

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

REBECCA REYNOLDS)

Plaintiff,)

vs.)

CITY OF KANSAS CITY, MISSOURI,)

Defendant.)

Case No. 2316-CV16772

Division 10

DEMAND FOR JURY TRIAL

FIRST AMENDED PETITION FOR DAMAGES

COMES NOW the Plaintiff, Rebecca Reynolds, by and through her counsel of record, pursuant to this Court’s Order of October 17, 2023, 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 January 14, 2022, Plaintiff filed her first Charge of Discrimination alleging sex discrimination, age discrimination, retaliation, and hostile work environment. Plaintiff's Charge of Discrimination is attached hereto as Exhibit "A," and its contents are incorporated herein by reference. The Missouri Charge Number is E-01/22-53857.

8. On September 13, 2022, Plaintiff amended her Charge of Discrimination alleging sex discrimination, age discrimination, retaliation, and hostile work environment. A copy of Plaintiff's Amended Charge of Discrimination is attached hereto as Exhibit "B."

9. On March 27, 2023, the MCHR issued a Notice of Right to Sue for Charge Number E-01/22-53857, which is attached hereto as Exhibit "C," 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-01/22-53857. 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, over the age of 40 (born in 1963), with the Defendant City of Kansas City, Missouri, and has been since July 2003.

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. During 2020, when questioning the difference in her pay, Plaintiff’s Captain, [REDACTED], told her to “shut the fuck up” in front of everyone at the station while sitting at the table. Plaintiff submitted a complaint to the Union, and took FMLA leave while an investigation took place. Plaintiff had to take vacation leave during her FMLA leave. The investigation provided no results.

19. On or about November 18, 2021, Plaintiff responded to an emergency call as a medic. Also responding on the call was EMT [REDACTED]. As medic, Plaintiff was responsible for directing the activity of the EMT and for completing all paperwork. The EMT is responsible for cleaning and reorganizing the ambulance following a call. Instead of cleaning the ambulance, [REDACTED] was outside the hospital ambulance bay smoking. Plaintiff told [REDACTED] i, “We’ve got to go.” [REDACTED] responded by yelling at Plaintiff, telling her, among other things, “You don’t know what the fuck you are doing.” This abusive behavior continued on the return ride to their station.

Plaintiff complained to her Battalion Chief, [REDACTED], that this conduct constituted a hostile work environment.

20. After having to seek treatment for the emotional damage sustained, Plaintiff began to report each discriminatory or harassing incident. Defendant City began to retaliate against Plaintiff for making such complaints.

21. On December 14, 2021, Plaintiff filed a Claim for Compensation with the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation for a work-related injury sustained during her employment with Defendant City.

22. On January 23, 2022, Plaintiff was working as a medic for the Chiefs' football game and was assigned with EMT [REDACTED]. While the crews were loading the equipment from the EMS truck to the gators, [REDACTED] started making comments to Plaintiff

about how she set up the equipment on the back of the gator, saying them loud enough for everyone to hear. When Plaintiff replied that she was setting the equipment that best suits her (due to her being the person using them), [REDACTED] responded, "That's why they shouldn't hire old people."

23. After one hour on shift, there was a call for an unconscious male slumped over in his chair with vomit on his clothing. Plaintiff made the decision to have the patient transported to a transport ambulance because of the patient's condition. [REDACTED] was making decisions counter to Plaintiff's decisions during the treatment of the patient. Plaintiff calmly told [REDACTED] that she needed to have the ability to run the call, and that [REDACTED] could not make decisions or give anyone instructions about the patient that interfered with the call, especially with so many intoxicated people on scene. [REDACTED] responded to Plaintiff by hurling a personal attack at her.

24. Once Plaintiff and [REDACTED] returned to the posting area, [REDACTED] went to Chief Jacqueline Risner and said that he could not work with Plaintiff, making false statements about Plaintiff. Then [REDACTED] abandoned his position, leaving Plaintiff alone.

25. On August 28, 2022, Plaintiff was the first on scene at the airport. After assessing the patient, the patient and Plaintiff decided to cancel Pumper 16 and the ambulance. Pumper 16 arrived anyway, and Firefighter [REDACTED] told Plaintiff "you're not canceling us." Plaintiff responded that they had been cancelled, and [REDACTED] said, "No, you don't understand. You ain't canceling us," and directed Plaintiff to speak with the captain. Plaintiff spoke with Captain [REDACTED] that after assessment, the patient was ok and they could be relieved. [REDACTED] instead said that they would wait for the ambulance. Plaintiff said the ambulance is cancelled and the patient was not going to the hospital. [REDACTED] then said that he would cancel the ambulance.

26. On August 29, 2022, Plaintiff was, again, the first on the scene of an emergency at the downtown airport. Plaintiff was the only credentialed paramedic on the scene, and was continually questioned by Firefighter [REDACTED] up to the point the medic unit arrived. After Plaintiff provided the verbal report of the patient's information to the medic, [REDACTED] then said to Plaintiff, "If I'm ever a patient, you better not ever put me on a nasty floor." Plaintiff responded that she would do what was requested of her by the patient. [REDACTED] then told Plaintiff, "You need to shut the fuck up." The Captain finally spoke up and directed [REDACTED] to go check out the rig. The entire incident was seen and heard by everyone on the call, including the patient, airport personnel, and police.

27. On August 30, 2022, Plaintiff submitted a formal complaint of hostile work environment to [REDACTED] and [REDACTED].

28. 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.

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

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

30. 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 of a protected characteristic under Missouri law.

31. Plaintiff was treated differently based on her age.

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

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

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

35. 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.

36. The actions of Defendant toward Plaintiff constitute a hostile environment 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.

37. 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 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**

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

39. 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.

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

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

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

43. 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.

44. 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.

45. 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 attorneys' fees, costs and expenses, and for such equitable relief as the Court deems proper.

**COUNT III
WORKERS' COMPENSATION RETALIATION**

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

47. The City is a municipal corporation.

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

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

50. 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.

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

52. 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.

53. 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.

54. If Plaintiff prevails, she is entitled to equitable relief in addition to all other 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 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

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ATTORNEYS FOR PLAINTIFF

CERIFICATE OF SERVICE

The undersigned hereby certifies this 23rd day of October, 2023 that a copy of the above and foregoing was served via ECF filing to all parties of record.

/s/ Bert S. Braud
Attorney for Plaintiff

