

FILED

14 JUN 20 PM 4:29

JUDICIAL DEPARTMENT
CLERK OF COURT
MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

LORRI TITUS,

Plaintiff,

v.

**KAISER FOUNDATION HEALTH PLAN
of the NORTHWEST d/b/a KAISER
PERMANENTE,**

Defendant.

Case No.:

14CV07262

COMPLAINT

(ORS 659A.112)

(Not Subject to Mandatory Arbitration)

PRAYER: \$143,000.00

Plaintiff alleges:

1.

At all material times Lorri Titus was employed by Defendant Kaiser Foundation Health Plan of the Northwest d/b/a Kaiser Permanente ("Kaiser").

2.

Kaiser was aware of, and previously accommodated, Ms. Titus' chronic back and leg pain, pancreatitis, anxiety, ADHD, IBS, and hearing loss.

3.

These conditions qualify Ms. Titus as a disabled person pursuant to ORS 659A.104.

4.

In July 2013, Kaiser required that Ms. Titus attend a training conference at the Northwest Event Center.

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The conference provided training to Kaiser employees for the upcoming opening of their new hospital facility in Hillsboro, Oregon.

Kaiser provided bus transportation for employees to and from the Northwest Event Center.

On or about July 13, 2013, Ms. Titus informed her supervisors that she would not be able to ride the bus due to her disabilities.

Due to her disabilities, Ms. Titus has a disabled person parking permit, which allows her to park in disabled persons parking spots.

On July 16, 2013, Ms. Titus was in a clearly marked disabled persons parking spot and displayed her permit plaque at the Northwest Event Center.

After the training, Ms. Titus returned to her car, which she found had been blocked in by the buses provided by Kaiser for its employees.

She was told by the bus operator that she was not supposed to park there and that Kaiser employees were supposed to take the bus, “so you will have to wait.”

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12.

Due to her anxiety, Ms. Titus began to panic and felt the need to flee.

13.

She began backing slowly out of her parking spot, moving forward and backward numerous times, and ultimately was able to exit the parking lot.

14.

Ms. Titus attended the conference the following day and again parked in the same disabled parking spot.

15.

At that time she was told by her Kaiser supervisor that “you are just parking there looking for a fight.”

16.

On July 17, 2013, Ms. Titus’ manager, Ladonna Sullivan, placed Ms. Titus on administrative leave pending an investigation of the incident.

17.

Ms. Titus provided Defendant Kaiser with information regarding her actions and her need for accommodation.

18.

Kaiser rejected the request for accommodation, and on August 3, 2013, terminated Ms. Titus’ employment.

19.

The Bureau of Labor and Industries mailed its “right to sue” letter on March 26, 2014.

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FIRST CLAIM FOR RELIEF

20.

ORS 659A.112 prohibits discrimination on the basis of disability.

21.

It is an unlawful employment practice for an employer to fail to reasonably accommodate the disability of qualified individuals, is considered disability discrimination.

22.

Kaiser failed to make reasonable accommodations for Ms. Titus' disabilities by terminating her due to this incident.

23.

As a direct result of Defendant Kaiser's violation of ORS 659A.112, Plaintiff suffered the following damages:

1. Economic damages in the form of past wage and benefit loss in the amount of \$18,000.00. This wage and benefit loss is continuing.
2. Compensatory damages in the amount of \$125,000.00.
3. Pursuant to ORS 659A.885, Plaintiff is entitled to recover her reasonable attorneys fees.

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1 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 2 1. Past wage and benefit loss in the amount of \$18,000.00.
- 3 2. Future wage and benefit loss in an amount to be proven at trial.
- 4 3. An order requiring Kaiser to reinstate Ms. Titus.
- 5 4. Compensatory damages of \$125,000.00
- 6 5. Reasonable attorney fees and costs.
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9 DATED this 20 day of June, 2014.

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11 Respectfully Submitted:

12 HOLLANDER, LEBENBAUM & GANNICOTT

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16 Philip M. Lebenbaum, OSB #860621
17 Of Attorneys for Plaintiff

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