

**IN THE CIRCUIT COURT OF ST. FRANCOIS COUNTY
STATE OF MISSOURI**

LISA DAVIDSON,	)	
	)	
Plaintiff,	)	
	)	Case no.:
v.	)	
	)	JURY TRIAL DEMANDED
ST. FRANCOIS COUNTY, MISSOURI,	)	
	)	
Serve: 1 N. Washington Street	)	
Farmington, MO 63640	)	
	)	
Defendants.	)	

PETITION FOR VIOLATIONS OF THE MISSOURI HUMAN RIGHTS ACT

NOW COMES Plaintiff Lisa Davidson, by her attorneys, and for her complaint against St. Francois County, Missouri, states as follows:

GENERAL ALLEGATIONS

1. This matter arises under the Missouri Human Rights Act, R.S.Mo. §213.010, *et. seq.* Plaintiff Lisa Davidson worked for Defendant St. Francois County, Missouri for eighteen years. While Plaintiff was employed by Defendant St. Francois County, her supervisor, Jerrod Mahurin, subjected her and her female coworkers to repeated sexual harassment. Mr. Mahurin terminated Plaintiff in retaliation for opposing the sexual harassment and for reporting it to the Missouri Commission on Human Rights. After her termination, Defendant St. Francois County refused to reinstate Plaintiff to her former position because of her pending charge with the Missouri Commission on Human Rights.

2. Venue in this Court is proper because the allegations that gave rise to this action occurred in St. Francois County, Missouri.

3. On March 22, 2018, Plaintiff filed a charge against Defendant St. Francois County, Missouri with the Missouri Commission on Human Rights (“MCHR”) alleging sex discrimination. On August 2, 2018, Plaintiff filed an amended charge alleging sex discrimination and retaliation. On July 1, 2019, Plaintiff filed a second amended charge alleging additional retaliation. On January 16, 2020, Plaintiff received a Right to Sue letter for all the above-mentioned charges. This action is filed within 90 days of receipt of the foregoing notice. Plaintiff has complied fully with the administrative exhaustion requirements of Title VII and the Missouri Human Rights Act.

4. Plaintiff Lisa Davidson is a female person residing in Desloge, MO.

5. Defendant St. Francois County, MO is a Missouri municipal corporation that has the capacity to sue and be sued. Its main offices are located at 1 N. Washington Street, Farmington, MO 63640.

FACTUAL ALLEGATIONS

I. Plaintiff’s Employment Background with Defendant St. Francois County

6. Plaintiff began working for St. Francois County as a clerk (“Defendant County”) in 2000.

7. Each County clerk handled different responsibilities. Plaintiff worked as a “bad checks” clerk. As a bad checks clerk, Plaintiff handled docket entries, assigned criminal charges, handled taxes, issued subpoenas, and attended court with the Prosecuting attorney. This was a full-time position.

8. When Plaintiff began working for Defendant County, Sandy Martinez served as the prosecuting attorney, as well as Plaintiff’s supervisor. Sometime after that, Wendy Wexler replaced Ms. Martinez as the prosecuting attorney and as Plaintiff’s supervisor.

9. In 2011, Jerrod Mahurin replaced Ms. Wexler as the prosecuting attorney and as Plaintiff's supervisor.

10. Mr. Mahurin assigned Plaintiff's daily tasks. He also provided Plaintiff with instruction, feedback, and assistance.

11. In November 2013, Mr. Mahurin moved Plaintiff into a new position of Victim Advocate for Defendant County. As a Victim Advocate, Plaintiff contacted and met with victims of crimes, handled letters and correspondence to the victims, handled police reports and record requests, and attended hearings with the prosecuting attorney. The Victim Advocate position was full-time.

12. In addition, the Victim Advocate traditionally handled office manager duties for the office. Once Plaintiff became Victim Advocate, she assumed the office manager duties, including ordering office supplies and handling payroll.

13. Despite the increase in responsibilities, Mr. Mahurin told Plaintiff her receipt of the Victim's Advocate role was not a promotion.

14. Mr. Mahurin remained Plaintiff's supervisor after she became a Victim Advocate.

15. Plaintiff received several raises and positive employment reviews during her employment.

16. Plaintiff made \$17.75 per hour at the time of her termination.

II. Sexual harassment by Jerrod Mahurin toward Plaintiff

17. Once Mr. Mahurin replaced Ms. Wexler as the prosecuting attorney, Mahurin began to sexually harass his staff, including Plaintiff. The harassment consisted of comments, jokes, lewd insinuations, and advances until Plaintiff's last day of work in 2018.

18. For example, on one occasion in 2014, Mr. Mahurin told Plaintiff, "Show me your tits." Plaintiff refused.

19. In the spring of 2015, Mr. Mahurin and Plaintiff attended the Missouri Prosecutor Services convention, which required overnight stay in the Lake of the Ozarks. During the trip, Mr. Mahurin asked Plaintiff to leave the door connecting their hotel rooms unlocked so he could go in and out of her room in the middle of the night. Plaintiff rebuffed Mr. Mahurin's advances and locked the door.

20. In October 2015, Mr. Mahurin showed Plaintiff a picture on his phone of an X-Ray. Plaintiff did not recognize the image. Mr. Mahurin laughed at Plaintiff. After a moment, Plaintiff realized the x-ray image showed an image of penis. Plaintiff was embarrassed and walked away.

21. In 2016, Plaintiff and her coworkers celebrated a successful trial at a local bar after work. Mr. Mahurin also attended. That night in front of her coworkers, Mr. Mahurin asked Plaintiff if she ever had a threesome. Plaintiff told Mr. Mahurin no and felt so uncomfortable she left the table.

22. In early June 2018, Plaintiff saw her female coworkers hand-feed Mr. Mahurin s'mores in one of the common areas in the office. Mr. Mahurin turned to Plaintiff as she walked by and asked her to feed him one. Plaintiff was uncomfortable, said no, and left the area.

III. Sexual harassment and favoritism by Jerrod Mahurin toward other female employees

23. Mr. Mahurin sexually harassed other female employees and favored the female employees who did not rebuff his advances.

24. In 2012, female employee Tracey McAllister lifted up her shirt and showed the entire office her new breast implants. She later told Plaintiff she wore low cut tops in the office because she "got more" from Mr. Mahurin when she "showed more."

25. In 2017, Plaintiff saw Ms. McAllister go inside Mr. Mahurin's office and shut the door. Plaintiff overheard moaning and thumping coming from the office. Shortly after that encounter, Ms. McAllister told Plaintiff she received a \$7,500.00 raise.

26. Between 2015 and 2016, female employee Spring Henson told Plaintiff Mr. Mahurin sent photographs of his penis to Ms. Henson's cellphone. Ms. Henson told Plaintiff that Mr. Mahurin told her to show him her "T and A" to receive a week of paid time off.

27. Other female employees, Britney Early and Kim Brewer, drank with Mr. Mahurin, Ms. Henson, and Ms. McAllister during work hours. Ms. Early, Ms. Brewer, Ms. Henson, and Ms. McAllister regularly brought small bottles of liquor into work and made mixed drinks with soda or juice from the vending machine. Mr. Mahurin drank with them. Mr. Mahurin also kept liquor in the office to drink on occasions when the other women did not bring their own. Mr. Mahurin and the other secretaries jokingly referred to Thursday as "Thirsty Thursday" and Friday as "Fiesta Friday."

28. The other women also smoked pot at work. Mr. Mahurin knew and did not care. In 2014 or 2015, Louann Byington, a former secretary, told Plaintiff that Mr. Mahurin walked into the room after she and the other girls smoked pot. She said even though the smell was very obvious, Mr. Mahurin said nothing. On several other occasions, Plaintiff walked into work and smelled marijuana. When she told her coworkers she could smell pot, Ms. McAllister responded, "It's not me, but it will be in about 15 minutes." Ms. McAllister was serious. Mr. Mahurin was present for the conversation and laughed.

29. Ms. Early, Ms. Brewer, Ms. Henson, and Ms. McAllister began working for Defendant County after Plaintiff, and received lower salaries than Plaintiff at their hiring. However, between 2013 and 2017, each received substantial raises.

30. Ms. Early, Ms. Brewer, Ms. Henson, and Ms. McAllister shared when they received raises with their other coworkers. As part of Plaintiff's job duties as office manager, Plaintiff handled Defendant's payroll and reviewed and completed purchase orders to finalize these raises.

31. In contrast, Plaintiff did not receive any raise during that time period.

32. By 2017, Plaintiff earned less than Ms. Early, Mr. Brewer, Ms. Henson, and Ms. McAllister.

33. Unlike Ms. Early, Ms. Brewer, Ms. Henson, and Ms. McAllister, Plaintiff refused to engage with Mr. Mahurin when he made sexual comments and jokes toward her.

34. In April 2017, Mr. Mahurin promoted Ms. Henson to office manager. Plaintiff was not offered an opportunity to apply for the promotion.

35. At that time, Ms. Henson assumed many of Plaintiff's job duties. Ms. Henson told the other employees in the office her change in position to office manager was a promotion.

36. Between 2017 and 2018, Ms. Henson began to make Plaintiff's life difficult.

37. Ms. Henson locked Plaintiff out of computer programs and software and prevented Plaintiff from issuing subpoenas. Ms. Henson also prevented Plaintiff from opening Microsoft Word. These interruptions made it increasingly difficult for Plaintiff to perform her job duties.

38. In the spring of 2018, Plaintiff overheard Ms. Henson tell Mr. Mahurin she "hated Plaintiff's guts" and wanted her out of the office.

IV. Plaintiff's Complaints of Sexual Harassment and Discrimination and Defendant's Retaliatory Response

39. Plaintiff became fed up with the harassment in the office and filed a charge with the Missouri Commission on Human Rights on March 22, 2018.

40. Immediately after filing her charge, Plaintiff notified Ms. Henson and Mr. Mahurin via e-mail and fax that she filed the charge.

41. When Plaintiff arrived at work the following day on March 23, 2018, Ms. Henson was moving her things into Plaintiff's office.

42. That morning, one of Plaintiff's coworker, Tammy Clay, told Plaintiff she was being demoted.

43. That afternoon, Plaintiff also received a call from the County Clerk's office from a woman named Rhonda. Rhonda asked for Plaintiff's title, differential, and time records. Later, Plaintiff overheard Ms. Henson on the phone. Plaintiff heard Ms. Henson say, "Don't do anything yet. The decision isn't final. She's still a Victim Advocate."

44. Approximately two weeks later, Mr. Mahurin told Plaintiff to come to his office to talk to him about her charge of discrimination. Plaintiff was represented by counsel at the time and told Mr. Mahurin she could not discuss the charge with him.

45. On June 13, 2018, Mr. Mahurin told Plaintiff to come to his office again. Once Plaintiff went to the office, Mr. Mahurin showed her a copy of the charge of discrimination she filed in March 2019.

46. Mr. Mahurin told Plaintiff, "I looked, and I didn't find a Human Rights complaint by you. I'm going to file a fraud complaint against you. You're fired."

47. Mr. Mahurin told Plaintiff she had five minutes to get her things and called a bailiff to escort her out of the office.

V. Defendant County's Additional Act of Retaliation Toward Plaintiff

48. On January 8, 2019, Plaintiff received a text message from Melissa Gillam, the new prosecuting attorney at St. Francois County.

49. Ms. Gillam told Plaintiff she needed to fill Plaintiff's former position and asked Plaintiff to come in for an interview.

50. Plaintiff appeared for an interview at Defendant County before Ms. Gillam and Courtney Goodwin, the assistant prosecutor.

51. A week later, Plaintiff received a call from Ms. Gillam. Ms. Gillam offered Plaintiff her former position with Defendant County on the condition she “opt not to sue St. Francois County.” Ms. Gillam also told Plaintiff she should not have been fired.

52. Plaintiff refused to drop her charges of discrimination.

53. Plaintiff did not receive the job.

VIOLATIONS OF LAW

COUNT I: Missouri Human Rights Act - Sex Discrimination

54. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

55. Plaintiff is female, and therefore a member of a protected group under R.S.Mo. §213.010, *et seq.*

56. Defendant County is an employer within the meaning of R.S.Mo. § 213.010(8).

57. Defendant County discriminated against Plaintiff on the basis of sex by subjecting her to continuous unwanted, unwelcome sexual comments, jokes, and advances by her supervisor, Mr. Mahurin. These actions created a hostile work environment and constitute discrimination on the basis of sex, in violation of R.S.Mo. § 213.055.

58. This misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to Plaintiff’s rights.

59. As a result of Defendant County’s misconduct, Plaintiff has suffered damages.

COUNT II: Missouri Human Rights Act - Retaliation

60. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

61. Plaintiff is female, and therefore a member of a protected group under R.S.Mo. §213.010, *et seq.*

62. Defendant County is an employer within the meaning of R.S.Mo. § 213.010(8).

63. Defendant County terminated Plaintiff in retaliation for opposing Mr. Mahurin's unwelcome sexual comments and advances and for reporting sexual harassment, in violation of R.S.Mo. § 213.070.

64. Defendant County denied Plaintiff employment in retaliation for filing and proceeding with a charge of discrimination against Defendant County, in violation of R.S.Mo. § 213.070.

65. This misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to Plaintiff's rights.

66. As a result of Defendant County's misconduct, Plaintiff has suffered damages.

PRAYER FOR RELIEF

67. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in her favor and against Defendant awarding lost wages and benefits, reinstatement, front wages, garden variety emotional distress damages, compensatory damages, punitive damages, pre- and post-judgment interest, and attorney's fees and costs, as well as any other relief this Court deems may be just and proper.

JURY DEMAND

68. PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES TRIABLE BY JURY.

By: **KENNEDY HUNT, P.C.**

/s/ MaryAnne Quill
Thomas E. Kennedy
Sarah Jane Hunt
MaryAnne Quill
906 Olive St., Ste. 200
St. Louis, MO, 63101
314-872-9041 telephone
tkennedy@kennedyhuntlaw.com
sarahjane@kennedyhuntlaw.com
mquill@kennedyhuntlaw.com