

KOLLER LAW LLC

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Counsel for Plaintiff

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

STEPHANIE JOHNSON,
5709 Delancey Street
Philadelphia, PA 19143
Plaintiff,

v.

UNIVERSITY OF PENNSYLVANIA
HEALTH SYSTEM d/b/a
CHESTER COUNTY HOSPITAL,
701 East Marshall Street
West Chester, PA 19380

3400 Spruce Street
Philadelphia, PA 19104
Defendant.

: Civil Action No.
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: Complaint and Jury Demand
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CIVIL ACTION

Plaintiff, Stephanie Johnson (hereinafter “Plaintiff”), by and through her attorney, Koller Law, LLC, bring this civil matter against University of Pennsylvania Health System d/b/a Chester County Hospital (hereinafter “Defendant”), for violations of Section 1981 and the Pennsylvania Human Relations Act (“PHRA”). In support thereof, Plaintiff avers as follows:

THE PARTIES

1. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
2. Plaintiff is an adult individual residing at the above captioned address.
3. Upon information and belief, University of Pennsylvania Health System d/b/a Chester

County Hospital is a major multi-hospital health system with a location at 701 East Marshall Street, West Chester, PA 19380 and with a corporate headquarters located at 3400 Spruce Street, Philadelphia, PA 19104.

4. At all times relevant hereto, Defendant employed managers, supervisors, agents, and employees who Plaintiff alleges had the authority to make decisions concerning Plaintiff's employment. In making said decisions, these individuals engaged in the pattern and practice of discriminatory treatment, which forms the basis of Plaintiff's allegations in the instant Complaint.
5. At all times relevant hereto, Defendant employed managers, supervisors, agents, and employees who acted directly or indirectly in the interest of the employer. In so acting, these individuals engaged in the pattern and practice of discriminatory treatment, which forms the basis of Plaintiff's allegations in the instant Complaint.

JURISDICTION AND VENUE

6. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
7. The Court may properly maintain personal jurisdiction over Defendant because the Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction and comply with traditional notions of fair play and substantial justice, thus satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.
8. The Court may exercise original subject-matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of federal law.
9. The Court may also maintain supplemental jurisdiction over state law claims set forth herein

pursuant to 28 U.S.C. § 1367(a) and Rule 18(a) of the Federal Rules of Civil Procedure because they are sufficiently related to one or more claims within the Court's original jurisdiction that they form part of the same case or controversy.

10. Venue is properly laid in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2) because some of the Plaintiff is domiciled in this judicial district, the Defendants is located in this judicial district and because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
12. Plaintiff exhausted her administrative remedies under PHRA.
13. Plaintiff timely filed a Complaint of Discrimination ("Complaint") with the U.S. Equal Employment Opportunity Commission ("EEOC") alleging race discrimination and retaliation against Defendant.
14. The Complaint was assigned a Charge Number 530-2020-04450 and was dual filed with the Pennsylvania Human Relations Commission.
15. The EEOC issued Plaintiff a Dismissal and Notice of Rights ("Right to Sue") relative to the Charge and that Notice is dated June 30, 2021. Plaintiff received the notice by electronic mail.
16. Prior to the filing of this action, Plaintiff notified the EEOC of her intent to proceed with a lawsuit in federal court.
17. Plaintiff files the instant Complaint within two (2) years of her receipt of her Right to Sue in this matter.
18. Plaintiff has exhausted his administrative remedies as to the allegations of this Complaint.

MATERIAL FACTS

19. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
20. Plaintiff is an African-American female.
21. In November 2019, Defendant hired Plaintiff as a part-time Security Officer.
22. Plaintiff was well qualified for her position and performed well.
23. In the spring of 2020, Defendant changed Plaintiff's schedule to per diem due to the COVID-19 pandemic.
24. In the spring of 2020, Walter Vieira (Hispanic), Director, offered extra hours to Plaintiff's department.
25. Mr. Vieira asked in a group meeting if anyone would like to work these extra shifts.
26. Plaintiff volunteered but Mr. Vieira ignored Plaintiff and turned to her Caucasian, male co-workers and directly asked them if they wanted the extra shifts.
27. Plaintiff did not say anything to object because she was afraid of retaliation and feared losing her job.
28. Between spring 2020 and July 2020, Defendant overlooked Plaintiff for any overtime opportunities despite her willingness to work extra shifts.
29. Defendant gave the extra shifts to Plaintiff's Caucasian, male co-workers.
30. In a meeting on June 26, 2020, Brian Naylor (Caucasian), Supervisor, and Mr. Vieira issued Plaintiff three (3) disciplines for minor issues that her Caucasian coworkers were not disciplined for.
31. Mr. Naylor said that despite there write-ups, he did not want to lose her as an employee because Defendant needed "my kind" and to the effect that "I knew things because where my kind was from."

32. Plaintiff asked what Mr. Naylor meant by “my kind,” and he said, “you know what I mean – diversity.”
33. Plaintiff believed his comments were discriminatory and based on her race.
34. Following this meeting, Plaintiff was very upset and uncomfortable about the discriminatory comments that Mr. Naylor made and left work early.
35. Plaintiff informed both Mr. Vieira and Mr. Naylor, in person, that she needed to leave early, and they approved it.
36. On July 15, 2020, Plaintiff informed Mr. Vieira and Mr. Naylor that she was unable to report to work due to her daughter being ill.
37. Plaintiff proceeded to report Mr. Naylor’s discriminatory comments and inquired about a change in schedule to Susan Karr (Caucasian), Director of Human Resources, via email, but she did not respond.
38. On July 25, 2020, Mr. Vieira sent Plaintiff a text message requesting that she return her uniform to Defendant.
39. On July 27, 2020, Plaintiff sent Mr. Vieira a text message inquiring if she was still employed, but he did not respond to her.
40. Plaintiff continued to text Mr. Vieira and contact Human Resources to inquire about her job status, but she did not hear back.
41. On August 6, 2020, Moira Meyreles (Caucasian), Human Resource Representative, called Plaintiff and informed her that Defendant had mailed her a termination letter effective July 16, 2020.
42. Defendant terminated Plaintiff the day after she requested a shift change.

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