

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

REBECCA REYNOLDS)

Plaintiff,)

vs.)

CITY OF KANSAS CITY, MISSOURI,)

Serve: Person in Charge of Office)
Office of the City Attorney)
414 E. 12th St., 28th Floor)
Kansas City, MO 64106)

Defendant.)

Case No. _____

Division: _____

DEMAND FOR JURY TRIAL

PETITION FOR DAMAGES

COMES NOW the Plaintiff, Rebecca Reynolds, by and through her counsel of record, and for her causes of action against all Defendants allege and avers as follows:

PARTIES, GENERAL ALLEGATIONS, JURISDICTION AND VENUE

1. Plaintiff, Rebecca Reynolds (hereinafter “Plaintiff”) is an individual currently residing in Kansas City, Missouri and is a citizen of Missouri. At all relevant times, she was employed by the City of Kansas City, Missouri.

2. Defendant City of Kansas City, Missouri (“Defendant” or “City”) is a Missouri charter city. The City is a citizen of Missouri.

3. Plaintiff, at all times relevant herein, was an “employee” within the meaning of the Missouri Human Rights Act (“MHRA”), § 213.010, et seq., RSMo.

4. The City, at all times relevant herein, has been an “employer” within the meaning of the MHRA, § 213.010, et seq., RSMo.

5. Both jurisdiction and venue are proper in this court. This court has original subject matter jurisdiction over all of Plaintiff's Missouri state causes of action. This Court has jurisdiction over Plaintiff's discrimination claims arising under the MHRA and R.S.Mo. §287.780. Venue is proper because all conduct occurred within this county.

6. Plaintiff seeks damages in excess of this Court's jurisdictional minimum of \$25,000.00.

7. On June 22, 2023, having exhausted all available administrative remedies, and filing an original and later an amended Charge of Discrimination with the MCHR, Plaintiff filed her Petition for Damages in *Reynolds v. City of Kansas City, Missouri*, Case No. 2316-CV16772, in the Circuit Court of Jackson County, Missouri. That case is pending.

8. On August 23, 2023, Plaintiff filed another Charge of Discrimination with the MCHR for separate acts of discrimination and for retaliation and hostile work environment. Plaintiff's August 23, 2023 Charge of Discrimination is attached hereto as Exhibit "A," and its contents are incorporated herein by reference. The Missouri Charge Number is E-08/23-55470.

9. On February 24, 2024, the MCHR issued a Notice of Right to Sue for Charge Number E-08/23-55470. which is attached hereto as Exhibit "B," and incorporated herein by reference.

10. This action has been timely commenced by the filing of the original Petition within ninety (90) days after the date written on the Notice of Right to Sue for Charge No. E-08/23-55470.. Therefore, Plaintiff has duly and completely met all administrative requirements of the MHRA.

FACTUAL BACKGROUND

11. Plaintiff hereby incorporates by reference all previously stated allegations in ¶¶ 1 through 10 above.

12. Plaintiff is a female Lesbian employee with the Defendant City of Kansas City, Missouri, and has been since July 2003. Plaintiff is over the age of 40 (born in 1963).

13. At the time Plaintiff completed the Kansas City Fire Department (“KCFD”) Academy, Plaintiff was 40 years of age.

14. Specifically, Plaintiff is a medic and firefighter with the KCFD. Plaintiff has been stationed at different locations throughout her tenure with Defendant City.

15. During her employment with Defendant City, Plaintiff has endured discriminatory and abusive conduct based on her gender, sexual orientation, and age.

16. Plaintiff has been screamed at by superiors, who have told her, among other things, that she was “not normal” because of her sexual orientation.

17. Plaintiff has been subjected to demeaning and humiliating conduct because of her gender, sexual orientation, and age.

18. In the spring of 2023, Plaintiff observed inappropriate cartoons and memes posted on the station refrigerator. Plaintiff chose not to report this because of previous hostility from superiors following the reporting of such conduct.

19. On March 10, 2023, Plaintiff was intentionally tripped by a co-worker and suffered a knee injury that ultimately required surgery. The co-worker who tripped Plaintiff is an African American male.

20. On March 18, 2023, Plaintiff responded to a medical emergency at Kansas City International Airport, where she was stationed. The same co-worker who tripped her the previous week, an EMT, was at the scene.

21. Because Plaintiff is a paramedic, she has a higher rank and legal responsibility than an EMT, and therefore engaged with the patient. The co-worker placed his hands on Plaintiff and prevented Plaintiff from engaging with the patient. The patient, who was mentally unstable, began running around the airport terminal, creating an unsafe situation.

22. Plaintiff requested access to video surveillance footage, which would have confirmed her version of the events, i.e., that the co-worker forced her away from the patient.

23. On March 20, 2023, Plaintiff was summoned to a meeting with the Battalion Chief and Captain. Plaintiff assumed the meeting was to review the video surveillance footage. Instead, Plaintiff was told she was an “ongoing concern” for the station.

24. Plaintiff asked for permission to respond to the accusation and was denied the opportunity. At that time, she reported the March 10 tripping incident, and asked why she continued to be harassed. The Battalion Chief responded that she was being harassed because she was “beat by the race card” (referring to the African American co-worker) and she “sat down to pee” (referring to her gender).

25. After making a Sunshine request for the video, the Battalion Chief accused Plaintiff of hiring an attorney to obtain the video.

26. Plaintiff continues to suffer from discriminatory and retaliatory actions as well as working in a hostile work environment. Since Plaintiff has complained of a hostile work environment, Plaintiff continues to suffer retaliation in the form of changes in her work

assignments, resulting in loss of income. Plaintiff is not paid the proper pay grade for a paramedic.

27. Following the tripping incident and knee injury described above, Plaintiff exercised her rights under Missouri statute by filing a claim for workman's compensation.

**COUNT I
AGE DISCRIMINATION, RETALIATION, AND
HOSTILE WORK ENVIRONMENT**

28. Plaintiff hereby incorporates by reference all previously stated allegations in ¶¶ 1 through 27 above.

29. Plaintiff is a female who, at the time of the adverse employment actions, was over the age of 40 years old, and therefore falls within the definition a protected characteristic under Missouri law.

30. Plaintiff was treated differently based on her age.

31. Defendant's mistreatment of Plaintiff created a continuously hostile working environment.

32. Plaintiff's age was a motivating factor in Defendant's treatment of Plaintiff.

33. As a result, Plaintiff was harmed and suffered damages.

34. Plaintiff is entitled to recover all actual damages proved to a jury for all harms and losses she suffered in the form of lost compensation and benefits, for all non-economic damages such as career disruption, pain and suffering, mental anguish, and emotional distress.

35. The actions of Defendant toward Plaintiff constitute sex discrimination, sex-based hostile environment, and retaliation, all in violation of the MHRA; further they were in reckless disregard of Plaintiff's statutory rights. Pursuant to R.S.Mo. §510.261, Plaintiff reserves the right to amend her petition at the appropriate time.

36. If Plaintiff prevails, she is entitled to attorneys' fees, all expenses and costs, and equitable relief.

WHEREFORE, Plaintiff prays for judgment after jury trial, awarding Plaintiff all actual damages and losses shown in evidence and determined by the jury to be fair and reasonable, for prejudgment interest, for punitive damages, for attorneys' fees, costs, and expenses, and for such equitable relief as the Court deems proper.

**COUNT II
SEX DISCRIMINATION, RETALIATION, AND
SEX-BASED HOSTILE WORK ENVIRONMENT**

37. Plaintiff hereby incorporates by reference all previously stated allegations in ¶¶ 1 through 36 above.

38. At the time of the adverse employment actions, Plaintiff is a female Lesbian, and therefore falls within the definition of a protected characteristic under Missouri law.

39. Plaintiff was treated differently because of her sex/gender.

40. Defendant's mistreatment of Plaintiff created a continuously hostile working environment.

41. Plaintiff's sex/gender and sexual orientation was a motivating factor in Defendant's treatment of Plaintiff.

42. Plaintiff is entitled to recover all actual damages proved to a jury for all harms and losses she suffered in the form of lost compensation and benefits, for all non-economic damages such as career disruption, pain and suffering, mental anguish, and emotional distress.

43. The actions of Defendant toward Plaintiff constitute sex discrimination, sex-based hostile environment, and retaliation, all in violation of the MHRA; further they were in reckless

disregard of Plaintiff's statutory rights. Pursuant to R.S.Mo. §510.261, Plaintiff reserves the right to amend her petition at the appropriate time.

44. If Plaintiff prevails, she is entitled to attorneys' fees, all expenses and costs, and equitable relief.

WHEREFORE, Plaintiff prays for judgment after jury trial, awarding Plaintiff all actual damages and losses shown in evidence and determined by the jury to be fair and reasonable, for prejudgment interest, for punitive damages, for attorneys' fees, costs, and expenses, and for such equitable relief as the Court deems proper.

**COUNT III
WORKERS' COMPENSATION RETALIATION**

45. Plaintiff hereby incorporates by reference all previously stated allegations in ¶¶ 1 through 44 above.

46. The City is a municipal corporation.

47. The City is a political subdivision within the state of Missouri.

48. The City is an employer as defined in R.S. Mo. §287.030.

49. The legislature has waived sovereign immunity for claims brought under §287.780, because by definition the City is an employer subject to suit by current or former employees.

50. Defendant City's actions as described above were in retaliation for Plaintiff exercising her rights to file a worker's compensation claim.

51. The actions of Defendant toward Plaintiff were in violation of R.S. Mo. §287.780; further they were in reckless disregard of Plaintiff's statutory rights. Pursuant to R.S.Mo. §510.261, Plaintiff reserves the right to amend her petition at the appropriate time.

52. Plaintiff is entitled to recover all actual damages proved to a jury for all harms and losses she suffered in the form of lost compensation and benefits, for all non-economic damages such as career disruption, pain and suffering, mental anguish, and emotional distress.

53. If Plaintiff prevails, she is entitled to equitable relief in addition to actual and punitive damages.

WHEREFORE, Plaintiff prays for judgment after jury trial, awarding Plaintiff all actual damages and losses shown in evidence and determined by the jury to be fair and reasonable, for prejudgment interest, for punitive damages, for attorneys' fees, costs, and expenses, and for such equitable relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues raised herein.

Respectfully submitted,

THE POPHAM LAW FIRM, PC

/s/ Bert S. Braud
BERT S. BRAUD, MO #34325
712 Broadway, Suite 100
Kansas City, Missouri 64105
Telephone: (816) 221-2288
Facsimile: (816) 221-3999
Email: bbraud@pophamlaw.com

ATTORNEYS FOR PLAINTIFF



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
COMMISSION ON HUMAN RIGHTS
CHARGE OF DISCRIMINATION

Enter Charge Number
 FEPA E-08/23-55470
 EEOC 28E-2023-01588

This form is affected by the Privacy Act of 1974; see Privacy Act Statement before completing this form.

Missouri Commission on Human Rights and EEOC

Name (Indicate Mr., Ms., or Mrs.) Rebecca Reynolds	Date of Birth [REDACTED]	Home Telephone No. (Include Area Code) [REDACTED]
Street Address [REDACTED]	City, State and Zip Code Kansas City, MO 64111	County Jackson

Named below is the Employer, Labor Organization, Employment Agency, Apprenticeship, Committee, State or Local Government Agency who discriminated against me (if more than one list below).

Name City of Kansas City, Missouri Fire Department	No. of Employees/Members 500+	Telephone No. (Include Area Code) (816) 513-3600
Street Address 414 E 12th St.	City, State and Zip Code Kansas City, MO 64106	
Name AUG 30 2023	No. of Employees/Members	Telephone No. (Include Area Code)
Street Address "MCHR"	City, State and Zip Code	

Cause of Discrimination based on (Check appropriate box(es))

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input checked="" type="checkbox"/> Sex	Date Discrimination took Place (Month, Day, Year)
<input type="checkbox"/> National Origin	<input type="checkbox"/> Religion	<input checked="" type="checkbox"/> Age	
<input checked="" type="checkbox"/> Disability	<input checked="" type="checkbox"/> Retaliation	<input checked="" type="checkbox"/> Other (Specify) Hostile Work Environment	

The Particulars Are (If additional space is needed, attach extra sheet(s)):
 I have previously filed a Charge of Discrimination, having Charge number E-01/22-53857 alleging sex/gender discrimination, age discrimination, retaliation, and hostile work environment. The right-to-sue for said Charge has been issued, and litigation is being filed with the Jackson County, Missouri circuit court.

Since the filing of said Charge of Discrimination in January 2022 (and amended in September 2022), I have continued to suffer discriminatory and retaliatory behavior, resulting in a hostile work environment.

For a couple of months, during the Spring of 2023, there were inappropriate cartoons or memes posted to our shift's refrigerator at the station. I did not make a report because of the backlash that would have come because of the report since I am the only gay person currently assigned to the station. It would have been obvious that it was me who reported it.

On March 10, 2023, I was on fire watch, walking with Plez Robinson on the concourse near the EMS Room door. Robinson told me, "Don't walk in front of me," and from behind me, kicked my left foot behind my right foot, tripping me. After hearing Robinson chuckle, I turned back to him and said, "Don't do that. You hurt me."

SEE NEXT PAGE

<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the Missouri Commission on Human Rights. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary to my Commission Expires SEPTEMBER 8, 2024 BERT STEPHEN BRAUD NOTARY PUBLIC - NOTARY SEAL STATE OF MISSOURI JACKSON COUNTY COMMISSION #20258323
	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the foregoing is true and correct. x 8/30/2023 Charging Party (Signature) Date	x Signature of Complainant 8/30/2023 Subscribed and sworn to before me this date (Day, month and Year)

On March 18, 2023, I was the paramedic on call and when I arrived to the call, firefighters Brian Moore and Plez Robinson were on scene. Moore was sitting next to the patient, snickering, and Robinson was standing near her. I was asking the patient questions when the patient turned to Robinson and asked if she had to answer my questions. Robinson told her "No." Robinson then placed his hands on me as I tried to maneuver around him to speak with the patient. The patient became combative and Robinson placed his hands on me, making it appear that I was being confrontational as well, and the patient began running around the terminal, making the scene unsafe. Because of Robinson's actions, he made the scene unsafe, and prevented me from doing my job. I requested to view the video, and was told that it would have to happen either by requesting it through the KCFD or COMD or to request it via a Sunshine Law request, so I submitted a Sunshine Law request.

On March 20, 2023, I was summoned to meet with Battalion Chief Covington, and Captain Fitz. I thought it was to review the video, but instead I was told an airline employee submitted a complaint against me. I was also told that I was an "ongoing concern." I asked to rebut the complaint and Covington told me no. During that meeting, I reported both instances (March 10, 2023, and March 18, 2023) to Fitz and Covington. When I asked why I was being treated this way, Chief Covington told me it was because I was "beat by the race card," and because I "sit down to pee."

After making the Sunshine request, I received a text from Battalion Chief Covington asking if I had retained an attorney. I asked what he was talking about, and he responded, "Did you hire an attorney to obtain video at KCI, under Sunshine Act, or not?" I told him, "No," and asked why he was asking me that. Covington responded, "Did you or did you not, tell multiple people, that you obtained an attorney to obtain video from the terminal?" I responded to Covington, asking how he knew that, and that it seemed to be an accusation that I deemed unappreciated.

I have been discriminated against by the City of Kansas City, Missouri in violation of the Missouri Human Rights Act, and retaliated against for exercising my rights under the Missouri Human Rights Act. I seek all remedies available to me under the law.

This charge should be deemed to be notice to all of Respondent's affiliates, officers, and the supervisors who interacted with me. These persons acted directly in each other's interests with respect to my employment and aided, abetted, incited, and/or compelled one another's acts. I am filing this charge individually and on behalf of all persons similarly situated. Based on information and belief, Respondent has engaged in a pattern and practice of discriminatory and/or retaliatory conduct. This description is a summary of the events highlighting several key points, and I reserve the right to add to or amend my allegations at a later time, including in litigation. What is stated herein is part of an ongoing, continual, and inter-related pattern and series of discriminatory, harassing, hostile environment, and retaliatory acts. I am filing this charge without prejudice to any rights I may have under any other laws of Missouri or any other jurisdiction.

FILED

AUG 30 2023

"MCHR"

BERT STEPHEN BRAUD
NOTARY PUBLIC - NOTARY SEAL
- STATE OF MISSOURI
MY COMMISSION EXPIRES SEPTEMBER 8, 2024
JACKSON COUNTY
COMMISSION #20259323

I want this charge filed with both the EEOC and the Missouri Commission on Human Rights. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY (When necessary to read) Not an Official Court Document

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

x  8/30/2023
Charging Party (Signature) Date

x  8/30/2023
Signature of Complainant Date

Subscribed and sworn to before me this date (Day, month and Year)



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON
GOVERNOR

ANNA S. HUI
DEPARTMENT DIRECTOR

AL LI
COMMISSION CHAIR

ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

Rebecca Reynolds
[REDACTED]
[REDACTED]

Via Complainant Attorney Email

NOTICE OF RIGHT TO SUE

RE: Rebecca Reynolds vs. City of Kansas City, Missouri Fire Department
E-08/23-55470 28E-2023-01588

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,

Alisa Warren, Ph.D.
Executive Director

February 24, 2024
Date

C: additional contacts listed on next page

JEFFERSON CITY OFFICE
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P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
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FAX: 573-751-2905

ST. LOUIS OFFICE
111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
PHONE: 314-340-7590
FAX: 314-340-7238

KANSAS CITY OFFICE
P.O. Box 1129
JEFFERSON CITY, 65102-1129
FAX: 816-889-3582

SIKESTON OFFICE
106 ARTHUR STREET, SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711
www.labor.mo.gov/mohumanrights E-Mail: mchr@labor.mo.gov

EX. B

Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document
Not an Official Court Document Not an Official Court Document Not an Official Court Document
RE: Rebecca Reynolds vs. City of Kansas City, Missouri Fire Department
E-08/23-55470 28E-2023-01588
Not an Official Court Document Not an Official Court Document Not an Official Court Document

City of Kansas City, Missouri Fire Department
Attn: Tara M. Kelly, Senior Associate City Attorney City Attorney's Office, 414 E 12th St., 23rd Floor
Kansas City, MO 64106
Via Respondent Attorney Email

Mattison Harvey
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Bert S Braud
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