

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

CYNTHIA GLACKIN,
Plaintiff

: CIVIL ACTION

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: No.:

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: JURY TRIAL DEMANDED

v.

OLD ORCHARD HEALTH CARE
CENTER-EASTON PA, LLC, f/k/a
HCR OLD ORCHARD MANOR CARE,
Defendant.

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COMPLAINT

I. PRELIMINARY STATEMENT

This is an action for an award of damages, declaratory and injunctive relief, attorney's fees and other relief on behalf of Plaintiff, Cynthia Glackin. Cynthia Glackin was at all relevant times an employee of Old Orchard Health Care Center-Easton Pa, LLC, f/k/a HCR Old Orchard Manor Care, (collectively "Old Orchard Manorcare") at its Easton, Pennsylvania facility for violation of the Family and Medical Leave Act, 29 U.S.C. §2601 *et seq.*

II. JURISDICTION AND VENUE

1. The original jurisdiction and venue of this Court is invoked in this District pursuant to Title 42 U.S.C. §2000e-5(f), 28 U.S.C. §1331 and 1391, 2201, 2202, 1343 and the claim is substantively based on Family and Medical Leave Act, 29 U.S.C. §2601 *et seq.*

III. PARTIES

2. Plaintiff, Cynthia Glackin, is an adult female citizen and resident of the Commonwealth of Pennsylvania, residing in Bethlehem, Northampton County, Pennsylvania. Cynthia Glackin at all relevant times hereto was employed at the Old Orchard Manorcare, Easton, Pennsylvania.
3. At all times relevant hereto, Plaintiff was an "employee" as defined under the FMLA, and is subject to the provisions of the said Act.
4. Defendant, Old Orchard Manorcare is a Corporation registered and authorized to conduct business in the Commonwealth of Pennsylvania, with a principal places of business at 4100 Freemansburg Avenue, Easton, PA 18045
5. At all times relevant hereto, Defendant Old Orchard Manorcare has been an "employer" as defined under the FMLA, and is subject to the provisions of the said Act.
6. At all times relevant hereto, Defendant Old Orchard Manorcare owned, operated, controlled and managed the restaurant store and facility at 4100 Freemansburg Avenue, Easton, PA 18045 by and through the conduct of its officers, managers agents and employees, including the above-stated managerial and supervisors employees, all acting within the scope and course of their employment.
7. At all times relevant hereto, Defendant Old Orchard Manorcare owned, operated, controlled and managed the facility where Plaintiff was employed.
8. At all times relevant hereto, Defendant Old Orchard Manorcare 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.

9. At all relevant times herein, Defendant Old Orchard Manorcare 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

10. Cynthia Glackin is a female employee employed by Defendant, Old Orchard Manorcare as a Unit Manager.
11. At all times relevant, Plaintiff performed her job in a proper and competent manner.
12. In or about the week of May 8, 2019, Plaintiff applied for Intermittent Leave under the FMLA to care for her father, who required personal and medical care.
13. Plaintiff's father resided with Plaintiff and her husband.
14. On or about May 14, 2019, Plaintiff's resident daughter suffered an acute and serious medical emergency requiring hospital and medical care, and which required Plaintiff to leave work early and without prior notice.
15. Plaintiff advised her direct supervisor, Courtney Powell, Director of Nursing, who permitted Plaintiff to leave to attend to her daughter.
16. After Plaintiff's daughter was released from the hospital, Plaintiff was required to provide follow-up medical and personal assistance to her daughter at home.
17. On May 15, 2019, Plaintiff returned to work, and was confronted by Rebecca Reitnauer, Human Resources Manager, who requested information about Plaintiff's absence the day before.
18. Plaintiff provided the requested information, and provided sufficient information to give Reitnauer notice that her absence was qualifying Family and Medical Leave.

19. As a Human Resources professional, Reitnauer was entrusted with the responsibility of administering laws such as the Family and Medical Leave Act, and is held to the standard of an expert.
20. As such, Reitnauer knew or should have known that the harassment and termination of Plaintiff for exercising her rights under the FMLA was a violation thereof.
21. Nonetheless, Reitnauer pursued Plaintiff throughout the facility during the workday on May 15, 2019, interfering with the performance of Plaintiff's job duties and the provision of care to the Manorcare residents and patients.
22. Plaintiff repeatedly referred Reitnauer to Powell, who had first hand knowledge of the reason for the absence.
23. Reitnauer continued to pursue Plaintiff into her private office, whereupon Plaintiff directed Reitnauer to immediately leave.
24. Plaintiff's employment was thereafter terminate that day.
25. The actions of Reitnauer and Old Orchard Manorcare were a willful and deliberate violation of the FMLA.
26. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered damages due to pain, suffering, mental anguish, fear, anxiety, sleeplessness, humiliation and severe emotional, psychological and physical distress.
27. As a direct and proximate result of Defendants' invidiously discriminatory actions, as aforesaid, Plaintiff has suffered damages due to loss of past income, benefits and earnings.
28. Defendants' aforesaid actions were outrageous, egregious, preposterous, malicious, intentional, willful, wanton and in reckless disregard of Clark's rights,

entitling Clark to liquidated damages as may be available under the FMLA.

COUNT I

CYNTHIA GLACKIN

v.

OLD ORCHARD MANORCARE

VIOLATION OF FAMILY AND MEDICAL LEAVE ACT (“FMLA”)

29. Paragraphs 1 through 28 inclusive, are incorporated by reference as if fully set forth at length herein.
30. Defendant’s actions as set forth above constitute a willful and deliberate interference and discrimination under the Family and Medical Leave Act.
31. The willful violation of Plaintiff’s rights under the Act were done in the absence of good faith and reasonable grounds and this Court must award Plaintiff liquidated damages pursuant to 29 U.S.C. §2617(a).

STATEMENT OF FACTS JUSTIFYING THE IMPOSITION OF LIQUIDATED DAMAGES

32. Paragraphs 1 through 31 inclusive, are incorporated by reference as if fully set forth at length herein.
33. At all times relevant hereto, Defendants Old Orchard Manorcare knew or should have known of the pattern of conduct in which the Individual Defendants had engaged and in which they continued to engage.
34. At all times relevant hereto, Defendant Old Orchard Manorcare knew or should have known that the aforesaid pattern of conduct was in violation of law and Defendant Old Orchard Manorcare stated policies and terms of employment.
35. At all times material hereto, the actions of the Individual Defendants were outrageous and malicious, and constituted conduct outside of the realm of

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