

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BEVERLY LEE

Plaintiff,

-v-

**GULF COAST REGIONAL
BLOOD CENTER**

Defendant.

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Civil Action No. 4:19-cv-04315

PLAINTIFF BEVERLY LEE'S ORIGINAL COMPLAINT AND JURY DEMAND

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

**I.
SUMMARY**

This is a simple case of retaliation under the federal Fair Labor Standards Act.

Defendant retaliated against Plaintiff Beverly Lee in violation of the FLSA. Defendant engaged in wage theft by failing to compensate Lee for hours worked during Hurricane Harvey. Lee engaged in protected activity when she filed her wage claim with the Texas Workforce Commission for unpaid wages and overtime. Lee further engaged in protected activity when she subsequently testified in the wage hearing before the Texas Workforce Commission. The hearing for Lee's claim was held on January 24, 2018. Immediately following Lee's testimony at the TWC hearing, Defendant began to retaliate against her. On January 26, 2018, Defendant put an envelope in Lee's locker containing its code of conduct. Defendant alleged Lee violated the code that very day by taking action in questioning who put the code in her locker and stating it was retaliation. On January 27, 2018, less than 72 hours after Lee testified at the TWC hearing, Defendant

suspended Lee and denied her access to the facilities. Defendant subsequently sent Lee a letter stating her employment had been terminated, effective January 29, 2018.

II. JURISDICTION AND VENUE

1. This Court has original jurisdiction to hear this complaint and to adjudicate the claims stated herein under 28 U.S.C. § 1331, this action being brought under the Federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (FLSA).

2. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred in this District.

III. PARTIES

3. Plaintiff Beverly Lee is a resident of Harris County, Texas and was an “employee” of Defendant as required by the FLSA, 29 U.S.C. § 215(a)(3).

4. Defendant, Gulf Coast Regional Blood Center, is a Texas non-profit 501(c)(3) corporation doing business in the state of Texas. Defendant is an “employer” within the meaning of FLSA, 29 U.S.C. § 203(d), an “enterprise” within the meaning of FLSA, 29 U.S.C. § 203(r), and “engaged in commerce” within the meaning of FLSA, 29 U.S.C. § 203(s)(1). Defendant may be served by serving its registered agent for service Brian G. Gannon at 1400 La Concha Lane, Houston, Texas 77054.

IV. FACTUAL ALLEGATIONS

5. Lee began working for Gulf Coast in or around August 2013.

6. Throughout her employment with Gulf Coast, Lee always gave her best efforts to the company.

7. Unfortunately, everything changed for Lee following Hurricane Harvey.

8. As a result of Hurricane Harvey, while working, Lee found herself stranded from August 27 through August 29, 2017.

9. During this time period, Lee continued to work for Gulf Coast, putting her life in jeopardy. Rightfully so, Lee expected compensation for the hours worked.

10. Following the storm, on or about September 8, 2017, Lee received a paycheck that was significantly short, failing to compensate her for hours worked between August 27 and August 29.

11. Believing this was a mere oversight, Lee reported the matter to Human Resource Manager Rodney Green.

12. Mr. Green responded by stating, “You think I’m going to pay you for sleeping?”

13. The following week, without a resolution, Lee filed a wage claim with the Texas Workforce Commission.

14. The hearing for Lee’s wage claim, during which she participated and provided testimony, was held on January 24, 2018.

15. At the end of Lee’s shift on January 26, 2018, Lee went to her locker and found an envelope containing Gulf Coast’s code of conduct.

16. Not having any prior disciplinary history or write-ups, Lee wondered why the code had suddenly been placed in her locker.

17. When Lee asked Administrative Assistant Omeisha Capdeville about the code, Capdeville stated that Mike Duke had instructed her to place the code in Lee’s locker.

18. Lee then left.

19. Around 12:00 a.m. on January 27, 2018, Lee returned to work for her next shift.

20. It was at that time, on January 27, 2018, Lee was denied access to the facilities and was told she was being suspended.

21. On or about February 8, 2018, Lee received a letter in the mail informing her that her employment had been terminated, effective January 29, 2018.

22. Prior to the events at issue, Lee had no prior disciplinary history or write-ups.

23. All conditions precedent to the filing of this lawsuit have been satisfied and fulfilled.

**V.
FAIR LABOR STANDARDS ACT VIOLATIONS**

24. Defendant employed Lee.

25. Lee made informal and formal complaints of unpaid wages and overtime.

26. Lee engaged in protected activity when she complained of her unpaid wages and unpaid overtime. Lee further engaged in protected activity by providing testimony regarding her unpaid wages during the TWC hearing.

27. Defendant violated the FLSA when it terminated Lee for participating in the protected activity of making her complaint and testifying during the TWC hearing for unpaid wages and overtime.

28. Defendant's termination of Lee was an adverse employment action taken because of Lee's protected activity regarding her claims for unpaid wages and overtime.

29. Defendant's fabricated basis for suspending Lee less than 48 hours after her testimony at the TWC hearing, and its termination of Lee's employment within less than six days, establishes a causal connection between Lee's protected activity and the adverse employment action.

30. Lee brings this case of retaliation pursuant to §215(a)(3) of the FLSA.

**VI.
JURY DEMAND**

31. Plaintiff exercises the right to a jury.

**VII.
DAMAGES**

32. Plaintiffs seeks all damages allowed under the Fair Labor Standards Act, including:
- a. Plaintiff seeks an injunction prohibiting Defendant from engaging in unlawful employment practices.
 - b. Plaintiff seeks judgment against Defendant that its violations of the FLSA were willful.
 - c. Plaintiff seeks additional equitable relief as may be appropriate such as reinstatement, promotion, back pay, front pay, court costs and additional equal amounts as liquidated damages, all in amounts to be established at trial.
 - d. Plaintiff seeks compensatory damages for future pecuniary losses.
 - e. Plaintiff seeks punitive damages.
 - f. Plaintiff seeks reasonable attorney's fees and costs including reasonable expert fees.
 - g. Plaintiff seeks pre and post judgment interest at the maximum rate allowed by law.

WHEREFORE, premises considered, Plaintiff respectfully prays that Defendant be summoned to appear and that, upon a trial on the merits, all relief requested be awarded to Plaintiff and for such other and further relief to which Plaintiff is justly entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kalandra N. Wheeler", is written over a solid black horizontal line.

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