

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

-----  
TAUHEDAH CRYOR  
6715 Trinity Street  
Philadelphia, PA 19142

Plaintiff,

v.

THOMAS JEFFERSON UNIVERSITY  
HOSPITAL  
111 S. 11<sup>th</sup> Street  
Philadelphia, PA 19107

Defendant.

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

-----  
**COMPLAINT – CIVIL ACTION**

Plaintiff, Tauhedah Cryor (“Plaintiff”), by and through her undersigned attorney, for her Complaint against Thomas Jefferson University Hospital (“Defendant”), alleges as follows:

1. Plaintiff brings this action to redress violations by the Defendant of the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, *et seq.*, and ultimately terminated her from employment in retaliation for her attempts to exercise those rights in violation of the same. As a result, Plaintiff has suffered damages set forth herein.

**PARTIES**

2. Plaintiff Tauhedah Cryor is a citizen of the United States and Pennsylvania, and currently maintains a residence at 6715 Trinity Street, Philadelphia, PA 19142.

3. Upon information and belief, Defendant Thomas Jefferson University Hospital is, upon information and belief, a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania and maintains a principal place of business located at 111 S. 11<sup>th</sup> Street, Philadelphia, PA 19107.

4. At all times relevant hereto, Defendant acted or failed to act through its agents, servants, and/or employees thereto existing, each of whom acted at all times relevant hereto in the course and scope of their employment with and for Defendant.

### **JURISDICTION AND VENUE**

5. Plaintiff filed the instant action within the statutory time frame applicable to her claims.

6. This is an action authorized and instituted pursuant the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, *et seq.*

7. This Court also has federal question jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331.

8. The venue in this district is proper pursuant to 28 U.S.C. § 1391(b), as the Defendant resides in this judicial district, doing business therein, and the unlawful practices of which Plaintiff is complaining were committed in the Commonwealth of Pennsylvania.

### **FACTUAL BACKGROUND**

9. Paragraphs 1 through 8 are hereby incorporated by reference as though the same were fully set forth at length herein.

10. On or about December 10, 2018, Defendant hired Plaintiff in the position Patient Access IV.

11. Subsequently, on or about March 1, 2020, Defendant transferred Plaintiff to another department where she continued in the position of Patient Access IV.

12. At all times material hereto, Plaintiff received positive performance reviews, occasional praise, and no significant discipline.

13. By way of background, in or around early October 2020, Plaintiff started experiencing intermittent symptoms similar to those experience COVID-19.

14. Due to her symptoms, Plaintiff was allowed to work from home and occasionally took sick leave when she was too ill to work.

15. On or about October 30, 2020, Plaintiff went to see her doctor and, as a result of the symptoms she was experiencing, was tested for COVID-19.

16. The next day, Plaintiff received her test results that she was positive for COVID-19.

17. When Defendant was notified of Plaintiff's positive COVID-19 test result, Defendant told Plaintiff she did not have to work due to COVID-19, but that her job would not be secure or held as a result.

18. Despite Plaintiff being employed with Defendant for more than one year and Defendant having more than fifty (50) employees within a seventy-five (75) mile radius of Plaintiff's worksite, Defendant never informed Plaintiff of her right to FMLA leave.

19. Instead, Defendant told Plaintiff she would be required to use her paid vacation and sick days or take unpaid time off and, if she did take time off, her position would not be guaranteed.

20. Plaintiff subsequently used vacation and sick time after her diagnosis and was planning to complete FMLA paperwork on her own during that time.

21. In or around early November 2020, Plaintiff used vacation days already previously scheduled and approved to continue her recovery.

22. On or about November 11, 2020, Plaintiff called, texted, and emailed Defendant that she would be unable to come into work due to still experiencing Covid-19 symptoms - specifically chills and shortness of breath.

23. On or about November 11, 2020, Defendant terminated Plaintiff's employment by phone stating Plaintiff called out sick on a day that was not approved.

24. Notably, Defendant never once offered or mentioned Plaintiff's right to protected medical leave under the FMLA.

25. It is believed and therefore averred that Defendant willfully violated the provisions of the FMLA by interfering with Plaintiff's right to protected medical leave, and ultimately terminated Plaintiff from employment in retaliation for her attempt to exercise her rights under same, in violation of the FMLA.

26. As a result of Defendant's deliberate, willful, malicious, and unlawful actions, Plaintiff has suffered damages, including, but not limited to, loss of employment, promotions, benefits, earnings and earnings potential, loss of potential benefits, and other economic damages, and has also suffered mental anguish, emotional pain and suffering, emotional distress, humiliation, and damage to reputation.

**COUNT I**  
**THE FAMILY AND MEDICAL LEAVE ACT**  
**29 U.S.C. § 2601, et seq.**  
**INTERFERENCE AND RETALIATION**

27. Paragraphs 1 through 26 are hereby incorporated by reference as though the same were fully set forth at length herein.

28. Defendant employed at least fifty (50) employees at its various office locations within the applicable seventy-five (75) mile radius of Plaintiff's worksite for each working day in each of twenty (20) or more calendar days in the current or preceding year.

29. Plaintiff was an eligible employee under the FMLA and entitled up to twelve (12) weeks of unpaid leave for her serious health condition.

30. Defendant interfered with Plaintiff's rights under the FMLA by failing to provide her with the requisite twelve (12) weeks of available FMLA leave.

31. Defendant willfully violated the FMLA by: (a) interfering with Plaintiff's rights to protected leave under the FMLA; and (b) terminating Plaintiff from employment in retaliation for her attempts at exercising her right to protected leave to seek and/or receive treatment for her serious health condition.

32. Defendant willfully violated the FMLA by failing to inform Plaintiff of her rights to protected leave under the FMLA.

33. The aforementioned actions of Defendant constitute interference and retaliation under the FMLA.

34. As a result of Defendant's actions, Plaintiff has suffered significant damages.

35. Plaintiff has, because of Defendant's wrongful termination of Plaintiff's employment, suffered loss of employment, promotion benefits, earnings and earnings potential, other significant benefits, emotional pain and suffering, emotional distress and humiliation.

**WHEREFORE**, as a result of the unlawful conduct of Defendant, Plaintiff respectfully request that this Court enter judgment in her favor and against Defendant, and grant her the maximum relief allowed by law, including, but not limited to:

A. Back wages, front pay, and bonuses in an amount to be determined at trial, but not less than one hundred and fifty thousand dollars (\$150,000.00);

B. Liquidated damages;

C. Plaintiff's costs, disbursements and attorneys' fees incurred in prosecuting this action;

D. Pre-judgment interest in an appropriate amount; 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.