

Exhibit B

CAUSE NO. _____

LAJAMIEKA MIMS
Plaintiff

VS.

HUMANA INSURANCE COMPANY
Defendant

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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Plaintiff LaJameika “Jamie” Mims (“Plaintiff” or “Ms. Mims”) in the above-referenced matter, complaining of and about Defendant Humana Insurance Company (hereinafter referred to as “Humana” or “Defendant”), and for cause of action will show unto the Court as follows:

I.

PARTIES AND SERVICE

1. Plaintiff LaJameika Mims is an individual residing in Harris County, Texas.
2. Defendant is a for profit company. It may be served through Defendant’s counsel J. Paul Rinnan at Ogletree Deakins One Allen Center 500 Dallas Street, Suite 3000 Houston, TX 77002.

II.

JURISDICTION AND VENUE

3. The Court has jurisdiction in the civil action because the relief sought and because the amount in controversy exceeds the minimum jurisdictional requirements of this Court. The Court has jurisdiction over the Defendant because it regularly and continuously conducts business in the State of Texas. Moreover, venue is proper in Harris County, Texas, pursuant to the Texas

Civil Practice and Remedies Code §15.002, as that is the county where most of the events occurred.

III.
CLAIM FOR RELIEF

4. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000 as set forth at Rule 47(c)(4) of the Texas Rules of Civil Procedure. Damages are in excess of the minimum jurisdictional limits of this court.

IV.
CONDITIONS PRECEDENT

5. All conditions precedent to jurisdiction have occurred with regard to exhaustion of administrative remedies.

V.
FACTS

6. On October 19, 2018, Ms. Mims was hired at Humana as a UM Administration Coordinator. Ms. Mims is an African American woman.

7. Felisa Muzquiz was Ms. Mims supervisor at Humana for nearly two and a half years, Ms. Muzquiz never had issues with Ms. Mims' work performance and Ms. Mims was never written up under her supervision. In fact, she said Ms. Mims met all criteria for her bonus that they receive at their annual review in December of 2020.

8. After Ms. Mims' annual review, Ms. Muzquiz left the manger position and Martina Esparza became interim supervisor for Ms. Mims. Ms. Mims was terminated two weeks after the interim supervisor began. Humana claimed reasons for termination to be 1) that she mentioned to a client that she may have to place her back in the queue, and 2) it seemed like she was passing on her work and did not want to help clients because she would send callers to the benefits department if they were seeking a Member ID. Ms. Mims explained that these actions had been what she was instructed to do by Ms. Muzquiz, her previous supervisor.

9. While Ms. Mims was at work, a client named Corrina called in requesting updates for about fifty (50) patients at one time. When the call was initiated Ms. Mims informed the client that she may have to place her back into the queue after helping her with the numerous amounts of updates because there were other calls on hold. However, Ms. Mims proceeded to help with all the clients' request and did not place her back into the queue. As a result, she was given a verbal write up for mentioning that she would place the call back into the queue and placed in coaching.

10. When this problem arose, it was mentioned by a co-worker of Hispanic descent, Elijah Lopez, that he had encountered the same client and only assisted her with five updates and then placed her back into the queue. This co-worker did not receive repercussions for his actions. Ms. Mims felt that she was targeted by Martina because she was the only one that reprimanded while other employees of Hispanic decent Monse, (last name unknown) and Melissa (last name unknown) mentioned that Corrina's calls took a long time, and they also did not receive any repercussions for placing her in the queue. Martina is also of Hispanic descent she treated employees of Hispanic descent more favorably than Ms. Mims who is African American. Ms. Mims felt that by placing her in coaching for merely mentioning that she may have to place her in the queue and not reprimanding any of the Hispanic employees who did place Corina in the queue, Martina was targeting her due to her race.

11. Ms. Mims chose to email her supervisor and address the situation and expressed that she felt she was being bullied. A week later on January 19, 2021, Ms. Mims was terminated.

12. The second accusation against Ms. Mims is that she refused to help callers. Felisa, Ms. Mims' previous supervisor had indeed instructed her to transfer callers seeking only a Member ID to the benefits department. Sonya Arredondo, Ms. Mims' coworker, confirmed that this was the instruction from the previous supervisor when she stated she also transferred callers to the

benefits department if they were only seeking a Member ID. The main difference between both employees is their race. Ms. Arredondo is Hispanic, and Ms. Mims is African American.

13. Ms. Mims noticed her schedule appeared to be blank in the system and reached out to Martina to ask about it. She received no response. The schedule is usually filled out for the entire year unless something changes. A week after her report of bullying by Martina, on January 19, 2021, Ms. Mims was terminated from Humana for claims of not wanting to assist customers.

14. Defendant discriminated against Ms. Mims based on her race and retaliated against her for engaging in protected activity in violation of Chapter 21 of the Texas Labor Code and the Texas Commission on Human Rights Act, as amended.

VII.

DAMAGES

15. As a direct and proximate result of the aforementioned arbitrary and capricious acts, the Plaintiff has suffered grievous harm, including, but not limited to, loss of income; humiliation and embarrassment among co-workers and others; sustained damage to Plaintiff's credibility and broken career trajectory.

VIII.

JURY DEMAND

16. Plaintiff hereby makes Plaintiff's request for a jury trial in this cause pursuant to Rule 216 of the Texas Rules of Civil Procedure and deposits with the District Clerk of Harris County, Texas the jury fee of ten (\$10.00) dollars.

IX.

ATTORNEY'S FEES

17. Defendant's action and conduct as described herein and the resulting damage and loss to Plaintiff has necessitated Plaintiff retaining the services of KENNARD LAW, P.C. in initiating this proceeding. Pursuant to Chapter 21 of the Texas Labor Code and the Texas Civil

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