

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
AT KANSAS CITY, KANSAS

DENISE WILDERSON,)	
)	
Plaintiff,)	
)	Case No.:
v.)	
)	JURY TRIAL DEMANDED
UNIVERSITY OF KANSAS)	
HOSPITAL AUTHORITY d/b/a)	ATTORNEY LIEN ASSERTED
THE UNIVERSITY OF KANSAS)	
HEALTH SYSTEM,)	
)	
Defendant.)	
)	

COMPLAINT

COMES NOW Plaintiff Denise Wilderson, and for her Complaint against Defendant University of Kansas Hospital Authority d/b/a The University of Kansas Health System (“KUHA”) alleges and states as follows:

1. This action seeks redress against Defendants for violation of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, et seq. (the “ADEA) to correct and deter unlawful employment practices based on age discrimination, retaliation and unlawful discharge, and to make Plaintiff whole.

Parties and Jurisdiction

2. Plaintiff is a citizen of the United States, residing in Kansas City, Clay County, Missouri, and at all times pertinent to the Complaint, was an employee of KUHA over the age of forty (40) years.

3. This Court has primary jurisdiction over claims arising under the ADEA, pursuant to 28 U.S.C. § 1331 in that the claim is brought pursuant to federal law.
4. Venue is proper in this district under 28 U.S.C. § 1391 in that Defendants are located within this District and the acts complained of took place within this District.
5. During the relevant period, the KUHA has employed more than twenty people and is therefore an “employer” under 29 U.S.C. § 630(b).
6. Defendant KUHA is and was at all relevant times a body politic and corporation created pursuant to Kansas statute and an independent instrumentality of the state of Kansas with the power to sue and be sued in its own name., and at all times pertinent to this Complaint employed Plaintiff Denise Wilderson.
7. KUHA conducts substantial and continuous business in the State of Kansas.
8. Defendant KUHA can be served through its Chief Executive Officer, located at 3901 Rainbow Blvd, Kansas City, Kansas 66160.
9. All of the unlawful acts and practices were committed within Johnson and Wyandotte Counties within the State of Kansas.

Administrative and Procedural Posture

10. On or about December 16, 2020, Plaintiff dually filed a timely Charge of Discrimination against KUHA with the Equal Employment Opportunity Commission (“EEOC”) and the Kansas Human Rights Commission (“KHRC”) on the basis of age discrimination and on the basis of retaliation (attached hereto as Exhibit A and incorporated herein by reference).
11. On or about August 12, 2021, the EEOC issued Plaintiff a Notice of Right to Sue (attached hereto as Exhibit B and incorporated herein by reference).

12. The aforementioned Charge of Discrimination provided the EEOC/KHRC sufficient opportunity to investigate the full scope of the controversy between the parties and, accordingly, the sweep of this judicial complaint may be and is as broad as the scope of the EEOC investigation, which could reasonably be expected to have grown out of the Charge of Discrimination.
13. Plaintiff has satisfied all private, administrative, and judicial prerequisites to the institution of this action.

General Allegations Common to All Counts

14. Upon information and belief, for a period of at least a decade prior to the events described herein, Defendant knew of and participated in age discrimination against its employees in the workplace – including a formal determination of the same by the Equal Employment Opportunity Commission on July 12, 2019.
15. Upon information and belief, the Defendant engaged in a pattern and practice of age discrimination, and allowed age discrimination of its employees to occur.
16. At all times pertinent to this Complaint, Defendant was responsible for establishing policies and procedures and training its employees and supervisors concerning discrimination.
17. At all times pertinent to this Complaint, Defendant was responsible for receiving, investigating, and responding to complaints of discrimination.
18. Upon information and belief, the Defendant has a pattern of condoning unlawful employment practices including discriminatory actions committed by supervisors, co-worker, and/or customers in violation of the ADEA.
19. Plaintiff was an employee of Defendant until her employment was initially terminated on or about July 13, 2020.

20. Plaintiff's title as an employee of Defendant was Ambulatory RN Care Coordinator.
21. Plaintiff was an employee of Defendant as a nurse for over twenty-one (21) years.
22. In or about August 2019, Plaintiff was informed that she had "topped-out" in salary eligibility – a message that was provided by Defendant shortly after Plaintiff's fiftieth (50th) birthday.
23. Shortly thereafter, Defendant began issuing Plaintiff formal disciplinary warnings and/or notice of alleged violations of company policy.
24. The alleged violations of company policy contained allegations of conduct actively being undertaken by younger employees of KUHA.
25. Upon information and belief, the younger employees of KUHA were not disciplined for the same alleged conduct of Plaintiff.
26. The unfair and targeted disciplinary actions directed to Plaintiff resulted in termination of her employment on or about July 13, 2020.
27. Plaintiff engaged with KUHA in good faith through its grievance procedure following her notice of termination, as outlined within KUHA policies and procedures.
28. Despite ample information presented to confirm that the termination of Plaintiff was unjust and unlawful, Defendant upheld the decision to terminate Plaintiff's employment on September 3, 2020.
29. Upon information and belief, a motivating factor in the termination of Plaintiff's employment was Plaintiff's age.
30. Upon information and belief, the decision to finalize termination of Plaintiff's employment was in retaliation for her decision to complain of age discrimination and the resulting workplace hostility to KUHA management.

COUNT I – AGE DISCRIMINATION

31. Plaintiff hereby re-alleges and incorporates by reference the allegations contained in the above-stated paragraphs.
32. Plaintiff is a member of a protected class in that she is over age forty and suffered age discrimination by Defendant.
33. Defendants discriminated against Plaintiff based on her age in direct violation of the ADEA, 29 U.S.C. §§ 621, et seq.
34. Defendant's termination of Plaintiff was a materially adverse employment action.
35. Plaintiff's age was a motivating factor in Defendant's decision to terminate Plaintiff's employment.
36. As a direct and proximate cause of Defendant's actions and/or omissions, Plaintiff has been deprived of income, as well as other monetary and non-monetary benefits.
37. As a direct and proximate result of Defendant's actions and/or omissions, Plaintiff has suffered a loss of self-esteem, humiliation, emotional distress, mental anguish and pain, and related compensatory damages.
38. By failing to take prompt and effective remedial action, Defendant in effect condoned, ratified, and/or authorized the discrimination against Plaintiff.
39. As shown by the foregoing, Defendant's conduct was willful, wanton, and malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff, thus justifying an award of punitive damages in an amount sufficient to punish Defendant or deter it and other companies from such conduct in the future.

WHEREFORE, Plaintiff requests that the Court enter judgment in her favor and against the Defendant for the economic damages, including but not limited to: back pay, lost benefits, and

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.