

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

EVERETT “CHAD” CHAMBERLAIN, :	:	CIVIL ACTION
Plaintiff, :	:	
v. :	:	No.:
HEARTLAND PHARMACY OF :	:	
PA LLC, :	:	
Defendant. :	:	JURY TRIAL DEMANDED

COMPLAINT

I. PRELIMINARY STATEMENT

This is an action for an award of damages, declaratory and injunctive relief, attorneys’ fees and other relief on behalf of Plaintiff, Everett “Chad” Chamberlain (hereinafter “Plaintiff”). Plaintiff is an employee of Heartland Pharmacy of PA LLC (hereinafter “Heartland Pharmacy”) in Allentown, Pennsylvania, who has been harmed by disability-based discrimination and retaliatory practices, as well as other improper conduct by Heartland Pharmacy.

This action is brought under Title VII of the Civil Rights Act of 1964 and 1991 (“Title VII”), as amended, Title 42 U.S.C. §2000e, *et seq.* and the Americans with Disabilities Act (“ADA”), as amended, 42 U.S.C. §12101 *et seq.*.

II. JURISDICTION AND VENUE

1. The jurisdiction and venue of this Court is invoked in this District pursuant to 28 U.S.C. § 1331 as arising under the laws of the United States, and in particular Title VII of the Civil Rights Act of 1964 and 1991 (“Title VII”), as amended, Title 42 U.S.C. §2000e, *et seq.* and the Americans with Disabilities Act (“ADA”), as amended, 42 U.S.C. §12101 *et seq.*.
2. All conditions precedent to the institution of this suit have been fulfilled.

3. Plaintiff has invoked the procedure set forth in the ADA. On or about January 10, 2020, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), which was jointly filed with the Pennsylvania Human Relations Commission (“PHRC”), against Heartland Pharmacy alleging, inter alia, disability-based employment discrimination and retaliation. On August 28, 2020, a Notice of Right to Sue was issued by the EEOC.
4. This action has been filed within ninety (90) days of receipt of said Notice.

III. PARTIES

5. Plaintiff is a 50-year-old male citizen and resident of the State of New Jersey. Plaintiff at all times relevant herein was employed by Heartland Pharmacy.
6. At all times relevant herein, Plaintiff was an “employee” as defined by the ADA, 42 U.S.C. § 12111(4), and is subject to the provisions of this Act.
7. At all times relevant herein, Plaintiff was a “person” as defined the ADA, 42 U.S.C. § 12111(7), and is subject to the provisions of said Act.
8. At all times relevant herein, Plaintiff was “disabled” as defined by the ADA, 42 U.S.C. § 12102(1), and is subject to the provisions of said Act.
9. At all times relevant herein, Plaintiff was a “qualified individual” as defined by the ADA, 42 U.S.C. § 12111(8), and is subject to the provisions of said Act.
10. Heartland Pharmacy is a corporation organized and doing business under the laws of the Commonwealth of Pennsylvania with registered offices and a principle place of business at 7010 Snowdrift Road, Allentown, Pennsylvania.
11. At all times relevant herein, Heartland Pharmacy was an “employer” as defined by the ADA, 42 U.S.C. § 12111(5), and is subject to the provisions of said Act.

12. At all times relevant herein, Heartland Pharmacy was a “person” as defined by the ADA, 42 U.S.C. § 12111(7), and is subject to the provisions of said Act.
13. At all times relevant hereto, Heartland Pharmacy acted by and/or failed to act by and through the conduct of its officers, managers, agents and employees, all acting within the scope and course of their employment.
14. Heartland Pharmacy has, acting through its agents, servants and representatives, on more than one occasion, met with Plaintiff, and has heard allegations from Plaintiff of disability-based harassment, disability-based discrimination, and retaliation.
15. At all relevant times herein, Heartland Pharmacy knew, or had reason to know, of the actions and inaction alleged herein and/or has personally participated in some of said actions and is ultimately responsible for same.

IV. CAUSES OF ACTION

16. Plaintiff is a 50-year-old male employee hired by Heartland Pharmacy on or about August 21, 2006 as an Operations Manager.
24. At all times relevant hereto, Plaintiff was qualified for his position and performed his job duties in a proper and competent manner.
25. After Executive Director Nick Roman (hereinafter “Roman”) left his position, Plaintiff was made the sole manager of Defendant’s Allentown facility. The Allentown facility was one of Defendant’s most profitable locations.
26. At all times relevant hereto, Plaintiff’s supervisors were Lisa Cowell, General Manager (hereinafter “Cowell”), Ann King, Human Resources Director, (hereinafter “King”) and Sharon Bombrys (hereinafter “Bombrys”), Regional

Inventory/Purchasing Manager.

27. At all times relevant hereto, Plaintiff was a qualified individual with a disability as defined under the ADA.
28. At all times material hereto, Plaintiff had been diagnosed with a serious medical condition, namely depression, which substantially impaired on or more major life activities, which included difficulty handling stress and emotions.
29. Rather than provide Plaintiff with a reasonable accommodation under the ADA, Defendant engaged in a course of discriminatory and/or conduct in an effort to diminish and impede his work performance and force him out of his employment.
30. Early in Plaintiff's employment, Bombras made unwanted advances toward Plaintiff, making it clear that she wanted to be in a relationship with Plaintiff.
31. Plaintiff rejected Bombrys' advances and made it clear to Bombrys that her advances were unwelcome.
32. In response to Plaintiff's rejections of her constant advances, Bombrys commented to Plaintiff that she was "very close" to Cowell and "could have [Plaintiff] fired one day."
33. Indeed, Cowell admitted to being aware the Bombrys had displayed a pattern of sexual harassment and improper conduct with her male subordinates, having told Plaintiff "Sharon is getting in trouble again chasing around one of her male technicians."
34. Despite fact that Heartland has a zero-tolerance policy for sexual harassment, which requires termination for substantiated, allegations, Bombrys was never disciplined in any way except that her office was moved.

35. In addition, Cowell also told Plaintiff that Bombrys was “partying too much with young subordinate employees while on company visits to the Heartland Illinois location.”
36. Following the birth of Plaintiff’s daughter, on October 19, 2018, Cowell and King began to subject Plaintiff to hyper-criticism and hyper-scrutiny and subjected Plaintiff to numerous events of gender (male) harassment and discrimination at the urging of Bombrys in retaliation for Plaintiff’s prior rejection of her amorous advances.
37. For example in Fall 2018 Bombrys falsely reported to Cowell that Plaintiff’s facility were missing narcotics from an inventory she performed without making any investigation.
38. When the matter was eventually investigated, Bombrys was forced to admit that there was nothing missing.
39. On several occasions, when making site visits to Plaintiff’s pharmacy, Bombrys would take some of Plaintiff’s employees out to dinner and foment dissension by speaking poorly about how Plaintiff ran the pharmacy.
40. As pertinent to this matter, Bombrys and Plaintiff’s immediate subordinate, Sharon Fahs, combined to create a pretext for the termination of Plaintiff’s employment so that Fahs could be promoted into Plaintiff’s position.
41. Plaintiff made several complaints to Cowell, which characteristically fell on deaf ears where Bombrys was concerned.
42. Cowell herself also engaged in inappropriate conduct because of Plaintiff’s sex.
43. Knowing that Plaintiff was going through a custody dispute with the mother of his infant daughter, frequently asked very personal questions of Plaintiff, 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.