

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

JAMIE KEITH,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO: 3:22-CV-363-GNS
)	
OKOLONA FIRE PROTECTION DISTRICT,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

I. NATURE OF THE CASE

1. Plaintiff, Jamie Keith (“Plaintiff”), by and through counsel, brings this action against Defendant, Okolona Fire Protection District (“Defendant”), alleging violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 et seq. and the Kentucky Civil Rights Act (“KCRA”).

II. PARTIES

2. At all times relevant to this litigation, Plaintiff worked in Louisville, Kentucky within the geographical boundaries of the Western District of Kentucky.

3. Defendant maintains offices and routinely conducts business within the geographical boundaries of the Western District of Kentucky.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. §1331; 28 U.S.C. §1343; and 42 U.S.C. §2000e-5(f)(3).

5. Jurisdiction is conferred over Plaintiff's state law claims pursuant to 28 U.S.C. §1367 because her state law claim arises from the same common nucleus of operative facts as her federal law claim and all of her claims form a single case and controversy under Article III of the United States Constitution.

6. Defendant is an "employer" as that term is defined by 42 U.S.C. §2000e(b) and KRS344.030(2).

7. Plaintiff is an "employee" as that term is defined by 42 U.S.C. §2000e(f) and KRS344.030(5).

8. Plaintiff exhausted her administrative remedies by timely filing a Charge of Discrimination against Defendant with the U.S. Equal Employment Opportunity Commission ("EEOC") alleging discrimination and retaliation based on sex. Plaintiff received her Notice of Suit Rights and timely files this action within ninety (90) days of receipt.

9. A substantial part of the events, transactions, and occurrences concerning this lawsuit arose in the geographical environs of the Western District of Kentucky; thus, venue is proper in this Court.

IV. FACTUAL ALLEGATIONS

10. On or around March 23, 2020, Plaintiff was hired by Defendant as a PRN Paramedic.

11. Plaintiff is a female, and she has experience as both an Emergency Medical Technician-Paramedic (EMT-P) and a Fire Fighter.

12. At the time of her hiring, Plaintiff was employed by Pleasure Ridge Park and Fire Department (hereinafter "PRPFD"). Her employment with PRPFD required her to regularly attend a training program.

13. As a result of the training program, Plaintiff was unable to attend Defendant's orientation in May 2020.

14. At that time, Defendant did not indicate to Plaintiff that missing the orientation would be an issue. On the contrary, Defendant encouraged Plaintiff to complete the PRPFD training program.

15. Furthermore, Plaintiff made multiple attempts to reschedule her orientation with Defendant.

16. On or around June 15, 2020, Plaintiff contacted Assistant Chief Director, Tom Puckett, to confirm that she was still employed by Defendant. In response, Mr. Puckett said, "I don't know, are you?" Mr. Puckett then went on to say that there were no available upcoming orientation dates. Mr. Puckett did not respond to any additional inquiries from Plaintiff.

17. On or around December 8, 2020, Plaintiff contacted Chief Mark Little to complain about the lack of transparency and responsiveness she was experiencing with Mr. Puckett. Plaintiff also sought confirmation regarding her employment with Defendant. Plaintiff received no response.

18. On or around December 9, 2020, Mr. Puckett posted on Facebook that Defendant had hired a new full-time EMT.

19. The new EMT completed the orientation program while Plaintiff was not given an opportunity to do so.

20. Around this time, Josh Johnson, who was employed by both Defendant and PRPFD as a supervisor, informed Defendant of the escalating nature of Plaintiff's complaints of discrimination based on sex and sexual harassment while employed by PRPFD.

21. In late December 2020 or early January 2021, Plaintiff applied for a Fire Fighter position with Defendant.

22. On or around January 26, 2021, Plaintiff emailed Mr. Puckett and requested an update on her PRN position as well as to complete her orientation.

23. That same day, Plaintiff received an email from Defendant stating that because she failed to complete orientation, she was required to resign or else she would be subject to disciplinary charges. As a result, on January 29, 2021, Plaintiff was constructively discharged from her position with Defendant.

V. CAUSES OF ACTION

COUNT I: TITLE VII – SEX DISCRIMINATION

24. Plaintiff hereby incorporates paragraphs one (1) through twenty-four (24) of her Complaint.

25. Defendant discriminated against Plaintiff on the basis of her gender.

26. Defendant's actions are in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

27. Defendant's actions are willful, intentional, and done with reckless disregard for Plaintiff's legally protected rights.

28. Plaintiff has suffered damages as a result of Defendant's unlawful actions.

COUNT II: KCRA – SEX DISCRIMINATION

29. Plaintiff hereby incorporates paragraphs one (1) through twenty-nine (29) of her Complaint.

30. Defendant discriminated against Plaintiff on the basis of her gender.

31. Defendant's actions are in violation of the KCRA, KRS 344.040(1)(a).

32. Defendant's actions are willful, intentional, and done with reckless disregard for Plaintiff's legally protected rights.

33. Plaintiff has suffered damages as a result of Defendant's unlawful actions.

COUNT III: TITLE VII – RETALIATION

34. Plaintiff hereby incorporates paragraphs one (1) through thirty-four (34) of her Complaint.

35. Plaintiff engaged in a protected activity when she complained of sexual harassment while employed by PRPFD as protected by Title VII. Defendant was aware of Plaintiff's protected activity.

36. Plaintiff was retaliated against for engaging in a protected activity when Defendant discovered her complaints and denied her the opportunity to complete her orientation and proceeded to constructively discharge her from employment.

37. Plaintiff has suffered damages as a result of Defendant's unlawful actions.

COUNT VI: KCRA – RETALIATION

38. Plaintiff hereby incorporates paragraphs one (1) through thirty-eight (38) of her Complaint.

39. Plaintiff engaged in a protected activity when she complained of sexual harassment while employed by PRPFD as protected by KCRA.

40. Plaintiff was retaliated against for engaging in a protected activity when Defendant discovered her complaints and denied her the opportunity to complete her orientation and proceeded to constructively discharge her from employment.

41. Plaintiff has suffered damages as a result of Defendant's unlawful actions.

VI. REQUESTED RELIEF

WHEREFORE, Plaintiff, Jamie Keith, respectfully requests that this Court enter judgment in her favor and award her the following relief:

- 1) Reinstatement Plaintiff to the position, salary, and seniority level she would have had but for Defendant's unlawful actions; and/or award front pay to Plaintiff in lieu thereof;
- 2) All wages, benefits, compensation, and other monetary loss suffered as a result of Defendant's unlawful actions;
- 3) Compensation for any and all other damages suffered because of Defendant's unlawful actions;
- 4) Compensatory damages;
- 5) Punitive damages for Defendant's violations of Title VII;
- 6) All attorney's fees and costs incurred as a result of bringing this action;
- 7) Pre- and Post-Judgment interest on all sums recoverable; and,
- 8) All other legal and/or equitable relief this Court sees fit to grant.

Respectfully submitted,

/s/ Andrew Dutkanych

Andrew Dutkanych

Diana Kozlova

BIESECKER DUTKANYCH & MACER, LLC

144 North Delaware Street

Indianapolis, Indiana 46204

Telephone: (317) 991-4765

Facsimile: (812) 424-1005

Email: ad@bdlegal.com

Email: dkozlova@bdlegal.com

Counsel for Plaintiff, Jamie Keith

DEMAND FOR JURY TRIAL

Plaintiff, Jamie Keith, by counsel, respectfully requests a jury trial as to all issues deemed so triable.

Respectfully submitted,

/s/ Andrew Dutkanych _____

Andrew Dutkanych

Diana Kozlova

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Email: dkozlova@bdlegal.com

Counsel for Plaintiff, Jamie Keith

JS 44 (Rev. 06/17)

CIVIL COVER SHEET 3:22-CV-363-GNS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JAMIE KEITH

(b) County of Residence of First Listed Plaintiff WARREN
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
BIESECKER, DUTKANYCH & MACER, LLC,
114 NORTH DELAWARE STREET, INDIANAPOLIS, IN 46204
812-424-1000

DEFENDANTS

OKOLONA FIRE PROTECTION DISTRICT

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act		
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act of 1964

Brief description of cause:

Plaintiff alleges violations on basis of gender

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND \$ UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

07/13/2022

SIGNATURE OF ATTORNEY OF RECORD

s/Andrew Dutkanych

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title [28 U.S.C. Section 1404\(a\)](#). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title [28 U.S.C. Section 1407](#).
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

JAMIE KEITH,

Plaintiff

v.

OKOLONA FIRE PROTECTION DISTRICT

Defendant

Civil Action No. 3:22-CV-363-GNS

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) OKOLONA FIRE PROTECTION DISTRICT
c/o JASON MCGREGOR
8501 PRESTON HIGHWAY
LOUISVILLE, KY 40219

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Andrew Dutkanych
Biesecker Dutkanych & Macer, LLC
114 North Delaware Street
Indianapolis, Indiana 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 3:22-CV-363-GNS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

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