

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1.	KIMBERLY RICHARDSON)	
)	
	Plaintiff,)	
)	
v.)	Case No.
)	Race Discrimination/Retaliation
)	Jury Demand
1.	TVC MARKETING ASSOCIATES, INC.)	
)	
	Defendant.)	

COMPLAINT

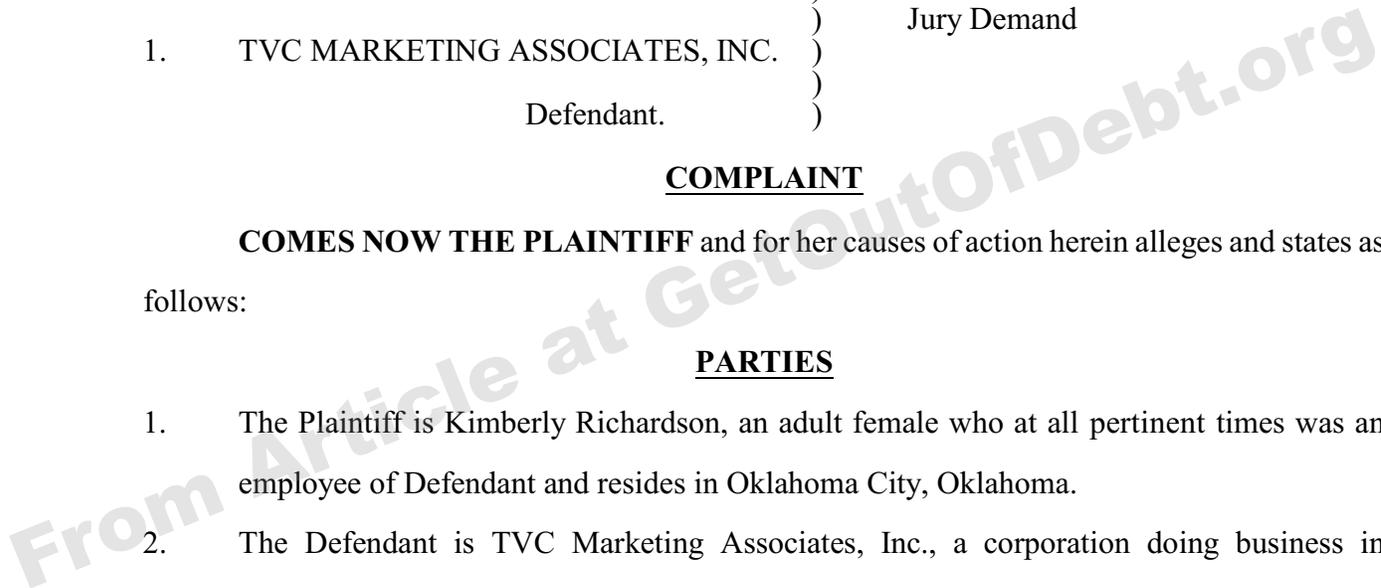
COMES NOW THE PLAINTIFF and for her causes of action herein alleges and states as follows:

PARTIES

1. The Plaintiff is Kimberly Richardson, an adult female who at all pertinent times was an employee of Defendant and resides in Oklahoma City, Oklahoma.
2. The Defendant is TVC Marketing Associates, Inc., a corporation doing business in Oklahoma City, Oklahoma County, Oklahoma.

JURISDICTION AND VENUE

3. Plaintiff's action is race discrimination, retaliation, failure to promote and wrongful termination based on race and retaliation in employment for complaining of those actions. Such matters are made actionable under Title VII of the Civil Rights Act of 1964 and Plaintiff's race claims are also actionable under 42 U.S.C. § 1981. The same conduct also constitutes for *Burk* tort for a violation of Oklahoma's public policy against gender/race discrimination, sexual harassment and retaliation and a state law remedy is available in addition to any federal remedies because the state law remedies are broader and more expansive than those provided by federal law.
4. All of the actions herein took place in Oklahoma County, Oklahoma, and the Defendant is located in and may be served in such County.



STATEMENT OF FACTS

5. The Plaintiff is an adult, African-American female who began working with Defendant in about June 1999 as a Customer Service Representative (“CSR”). During Plaintiff’s tenure, she was promoted twice, the second time was to the position of Supervisor over the entire Call Center. As the call center supervisor, Plaintiff’s assistant was Sasha Koptelina.
6. The nature of Defendant’s business was selling memberships to truck drivers across the United States, and in return Defendant contacted and secured local attorneys to handle and resolve tickets received by the truck drivers in the field. As the call center supervisor, Plaintiff was ultimately responsible for finding and providing legal representation, and for handling complaints and problems for the client-base/truck drivers.
7. Plaintiff held the Supervisory position for about four to five years, until about May 2007 when Defendant hired Justin Coffee (a Caucasian male) as an “Associate”, who became Plaintiff’s supervisor. Mr. Coffee stated that he was hired to “clean up the building.”
8. Soon after Mr. Coffee was hired in May 2007, Mr. Coffee demoted Plaintiff and transferred her from the legal department to the mail room. This demotion came with a significant pay decrease and the undesirable job assignment of handling problem cases with no other responsibilities. As part of this demotion, all of Plaintiff’s supervisory responsibilities, such as hiring, firing and training new employees, were taken away.
9. Plaintiff was told that she had to compete for her old job as the Call Center Supervisor with the other employees. The person selected for Plaintiff Supervisory position was Plaintiff’s subordinate assistant, Ms. Koptelina, a Caucasian female who only had about one year tenure with Defendant and was less qualified for the position than Plaintiff.
10. During the time frame that Mr. Coffee was having Plaintiff compete for her call center supervisor position, Mr. Coffee sent Ms. Koptelina to an Excel training course. Plaintiff, in her seven years with Defendant, one of which was as the Call Center Supervisor, was never sent to an Excel training course. The Excel training course added to Sasha’s qualifications and made her a better candidate for the position as Call Center Supervisor that she was prior

to this training. Ms. Koptelina was selected for the position as call center supervisor and Plaintiff remained in her demoted position of handling problem cases in the mail room.

11. In about late May 2007, Plaintiff made her first complaint of race discrimination to Mr. Coffee and Mr. Willie Schooley regarding the demotion and the selection of Ms. Koptelina for that position. Mr. Coffee laughed and denied that the decision was race motivated, nothing further was done to investigate Plaintiff's complaint.
12. In late May 2007, Plaintiff made two more race complaints via email and submitted them to David Kircher and to HR representative Julie Box.
13. In about August 2007, Plaintiff made a fourth race complaint in a meeting with H.R. Julie Box, Vice President David Kircher and Kent Melton.
14. After Plaintiff's fourth race complaint, Defendant retaliated against Plaintiff by moving her from the mail room to a desk that was placed immediately adjacent to the cleaning supply closet, which is where Plaintiff is currently working. On a daily basis, janitorial employees, and other employees are constantly entering into that cleaning supply closet and moving out cleaning supplies and equipment and that interferes with Plaintiff's job performance. Plaintiff inhales cleaning chemicals during the entire workday, rendering this a very undesirable work location.
15. With the intent to relocate back to the "Attorney Relations Department 806", Plaintiff spoke with Tina Hopkins to see if there was room for her. Ms. Hopkins confirmed that there was room for Plaintiff and a vacant desk where she could locate. Ms. Hopkins also told Plaintiff that there was a dire need for Plaintiff to return to the legal department because Ms. Koptelina did not know what she was doing and was of no assistance to the legal department. Because of the need and vacancy in the legal department, Plaintiff requested that she be transferred back to the Legal Department.
16. As a form of retaliation, Defendant denied Plaintiff's request to return to the legal department.

17. After denying Plaintiff's request to transfer to the Legal Department, Defendant promoted Amy Hathaway to a position of Assistant Supervisor and was assigned to work in the Legal Department. Plaintiff knew nothing about a vacant position for Assistant Supervisor, and if she had known she would have applied for the position. Plaintiff was had more tenure and was far more qualified than Ms. Hathaway for the promotion to Assistant Supervisor, and should have been selected for this promotion. Plaintiff is claiming that the concealment of the promotion to Assistant Supervisor, and the selection of Ms. Hathaway over Plaintiff was a retaliatory act for Plaintiff's prior race complaints and was an additional act of race discrimination.
18. In about August 2007, Plaintiff filed a Charge of Discrimination with the EEOC because Defendant had totally ignored each of her race complaints.
19. After Plaintiff filed with the EEOC in August 2007, Defendant retaliated further by instructing Plaintiff that she should no longer directly communicate with the other Defendant employees (including but not limited to the customer service representatives – "CSRs" – the legal department employees and the sales representatives) as well as with the attorneys located across the United States. The new "no direct communication" policy required Plaintiff to first get permission from Ms. Koptelina in order to speak with other employees and attorneys. Defendant did not provide Plaintiff an explanation why this instruction was given. Similarly, the Defendant employees and attorneys were instructed not to speak directly with Plaintiff unless they first obtain permission from Mr. Koptelina. From August 2007 until the present, that instruction has been in place, and has substantially slowed Plaintiff's work because Ms. Koptelina does not respond to Plaintiff's requests immediately, and therefore the problem cases are not being handled efficiently and immediately. Sales representatives have told Plaintiff that their work has slowed substantially by not being able to directly speak with Plaintiff, and that Ms. Koptelina is not as knowledgeable as Plaintiff necessitating the need to contact Plaintiff.

20. Plaintiff recently received her first performance evaluation while working for Defendant, and Julie Box and Willie Schooley gave Plaintiff a poor evaluation. This evaluation was suspect in part because Defendant policy requires that performance appraisals be prepared annually, however Plaintiff never received one until after her complaints of race discrimination and retaliation. Plaintiff believes that Defendant is trying to create a hostile work environment leading to a forced resignation by Plaintiff, or that Defendant is attempting to create a paper trail to one day terminate Plaintiff and in so doing claim poor work performance. Mr. Schooley told Plaintiff in a derogatory and sarcastic manner, "I really don't even know what you do." Performance evaluations affect future raises and promotions.
21. Every year for the last eight years with Defendant, Plaintiff received pay raises except for the years 2007 and 2008. The raises are done at the beginning of each year and usually in conjunction with the performance evaluation. Plaintiff believes that the denial of her raises were acts of retaliation for Plaintiff having reported race discrimination and/or were acts of race discrimination.
22. Plaintiff's Right to Sue letter was issued and dated April 11, 2008, and Plaintiff received this Right to Sue letter a few days after it was mailed. This action is filed within the ninety (90) days of issuance of the Right to Sue Letter.
23. As the direct result of these actions the Plaintiff has suffered lost earnings past, present and future and dignitary harms in the form of embarrassment, anguish, worry, humiliation and like emotions. Under both the State and Federal claims, Plaintiff is entitled to compensation for such injuries in an amount in excess of Ten Thousand Dollars (\$10,000.00).
24. Because the actions of the Defendant were either in intentional or reckless disregard of Plaintiff's state and federally protected rights, the Plaintiff is entitled to an award of punitive damages as a matter of both state and federal law.

PRAYER

WHEREFORE Plaintiff prays that this Court enter judgment in favor of the Plaintiff and against the Defendant and assess all actual and punitive damages together with pre- and post-

judgment interest, costs, attorney's fees and such other relief as this Court may deem equitable and appropriate.

RESPECTFULLY SUBMITTED THIS 9TH DAY OF JUNE, 2008.

s/ Tamara Gowens

Mark Hammons, OBA #3784

Tamara Gowens, OBA #16564

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Attorney Lien Claimed

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