

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division**

AMIE D. DE LEON
13519 Hamlet Square Court
Germantown, MD 20874

Plaintiff,

v.

CASE NO.: 17-2903

KAISER PERMANENTE INSURANCE CO.:
KFHP MID ATLANTIC STATES INC.
655 Watkins Mill Road
Gaithersburg, MD 20879

Serve:

CSC
Lawyers Incorporating Service Compan
7 St. Paul Street
Suite 820
Baltimore, MD 21202

Defendant.

COMPLAINT

Plaintiff, Amie de Leon, by and through Torrance J. Colvin, Esq. and Colvin Legal, PLLC, hereby sues Kaiser Permanente Insurance Company dba Kaiser Permanente, MAS (hereinafter referred to as “Defendant”) and as grounds states as follows:

PARTIES

1. Plaintiff Amie D. de Leon, is a resident of Maryland and was employed by Defendant..
2. Plaintiff currently resides at 13519 Hamlet Square Court, Germantown, Maryland 20874.
3. At all times relevant to this complaint, Plaintiff has been a resident of the state of Maryland.

4. Plaintiff is over the age of eighteen (18).

5. Defendant is the largest managed care consortium in the United States and is based in Oakland, CA, with offices in the State of Maryland.

6. In the fiscal year of 2015, Defendant generated over \$1.9 billion in net income on \$60.7 billion in operating revenue.

7. Defendant has systematic and continuous business contacts with the state of Maryland and with Maryland residents.

8. Defendant's principal place of business is located at 655 Watkins Mill Road, Gaithersburg, Maryland 20879.

9. Defendant is licensed to do business in the state of Maryland.

JURISDICTION

10. The United States District Court for the District of Maryland has jurisdiction over this matter.

11. At all times relevant to this complaint, Plaintiff was employed by Defendant in the state of Maryland.

12. At all times relevant to this complaint, Plaintiff was a resident of the state of Maryland.

13. The employment actions and decisions described in this Complaint substantially occurred in Maryland.

14. Plaintiff brings her claims pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, and Maryland Code, State Government Title 20, Section 20-1202, *et seq.* for violations of the Montgomery County Code, section 27-19.

15. Plaintiff's claims raise questions of federal law.

16. This Court has supplemental jurisdiction over Plaintiff's claims under Montgomery County Code section 27-9 and Maryland State Government Title, 20-1202 pursuant to 28 U.S.C. §

1367 as such claims are part of the same case and controversy as Plaintiff's federal claims.

17. The United States District Court for the District of Maryland has personal jurisdiction over the parties.

FACTS

18. Plaintiff is a Filipino female.

19. Plaintiff served as a Clinical Registered Nurse from February 2012 until March 2013.

20. Plaintiff served as a Clinical Supervisor from March 2013 until April 2014.

21. Plaintiff served as Clinical Operations Manager at Defendant from April 2014 until January 19, 2016.

22. During her course of employment, Plaintiff performed her position successfully, receiving pay increases based upon satisfactory performance.

23. Plaintiff had no issues with her original supervisors while employed with Defendant.

24. On or about February 2015, Mr. Allen Jett became Plaintiff's new supervisor.

25. Plaintiff immediately noticed that Mr. Jett seemed to be targeting Filipino employees for termination. Within a five month span, Mr. Jett terminated three Filipino employees including Plaintiff.

26. On several occasions, Mr. Jett requested that Plaintiff terminate workers, and when Plaintiff objected that she did not have reasonable grounds to terminate said individual, Mr. Jett told her to "find a reason."

27. When Plaintiff refused to terminate her co-workers, Mr. Jett used this against Plaintiff.

28. During that time period, Plaintiff is unaware of Mr. Jett terminating any other employee.

29. On July 27, 2015, Plaintiff met with Ramata Diallo regarding an issue concerning a referral bonus. There was a witness present.

30. During the meeting, Plaintiff was cordial and calm. There were no issues brought up

other than Ms. Diallo explaining how she came to incorrectly receive a bonus to which she was not technically entitled.

31. On November 21, 2015, Plaintiff met with Ms. Ana Climaco, one of Plaintiff's subordinates in order to request her adherence to compliance requirements.

32. During this meeting, Plaintiff informed Ms. Climaco that Ms. Climaco was on the non-compliance list due to her failure to wear a surgical mask due to the fact that she had not yet had her flu shot.

33. Plaintiff was respectful and calm while explaining Ms. Climaco of what Plaintiff expected of her as her manager.

34. The meeting with Ms. Climaco was a cordial meeting in which Ms. Climaco was reminded to adhere to compliance procedures. Plaintiff did not threaten corrective measures or suspension of Ms. Climaco.

35. Plaintiff had a meeting with Ms. Climaco on December 14, 2015, to schedule a meeting with Ms. Climaco and the union's shop steward to clarify a query about sick leave use. The conversation was cordial.

36. Plaintiff voluntarily attended a Dale Carnegie workshop to enrich her skills upon receiving a general email directed to all managers.

37. Plaintiff was never instructed to take a specific self-improvement class due to workplace issues.

38. Defendant has made allegations concerning Plaintiff's demeanor and attitude and a failure to take a required workshop and used those bases as the rationale for Plaintiff's termination.

39. Defendant's reasons for termination are pretextual.

40. As a direct result of Defendant's actions Plaintiff has suffered significantly and has undergone significant financial and emotional upheaval as a result of the termination.

41. No similarly situated individuals of other races were terminated in such a manner without basis.

FIRST CAUSE OF ACTION

COUNT I: DISCRIMINATION (RACE) IN VIOLATION OF 42 U.S.C. §2000e, et seq.

42. Plaintiff hereby incorporates each of the preceding paragraphs as if fully re-stated herein.

43. Defendant discriminated against Plaintiff based on her race in violation of 42 U.S.C. §2000e, et seq.

44. Plaintiff is a member of a protected class.

45. Plaintiff's race is "Filipino."

46. Plaintiff has suffered adverse employment actions because of her race.

47. Plaintiff was terminated due to race based bias and Plaintiff was treated differently and less favorably than similarly situated non-Filipino co-workers.

48. The aforementioned adverse actions adversely affected the terms and conditions of Plaintiff's employment.

49. At all times relevant to this Complaint, Plaintiff was successfully performing the functions of her position.

50. Plaintiff was terminated due to race bias and Plaintiff was treated differently and less favorably than similarly situated non-Filipino co-workers.

51. As described more fully above, Defendant engaged in unlawful employment practices by treating Plaintiff differently than Plaintiff's similarly situated coworkers outside of Plaintiff's protected class with respect to the terms and conditions of Plaintiff's employment.

52. Defendant's actions were willful and malicious.

53. Plaintiff administratively exhausted her remedies prior to filing this suit.

54. Plaintiff has suffered and continues to suffer substantial pecuniary and non-pecuniary damages.

55. Plaintiff has suffered severe stress, anxiety and depression and other mental and physical anguish as a result of Defendant's actions.

56. As a direct and proximate result of Defendant's actions, Plaintiff has suffered economic loss, including loss earnings and loss benefit, mental anguish, emotional distress, personal humiliation, indignity, embarrassment, inconvenience, stigma, pain and suffering and damages to her personal and professional reputations, justifying an award including but not limited to damages for emotional distress, compensatory, punitive and consequential damages against Defendant, as well as attorney's fees and costs as a result of suffering discrimination in violation of 42 U.S.C. §2000e, et seq.

SECOND CAUSE OF ACTION

**COUNT II DISCRIMINATION (RACE) IN VIOLATION OF Montgomery County Code,
section 27-19**

57. Plaintiff hereby incorporates each of the preceding paragraphs as if fully re-stated herein.

58. Defendant discriminated against Plaintiff based on her race in violation of Montgomery County Code, section 27-19.

59. Plaintiff is a member of a protected class.

60. Plaintiff's race is "Filipino."

61. Plaintiff has suffered adverse employment actions because of her race.

62. Plaintiff was treated differently and less favorably than similarly situated non-Filipino co-workers.

63. The aforementioned adverse actions adversely affected the terms and conditions of Plaintiff's employment.

64. At all times relevant to this Complaint, Plaintiff was successfully performing the functions of her position.

65. Plaintiff was terminated due to race bias and Plaintiff was treated differently and less favorably than similarly situated non-Filipino co-workers.

66. As described more fully above, Defendant engaged in unlawful employment practices by treating Plaintiff differently than Plaintiff's similarly situated coworkers outside of Plaintiff's protected class with respect to the terms and conditions of Plaintiff's employment.

67. Defendant's actions were willful and malicious.

68. Plaintiff administratively exhausted her remedies prior to filing this suit.

69. Plaintiff has suffered and continues to suffer substantial pecuniary and non-pecuniary damages.

70. Plaintiff has suffered severe stress, anxiety and depression and other mental and physical anguish as a result of Defendant's actions.

71. As a direct and proximate result of Defendant's actions, Plaintiff has suffered economic loss, including loss earnings and loss benefit, mental anguish, emotional distress, personal humiliation, indignity, embarrassment, inconvenience, stigma, pain and suffering and damages to her personal and professional reputations, justifying an award including but not limited to damages for emotional distress, compensatory, punitive and consequential damages against Defendant, as well as attorney's fees and costs as a result of suffering discrimination in violation of Montgomery County Code, section 27-19.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court grant the following relief:

1. To issue judgment declaring:

a. Defendant has violated Title VII of the Civil Rights Act and Montgomery County Code

anti-discrimination provisions relating to employment;

2. Issue a permanent injunction:

- a. Requiring defendant to abolish discriminatory practices;
- b. Requiring removal or demotion of all managers who have violated Title VII of the Civil Rights Act and the Montgomery County Code, and failed to meet their legal responsibility to promptly investigate complaints or to take effective action to stop and deter prohibited personnel practices against employees;

3. For such damages, including back pay, front pay and benefits, and overtime compensation as Plaintiff is entitled under the Title VII of the Civil Rights Act and the Montgomery County Code in the following amounts:

- a. award Plaintiff compensatory damages for back pay, front pay and benefits, and other compensation in an amount not less than five hundred thousand dollars (\$500,000);
- b. award Plaintiff exemplary and punitive damages in an amount not less than one million five hundred thousand dollars (\$1,500,000) or any other such amount the jury deems proper;
- c. award Plaintiff the costs and reasonable attorney's fees incurred in this action; and
- d. order Defendant to pay interest at the legal rate on such damages as appropriate, including pre and post judgment interest; and
- e. grant such other relief as the Court may deem just and proper.

JURY DEMAND

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES.

RESPECTFULLY SUBMITTED,




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Washington, DC 20012
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Counsel for Plaintiff

VERIFICATION

I, Amie D. De Leon, am the Plaintiff in the aforementioned action. I have read the foregoing Complaint and know the contents thereof. The contents are true to my own knowledge, except as to those matters that are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the District of Columbia and the United States of America that the foregoing is true and correct.



Amie D. De Leon
Plaintiff

09/29/17

Date