

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACY HACK,

Plaintiff,

vs.

Case No: 20-cv-
Hon.
Mag.

**TENET HEALTHCARE CORPORATION, INC.,
VHS OF MICHIGAN, INC., and
VHS HARPER-HUTZEL HOSPITAL, INC.,**

Defendants.

DEBORAH GORDON LAW

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff **Tracy Hack**, by her attorneys **Deborah Gordon Law**, complains
against Defendants as follows:

Jurisdiction and Parties

1. This is an action for retaliation in violation of the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601 *et seq.*, and disability discrimination in violation of the Michigan’s Persons with Disabilities Civil Rights Act (“PWDCRA”), MCL 37.1202(1).

2. Plaintiff’s claims arise out of Defendants’ actions in failing to provide Plaintiff with a reasonable accommodation for her disability after she returned from medical leave and failing to return her to her position as a Patient Safety Officer in violation of the FMLA.

3. Plaintiff Tracy Hack is a resident of Michigan and resides in the Eastern District.

4. Defendant TENET HEALTHCARE CORPORATION, INC., (“Tenet”) is a foreign for-profit corporation, incorporated in Nevada and headquartered in Dallas, Texas. It is a multi-national, investor-owned healthcare services company. Tenet does business, and has numerous subsidiaries it operates and controls, in the State of Michigan.

5. VHS OF MICHIGAN, INC., a wholly-owned subsidiary of VHS, Inc., is a foreign for-profit corporation, incorporated in Delaware and doing business in Detroit, Michigan as The Detroit Medical Center (“DMC”), a Michigan corporation with its principal place of business in Wayne County Michigan. In 2013, Tenet

purchased VHS of Michigan.

6. VHS HARPER-HUTZEL HOSPITAL, INC., a foreign for-profit corporation, incorporated in Delaware, is part of the DMC, doing business in Michigan as Harper-Hutzel Hospital (comprising Harper University Hospital, Hutzel Women's Hospital, the CardioVascular Institute and DMC Surgery Hospital). In 2013, VHS HARPER-HUTZEL HOSPITAL, INC. became a subsidiary owned by Tenet.

7. The events underlying this Complaint occurred in the Eastern District of Michigan.

8. This Court has federal subject matter jurisdiction pursuant to 28 USC §1331 and 28 USC § 1343.

Background Facts

a. Employment History

9. Plaintiff is diagnosed with Lupus, Anemia, Fibromyalgia, and Low Count Monoclonal B-Cell Lymphocytosis. She has always managed these conditions and they have never prevented her from performing her work and maintaining a successful career.

10. Plaintiff began working for the DMC as the Regional Director of Risk Management and Patient Safety on January 9, 2017. Her salary was \$115,000, plus 10% bonus eligibility. Plaintiff was promoted to National Director of Quality and

Patient Safety on January 12, 2018. Her salary was increased to \$170,000, plus 20% bonus eligibility. Plaintiff was promoted to Chief Quality Officer in May of 2019 with salary and bonus options remaining the same.

11. She was a member of the DMC executive team and reported directly to Anthony Tedeschi, then CEO of the DMC.

12. Her performance was at all times satisfactory or better.

13. In September of 2019, Defendants unexpectedly terminated four employees that worked closely with Plaintiff in her Chief of Quality role. Plaintiff had reason to believe her job was also in jeopardy.

14. Rather than await termination, Plaintiff reached out to Dr. Tedeschi to discuss moving into a different role—Patient Safety Officer (“PSO”)— within the DMC network. Dr. Tedeschi told Plaintiff that it would be in her best interest to take the PSO position. Her role as Chief of Quality was later cut; Plaintiff was not given a reason why.

15. Shortly thereafter, Plaintiff was slotted into the PSO role. In doing so, she took a pay cut of roughly \$16,000.

b. Plaintiff’s Medical Leave

16. Plaintiff was to begin the PSO role on December 22, 2019 but had been covering the PSO role since it had been vacated in November of 2019.

17. Plaintiff was using Manager Time Off (MTO) and was working from

home during the holiday season from December 20, 2019, to January 6, 2020.

18. Plaintiff's job could at all times be performed remotely.

19. On December 18, 2019, Plaintiff began experiencing serious medical symptoms that were exacerbating her health conditions and visited her primary care physician. Laboratory results were suggestive of declining hemoglobin.

20. Plaintiff made an appointment with her hematologist for December 30, 2019 related to her laboratory results and worsening symptoms, but because of such a quick deterioration in her medical condition, Plaintiff presented to the emergency room at Huron Valley-Sinai Hospital on December 27, 2019. Plaintiff was found to have a significantly low hemoglobin and was transfused 2 units of packed red blood cells while in the emergency room, underwent an emergency procedure, and was admitted for observation. She notified Joe Eastman, Chief Human Resources Officer, Karima Bentounsi, Chief Operating Officer, and Anthony Tedeschi, DMC CEO.

21. Plaintiff began experiencing painful complications immediately following the procedure, including severe back and leg pain. She visited her hematologist on January 6, 2020, who told Plaintiff that despite the 2 units of blood that she received, she would also require an iron infusion.

22. Given her current pain level, health conditions, and impending iron infusions, Plaintiff's hematologist determined she would not be able to return to the



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