2013, Plaintiff was diagnosed with depression and anxiety because of the hostile work environment created by the Defendant.

a. Plaintiff believed the work environment to be hostile because she was constantly yelled at, berated and criticized by Mr. William Parry ("Mr. Parry"), Fund Director.

b. Mr. Parry's behavior created a hostile work environment for the Plaintiff because he would do the following:

- i. He would belittle and criticize the Plaintiff.
- ii. He would be overly nice and friendly with co-workers by greeting them in the morning but consistently ignored the Plaintiff.
- iii. He would go to a less-experienced co-worker for advice when Plaintiff was the proper person to ask. Plaintiff was in charge of handling the disability claims for the Defendant. Mr. Parry would avoid discussing the claims with the Plaintiff by going to a less-experienced co-worker.
- iv. He would give the Plaintiff degrading work/tasks to complete that should be the responsibility of a less-experienced co-worker.

c. Mr. Parry's conduct would make the Plaintiff feel inadequate, useless and degraded.

10. Nurse Practitioner Patricia Lamada diagnosed Plaintiff's depression and anxiety.

11. On November 12, 2013, due to Plaintiff's disability, she went on an approved short-term leave for three months under FMLA.

12. Plaintiff was to return from FMLA leave on January 20, 2014.

13. As soon as Plaintiff went on FMLA leave for her disability, the Defendant contacted her and continued to harass her while she was on FMLA.

a. The Defendant contacted the Plaintiff about lost files and if she had a specific USB port.

b. Plaintiff was forced to call her Union Representative to inform him she did not have what the Defendant was asking for.

14. Plaintiff tried to report Mr. Parry's harassing behavior by filing a grievance in November 2013 while she was on FMLA leave.

- a. Mr. Parry told the Plaintiff that he would shut down her grievance if she tried to file one.
- b. Plaintiff believed Mr. Parry since her grievance would have to first go through Mr. Parry to make it to the Grievance Panel (the Western PA Industrial Trades Grievance Committee) who hears grievances.
 - i. Mr. Parry sits on the Panel and is friends with everyone on the Panel.
 - ii. Plaintiff believed her efforts would be futile.

15. On January 13, 2014, Plaintiff contacted the Defendant to notify them she would be returning to work on January 20, 2014.

- a. It was then that Plaintiff was informed that she was suspended for failing to attend some meeting (while she was on FMLA leave) to discuss the lost files the Defendant was looking for. The meeting was requested by the Fund Attorney, Vince Szelgo ("Mr. Szelgo") and scheduled during Plaintiff's FMLA leave.
- b. Plaintiff was never informed of any meeting and she believed she was being retaliated against because she went on FMLA leave.

16. On January 20, 2014, Plaintiff was forced to quit because she couldn't tolerate the retaliatory behavior and discrimination. Plaintiff's health was deteriorating and she couldn't risk ruining her health for her job.

V. Allegations

Count I

Disability Discrimination in Violation of the ADA

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

18. Plaintiff has a “disability” as defined under the ADA, 42 U.S.C. §12102.
19. Plaintiff was diagnosed with depression and anxiety in November 2013.
20. Plaintiff’s depression and anxiety limited her ability to work and perform everyday functions like walking, talking, etc.
21. The Defendant became aware of Plaintiff’s disability in November 2013 when Plaintiff requested FMLA leave.
22. The Defendant discriminated against the Plaintiff in violation of the ADA in the following ways:
 - a. Plaintiff was harassed for taking FMLA leave for her disability. As soon as Plaintiff went on FMLA for her disability, which was caused by the hostile work environment, the Defendant contacted her and continued to harass her.
 - b. Plaintiff was not able to file a grievance against Mr. Parry for his harassment. Mr. Parry told the Plaintiff he would block Plaintiff’s attempts to file a grievance against him.
 - c. Plaintiff was suspended for taking FMLA leave for her disability. On January 13, 2014, Defendant suspended the Plaintiff for failing to attend some meeting (while she was on FMLA leave) to discuss the lost files the Defendant was looking for.
 - d. Defendant intentionally scheduled a meeting during Plaintiff’s FMLA leave knowing Plaintiff would not be able to attend thereby giving the Defendant cause to suspend her.
23. Plaintiff was forced to quit on January 20, 2014 due to the retaliatory and harassing behavior of the Defendant.

Count II
Retaliation in Violation of FMLA

24. The preceding paragraphs are incorporated herein as if set forth at length.
25. Plaintiff went on FMLA leave in November 2013.
26. Plaintiff was supposed to return from FMLA leave in January 2014.
27. The Defendant discriminated against the Plaintiff in retaliation for taking FMLA leave in the following ways:
 - a. Plaintiff was harassed while on FMLA leave for her disability. As soon as Plaintiff went on FMLA leave for her disability, which was caused by the hostile work environment, the Defendant contacted her and continued to harass her.
 - b. Plaintiff was not able to file a grievance against Mr. Parry for his harassment. Mr. Parry told the Plaintiff he would block Plaintiff's attempts to file a grievance against him.
 - c. Plaintiff was suspended for taking FMLA leave for her disability. On January 13, 2014, Defendant suspended the Plaintiff for failing to attend some meeting (while she was on FMLA leave) to discuss the lost files the Defendant was looking for.
 - d. Defendant intentionally scheduled a meeting during Plaintiff's FMLA leave knowing Plaintiff would not be able to attend thereby giving the Defendant cause to suspend her.
28. Plaintiff was forced to quit on January 20, 2014 due to the retaliatory and harassing behavior of the Defendant.

Count III
Hostile Work Environment in Violation of Title VII

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

30. Plaintiff is a woman and is a protected class under Title VII.
31. Plaintiff was subjected to a hostile work environment beginning in August 2013.
32. Mr. Parry is the individual who created the hostile work environment.
33. Mr. Parry's engaged in discriminatory treatment in violation of Title VII in the

following ways:

- i. He would belittle and criticize the Plaintiff.
 - ii. He would be overly nice and friendly with co-workers by greeting them in the morning but consistently ignored the Plaintiff.
 - iii. He would go to a less-experienced co-worker for advice when Plaintiff was the proper person to ask. Plaintiff was in charge of handling the disability claims for the Defendant. Mr. Parry would avoid discussing the claims with the Plaintiff by going to a less-experienced co-worker.
 - iv. He would give the Plaintiff degrading work/tasks to complete that should be the responsibility of a less-experienced co-worker.
- b. Mr. Parry's conduct would make the Plaintiff feel inadequate, useless and degraded.
 - c. Mr. Parry continued to harass the Plaintiff while on FMLA leave for her disability.
 - d. Mr. Parry told the Plaintiff he would block any grievance she filed against him for harassment.
 - e. Plaintiff was suspended for taking FMLA leave for her disability. On January 13, 2014, Defendant suspended the Plaintiff for failing to attend some meeting (while she was on FMLA leave) to discuss the lost files the Defendant was looking for.

- a. Defendant intentionally scheduled a meeting during Plaintiff's FMLA leave knowing Plaintiff would not be able to attend thereby giving the Defendant cause to suspend her.

34. Plaintiff was forced to quit on January 20, 2014 due to the retaliatory and harassing behavior of the Defendant.

Request for Relief

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

- a. Loss of back wages to date (December 15, 2014) in excess of \$14,517.69;
- b. Loss of income for two (2) years in excess of \$40,806.48;
- c. Loss of medical insurance in excess of \$13,200;
- d. Additional punitive damages worth approximately \$20,000;
- e. Plaintiffs' legal fees – approximately \$25,000;
- f. Pre-judgment and continuing interest;
- g. Court costs; and
- h. Other such relief as the Court may deem just and proper.

/s/ Christi Wallace
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