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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

CASE NO. 3:14 cv 581

LaQuita Nichole McGinnis

Plaintiff,

vs.

COMPLAINT

Allstate Insurance, ISAQA/ATIMA et al.

2775 Sanders Rd E5 Northbrook, IL 60062

Allstate Charlotte CCC

401 McCullough Dr. Charlotte NC 28262

Defendant(s).

FILED
CHARLOTTE, NC

OCT 17 2014

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

A. JURISDICTION

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. Section 2000e(5). Equitable and other relief are also sought under 42 U.S.C. 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. Sections 1331, 1343 and 42 U.S.C. Sections 1981 et seq. Where employment discrimination based upon age is alleged, jurisdiction is conferred by 28 U.S.C. Sections 626(c)(1) and 626(e) and appropriate relief is also sought.

B. PARTIES

1. Name of Plaintiff: Laquita Nichole McGinnis
Address: 1940 Oakdale Rd.
Charlotte NC 28216
2. Name of first Defendant: Allstate Insurance Company et al.
Address: 2775 Sanders Road, F5
Northbrook, IL, 60062
3. Name of second Defendant: Allstate Customer Contact Center - Charlotte
Address: 401 McCullough Dr.
Charlotte, NC 28262
4. Name of third Defendant: _____
Address: _____

(Use additional sheets if necessary.)

C. NATURE OF CASE

1. The address at which I sought employment or was employed by the defendant(s) is:
401 McCullough Drive
Charlotte NC 28216
2. The discriminatory acts occurred on or about:
February 5, 2013 (Month, Day, Year)

3. I filed charges with the Equal Employment Opportunity Commission regarding the defendant's discriminatory conduct on or about:

March 13, 2014 (Month, Day, Year)

4. The Equal Employment Opportunity Commission sent the attached "Notice of Right to Sue" which I received on:

July 15, 2014 (Month, Day, Year)

5. The discriminatory acts that are the basis of this suit are:

- a. ☐ Failure to employ me.
- b. ☐ Failure to promote me.
- c. ☒ Termination of my employment.
- d. ☐ Demotion.
- e. ☐ Denied equal pay/work.
- f. ☐ Sexual harassment.
- g. ☐ General harassment.
- h. ☐ Other acts (Be specific: Attach an additional sheet if necessary)

6. Defendant's conduct is discriminatory with respect to:

- a. ☐ my race
- b. ☐ my color
- c. ☐ my sex
- d. ☐ my religion
- e. ☐ my national origin
- f. ☐ my age
- g. ☒ my disability

7. I believe that the defendant is still committing these acts against me.

YES ☐ NO ☒

D. CAUSE OF ACTION

1. I allege that the defendant has discriminated against me and that the following facts form the basis for my allegations:

Count 1: Wrongful termination due to disability

Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

Eight supporting facts listed on additional sheet 11a
Exhibit A attached is the right to sue letter received from EEOC

Count 2: _____

Supporting Facts:

E. INJURY

How have you been injured by the actions of the defendant(s)?

1. I allege that the defendant has discriminated against me and that the following facts from the basis for my allegations

Supporting Facts: 1. On or about April 4, 2005 I started employment with Allstate Insurance
2. On repeated occasions I was refused protection of FMLA protected time and penalized for
protected time.

4. Upon requesting leave of absence Allstate deny leave of absence or delay leave of absence
5. Throughout 2010-2012 Penny Carroway, Allstate, CCC-Charlotte human resources and licensing personnel periodically would inquire on my status and intent to return to work after leave. There was ongoing correspondence and support from Allstate regarding continuing ed course requirements and licensing as agent Allstate maintained for me.

7. Ms. Carroway and Mr. Lewis, Allstate CCL-Charlotte human resources manager, repeatedly denied the acceptance of my doctor's orders regarding the conditions under which I should return to work. After repeated letters my doctor was forced to write an order to return to work according to what Ms. Carroway and Mr. Lewis wanted.

8. I was to return to work with accommodations, on or about February 5, 2013, at which time, Mr. Lewis and Ms. Carroway terminated me alleging I had written a policy wrongfully under company guidelines in October 2010. It is questionable and viable that the alleged policy was written under a medical condition which may have altered my abilities to execute the policy effectively. It is also questionable regarding malice intent by Allstate regarding termination date as February 5, 2013 placed me one day beyond eligibility for unemployment

Count 2: _____

Supporting Facts:

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES _____ NO ✓

If your answer is "YES", describe each lawsuit. (If there are more than one lawsuits, describe additional lawsuits on additional separate pages, using the same outline.)

1. Parties to previous lawsuits:

Plaintiff(s): _____

Defendant(s): _____

2. Name of court and case or docket number: _____

3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)

4. Issues raised:

5. When did you file the lawsuit? _____ (Date: Month/Year)

6. When was it (will it be) decided? _____

Have you previously sought informal or form relief from the appropriate administrative officials regarding the acts complained of in Part D?

YES ✓ NO _____

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

I filed a complaint with the EEOC (U.S. Equal Employment Opportunity Commission Charlotte District Office) regarding the discrimination against my disability. After the investigation of the charges and the evaluation of medical expenses, the EEOC sent me notice of right to sue. (Exhibit A)

G. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

Compensation for financial hardship or the income loss for the discriminatory acts against my disability until such time I can recover from the discrimination that is reasonable within the scope of the law. Consideration for affordable medical coverage until other standard health insurance can be attained, and compensation for monies lost due to the prevention of being able to file for unemployment in a timely manner which was direct result of this wrongful termination

JURY TRIAL REQUESTED

YES ☒ NO ☐

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at Charlotte on October 17, 2014
(Location) (Date)

LaQuita McGinnis
Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)**Exhibit A**To: Laquita McGinnis
1940 Oakdale Road
Charlotte, NC 28216From: Charlotte District Office
129 W. Trade Street
Suite 400
Charlotte, NC 28202On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

430-2013-01288

Christine Smith,
Investigator

(704) 954-6465

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

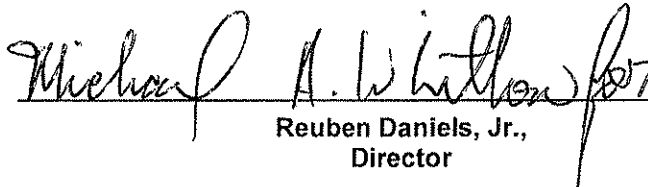
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Reuben Daniels, Jr.,
Director

JUL 11 2014

(Date Mailed)

Enclosures(s)

CC: Amy Scanlan
Asst. VP, Human Resources
ALLSTATE INSURANCE COMPANY
2775 Sanders Road, F5
Northbrook, IL 60062

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 -- not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

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