IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

LYNN SHIELDS,	
Plaintiff,	
v.	**Civil Action No. _____**
BOYS TOWN LOUISIANA, INC. and FATHER FLANAGAN'S BOYS HOME,	**Jury Trial Demanded**
Defendants.	

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Lynn Shields, through her undersigned counsel, brings this action against Defendants Boys Town Louisiana, Inc., and Father Flanagan's Boys Home (sometimes collectively referred to as "Defendants") and respectfully alleges as follows:

INTRODUCTION

1. This lawsuit seeks monetary relief and other damages from Defendants for their violations of Title VII of the Civil Rights Act of 1964 as amended (hereinafter "Title VII"), the Louisiana Employment Discrimination Law ("LEDL"), and the Family Medical Leave Act ("FMLA"). Defendants discriminated against Plaintiff on the basis of her race (Caucasian), and retaliated against her for complaining about discrimination and for taking protected leave under the FMLA.

THE PARTIES

2. Plaintiff Lynn Shields (hereinafter "Ms. Shields" or "Plaintiff") is an individual residing in St. Tammany Parish, Louisiana.

3. Defendant Boys Town Louisiana, Inc. is a corporation organized under the laws of the State of Louisiana and may be served through its registered agent for service of process: **Corporation Service Company, 320 Somerulos Street, Baton Rouge, LA 70802-6129.**

4. Defendant Father Flanagan's Boys Home is a foreign corporation and may be served through its registered agent for service of process: **Corporation Service Company, 320 Somerulos Street, Baton Rouge, LA 70802-6129.**

JURISDICTION AND VENUE

5. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

6. Venue is proper pursuant to 42 U.S.C. § 2000e-5 as one or more of the alleged unlawful employment practices occurred in the State where this District is located.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. On or about March 6, 2015, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission. All conditions precedent to the institution of this lawsuit have been fulfilled.

FACTUAL ALLEGATIONS

8. On or about August 16, 2008, Plaintiff began working for Defendants as their Director of Development for the State of Louisiana and reported to Defendants' Executive Director for Louisiana, Dr. Dennis Dillon.

9. Throughout her employment with Defendants, Plaintiff was subjected to harassment and discrimination based on her race and for taking FMLA-protected leave, and retaliation. For example, Plaintiff was (i) excluded from workplace events; (ii) routinely berated and sabotaged by Dr. Dillon; (iii) excluded from meetings that Plaintiff needed to attend to

perform her job duties as Director of Development; and (iv) terminated from her employment in November 2014.

10. On numerous occasions, Plaintiff complained to Defendants that she was being subjected to disparate treatment and discrimination based on her race, including the following: (i) Plaintiff complained to her supervisor (Mr. Dillon) about discrimination issues and her concerns that she was being excluded based on her race; (ii) Plaintiff complained to Defendants' Human Resource personnel about discrimination issues and her concerns that she was being excluded based on her race; (iii) Plaintiff complained regarding discrimination and the lack of diversity at Defendants' New Orleans location to Executive Vice President Dan Daly; and (iv) Plaintiff complained regarding discrimination and the lack of diversity at Defendants' New Orleans location during annual "climate surveys" conducted by Defendants.

11. In response to one of Plaintiff's complaints about the lack of diversity in Defendants' New Orleans location, Dr. Dillon told Plaintiff that African-Americans understood the clients better and would be more accepted by clients.

12. Plaintiff's predecessor was terminated after she reported Dr. Dillon for drinking during business hours. Plaintiff had numerous conversations with Defendants' Board Members regarding Dr. Dillon's drinking habits after he was intoxicated while speaking at Defendants' fundraisers.

13. In 2011, Plaintiff suffered a workplace injury after a credenza in Defendants' office fell and broke her shoulder.

14. As a result of the workplace injury, Plaintiff filed a worker's compensation claim and also took protected leave under the FMLA.

15. Plaintiff’s injury constituted a “serious health condition” under the FMLA.

16. Plaintiff's serious health condition required intermittent leave protected by and provided for under the FMLA.

17. While taking FMLA-protected leave and still receiving worker's compensation benefits, Plaintiff received a performance warning for the first time in May 2011.

18. Notwithstanding the injuries she suffered, Plaintiff met the fundraising goals established by Defendants for the year 2011.

19. In February 2014, Plaintiff took FMLA-protected leave for back and spinal issues.

20. Plaintiff's back and spinal issues constituted "serious health conditions" under the FMLA.

21. Plaintiff's serious health condition required both a leave of absence and intermittent leave protected by and provided for under the FMLA.

22. While Plaintiff was still using her FMLA-protected leave, Mr. Dillon asked to talk told Plaintiff that her client and fundraising numbers were down. Mr. Dillon further told Plaintiff that Defendants were not happy with her client and fundraising numbers and were closely monitoring her job performance.

23. After Mr. Dillon informed Plaintiff of the issue with her client and fundraising numbers, Plaintiff responded that the numbers were lower because of the FMLA-protected leave that she had been required to use, and still was using.

24. Shortly thereafter, Plaintiff learned that Mr. Dillon had never told Defendants' national development personnel that Plaintiff had been out of work using FMLA-protected leave, which would have enabled Plaintiff to have her job performance goals modified to account for

the time she was out of work using FMLA-protected leave. Plaintiff's FMLA-protective leave ended on or around September 1, 2014.

25. Without Plaintiff's knowledge or input, Defendants hired Ms. Keli Nees to purportedly serve as Plaintiff's assistant. Plaintiff was essentially excluded from the applicant selection process even though Plaintiff would be responsible for training and supervising the position.

26. On or around October 30, 2014, Plaintiff overheard Mr. Dillon making comments about terminating her employment.

27. After hearing Mr. Dillon's comments, Plaintiff requested a copy of her personnel file in accordance with Defendants' policies and procedures.

28. On October 31, 2014, Mr. Victor Lapuma advised Plaintiff that she was being suspended for making racially insensitive remarks and that there would be an investigation, but that Plaintiff could not speak with anyone, especially Defendants' Board members.

29. On or around November 10, 2014, Plaintiff again requested a copy of her personnel file in accordance with Defendants' policies and procedures.

30. Defendants never provided Plaintiff with her personnel file notwithstanding her requests.

31. Defendants terminated Plaintiff’s employment in November 2014 without reason or justification.

32. Defendants’ actions have been willful and in reckless disregard for the rights of Plaintiff.

FIRST CAUSE OF ACTION
(Race Discrimination/Harassment – Title VII)

33. Plaintiff incorporates by reference each and every allegation in the preceding paragraphs as though fully set forth.

34. Defendants have intentionally discriminated against Plaintiff on the basis of her race.

35. Defendants created, tolerated, and condoned conduct that was severe or pervasive directed towards Plaintiff on account of her race.

36. Plaintiff requests that she be awarded all available relief including, but not limited to, a declaratory judgment that the acts and practices of the Defendants complained of herein are in violations of the laws of the United States, injunctive relief, an award of lost wages, including lost fringe benefits, which resulted from the unlawful discrimination complained of herein, reinstatement or front pay in lieu thereof, compensatory and punitive damages, attorney's fees, expenses, and costs, and all other and further relief as to this Court appears necessary and proper.

SECOND CAUSE OF ACTION
(Race Discrimination/Harassment – LEDL)

37. Plaintiff incorporates by reference each and every allegation in the preceding paragraphs as though fully set forth.

38. Defendants have intentionally discriminated against Plaintiff on the basis of her race.

39. Defendants created, tolerated, and condoned conduct that was severe or pervasive directed towards Plaintiff on account of her race.

40. Plaintiff requests that she be awarded all available relief including, but not limited to, a declaratory judgment that the acts and practices of the Defendants complained of herein are

in violations of the laws of Louisiana, injunctive relief, an award of lost wages, including lost fringe benefits, which resulted from the unlawful discrimination complained of herein, reinstatement or front pay in lieu thereof, compensatory and punitive damages, attorneys fees, expenses, and costs, and all other and further relief as to this Court appears necessary and proper.

THIRD CAUSE OF ACTION
(Retaliation – Title VII)

41. Plaintiff incorporates by reference each and every allegation in the preceding paragraphs as though fully set forth.

42. Plaintiff has been retaliated against in response to her participation in proceedings under Title VII as well as to her opposition of Defendants' practices, which violate Title VII.

43. Defendants engaged in conduct materially adverse to a reasonable employee as heretofore alleged.

44. Plaintiff requests that that she be awarded all available relief including, but not limited to, a declaratory judgment that the acts and practices of the Defendant complained of herein are in violations of the laws of the United States, injunctive relief, an award of lost wages, including lost fringe benefits, which resulted from the unlawful retaliation complained of herein, reinstatement or front pay in lieu thereof, compensatory and punitive damages, attorneys fees, expenses, and costs, and all other and further relief as to this Court appears necessary and proper.

FOURTH CAUSE OF ACTION
(Retaliation – LEDL)

45. Plaintiff incorporates by reference each and every allegation in the preceding paragraphs as though fully set forth.

46. Plaintiff has been retaliated against in response to her participation in proceedings under the Louisiana Employment Discrimination Law as well as to her opposition of Defendants' practices, which violate the Louisiana Employment Discrimination Law.

47. Defendants engaged in conduct materially adverse to a reasonable employee as heretofore alleged.

48. Plaintiff requests that she be awarded all available relief including, but not limited to, a declaratory judgment that the acts and practices of the Defendants complained of herein are in violations of the laws of Louisiana, injunctive relief, an award of lost wages, including lost fringe benefits, which resulted from the unlawful retaliation complained of herein, reinstatement or front pay in lieu thereof, compensatory and punitive damages, attorneys fees, expenses, and costs, and all other and further relief as to this Court appears necessary and proper.

FIFTH CAUSE OF ACTION
(Interference with Rights – FMLA)

49. Plaintiff incorporates by reference each and every allegation in the preceding paragraphs as though fully set forth.

50. Defendants assigned Plaintiff work in such a manner as to refuse to accommodate her need for FMLA-protected leave.

51. Defendants' actions constitute unlawful interference, restraint and/or denial of the Plaintiff's rights under the FMLA.

52. Plaintiff has been damaged as a result of Defendants' unlawful interference with her FMLA-protected leave.

53. Plaintiff requests that she be awarded all available relief including, but not limited to, an award of lost wages and employment benefits, liquidated damages, equitable relief as the

Court may deem appropriate, and all other and further relief as to the Court appears necessary and proper, including, but not limited to, the costs of this action, attorney fees, and pre-judgment interest.

SIXTH CAUSE OF ACTION
(Retaliation/Discrimination– FMLA)

54. Plaintiff incorporates by reference each and every allegation in the preceding paragraphs as though fully set forth.

55. Defendants retaliated against Plaintiff for taking FMLA-protected leave.

56. Defendants' actions constitute retaliation and/or discrimination under the FMLA.

57. Plaintiff has incurred actual and consequential damages as a result of Defendants' unlawful retaliation.

58. Plaintiff requests that she be granted all available relief including, but not limited to, an award of lost wages and employment benefits, liquidated damages, equitable relief as the Court may deem appropriate, and all other and further relief as to the Court appears necessary and proper, including, but not limited to, the costs of this action, attorney fees, and pre-judgment interest.

DEMAND FOR JURY

59. Plaintiff hereby demands a trial by jury for all issues in this case.

PRAYER FOR RELIEF

WHEREFORE, having set forth her Complaint, Plaintiff respectfully requests that she be awarded all available relief including, but not limited to, a declaratory judgment that the acts and practices of the Defendants complained of herein are in violations of the laws of the United States and Louisiana, injunctive relief, an award of lost wages, including lost fringe benefits,

which resulted from the unlawful discrimination and retaliation complained of herein, reinstatement or front pay in lieu thereof, compensatory and punitive damages, liquidated damages, pre-judgment and post-judgment interest, attorneys fees, expenses, and costs, and all other and further relief as to this Court appears necessary and proper.

Dated: August 4, 2015

Respectfully Submitted:

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