

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KIMBERLEY LINDSEY

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,

Defendant.

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C.A. No.: 4:22-cv-00502

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES, KIMBERLEY LINDSEY ("Plaintiff"), and files this, Original Complaint for Damages, complaining of AMERICAN AIRLINES, INC. ("Defendant" or "AA"), and alleges as follows:

**I.
NATURE OF THE ACTION**

1. This action is brought to remedy claims of employment discrimination on the basis of age and sex, pursuant to Title VII of the Civil Rights Act of 1964.
2. Plaintiff seeks actual and compensatory damages, punitive damages, and other appropriate legal and equitable relief.

**II.
PARTIES**

3. Plaintiff has at all times relevant to this lawsuit been a resident of Mansfield, Texas.
4. Defendant, AMERICAN AIRLINES, INC., is a foreign corporation organized and existing under the laws of the State of Delaware, and is authorized to do business in Texas which

has its principal place of business in Tarrant County, Texas. AA may be served with process by serving Corporation Service Company d/b/a CSC-Lawyers, at 211 E. 7th Street, Ste. 620, Austin, Texas 78701. Service is requested at this time.

**III.
JURISDICTION AND VENUE**

5. Plaintiff has been discriminated against because of her age and sex. Defendant's conduct is in violation of Title VII of the Civil Rights Act of 1964. The jurisdiction of this Court is invoked by Plaintiff pursuant to 28 U.S.C. § 1331. This Court has supplemental jurisdiction over all other state claims as they are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy pursuant to 28 USCS § 1367.

6. Venue is proper in this district under 28 U.S.C. §1391 because the unlawful employment practice about which Plaintiff complains was committed in this district.

**IV.
EXHAUSTION OF ADMINISTRATIVE REMEDIES**

7. Plaintiff timely filed a charge of discrimination with the EEOC.

8. The EEOC has issued a Notice of Right to Sue Letter to Plaintiff, which is attached as Exhibit A.

9. Plaintiff files this Complaint within ninety (90) days after receipt of the Notice of Right to Sue Letter from the EEOC.

**V.
FACTUAL ALLEGATIONS**

10. Plaintiff is a 60-year-old female and has been employed with AA since January 09, 2014. From July 1, 2017 to October 1, 2020, Plaintiff was a Senior Analyst/Analyst for AA. On November 11, 2019, Plaintiff filed an ethics violation, discrimination and hostile work environment reports on her Senior Manager, Jeffrey Painter ("Painter"), along with continued reports of Robert Aderman ("Aderman").

11. Plaintiff had previously reported Aderman, a younger male Analyst (level 3) on the Onboard Service Team, for creating a hostile work environment. Despite Plaintiff's reports, Aderman, who had only been employed by Defendant for four years, was promoted to a level 4 Senior Analyst. Even after reporting Aderman, he verbally attacked Plaintiff in a meeting again on November 19, 2019. He yelled and became highly aggressive and verbally abusive with his attacks over a period of 45 minutes.

12. Painter's employment with Defendant was terminated on January 6, 2020. On January 8, 2020, Plaintiff again reported to the Managing Director of Customer Delivery, Flight Service, Jennifer Proctor ("Proctor"), that Aderman and others within Plaintiff's department created a hostile work environment. On January 10, 2020, Proctor assigned Van Wentworth ("Wentworth") as the person to whom members of Plaintiff's team should report. During Plaintiff's first meeting with Van, Plaintiff reported the hostile atmosphere Aderman created. Wentworth advised Plaintiff that he had been tasked with resolving the issues and that Plaintiff should remain patient while he did so.

13. During a meeting with Wentworth and Aderman, Aderman verbally attacked and belittled Plaintiff, making comments regarding her abilities as an older woman. This created a very upsetting situation for Plaintiff. After that meeting, Plaintiff again expressed to Wentworth how hostile the work environment continued to be. She lodged additional complaints to management about Aderman continuing to create a hostile work environment. Wentworth again indicated to Plaintiff that Proctor had specifically tasked him with correcting the situation, to "please give me time," and to not report it to Human Resources.

14. In April of 2020, Kirstin Perkins ("Perkins") was appointed as the new manager to whom Plaintiff and Aderman reported. Plaintiff immediately informed Perkins of the continual harassment and hostile work environment Plaintiff had experienced with Aderman. A few days

later, Perkins indicated to Plaintiff that Human Resources would contact Plaintiff about the incidents with Aderman.

15. Upon information and belief, Perkins was also verbally attacked by Aderman in April or May 2020. She reported it to Human Resources and was told by the Human Resources Business Partner, Mathew Diedrick, and Proctor to “coach him (Aderman) up,” and Perkins was instructed not to make an official report. Perkins was the only employee that actually tried to help Plaintiff.

16. On June 30, 2020, Plaintiff was released from her position as Senior Analyst (level 4) Onboard Service and Procedures. She was informed that she no longer had a position in Flight Service Management; however, Aderman, the very employee about whom Plaintiff complained, was retained, and even promoted. Plaintiff was presented with the following two options: (1) leave AA; or (2) accept a demotion to Flight Attendant and an approximately 49% reduction in pay. Plaintiff accepted the Flight Attendant position.

17. Plaintiff was replaced by two younger women, Kati Conti (“Conti”) and Carolina Londono (“Londono”), neither of whom had experience with the job functions for which Plaintiff had been responsible, which included onboard service procedures, policies, technical writing, manual editing, and working with Adobe Framemaker software, the software used to edit the OSM. In fact, Londono’s prior position was working on the uniform team in Flight Service, and Conti’s prior position included galley packing in Flight Service.

18. Accordingly, on July 1, 2020, Plaintiff filed a complaint with Human Resources alleging retaliation and discrimination because she believed she was demoted because of her prior hostile work environment reports. Since then, Plaintiff’s flight attendant position was furloughed without pay, and she lost her future vacation for 2021. Plaintiff believes AA knew Plaintiff would be furloughed, and that is why they demoted her to that position – to get rid of her.

19. There has been a systematic and pervasive discrimination against Plaintiff since. The disparate treatment by AA against Plaintiff is discriminatory and creates an adverse employment environment.

VI. CAUSES OF ACTION

COUNT 1 – DISCRIMINATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

20. The allegations contained in Paragraphs 1-19 are incorporated herein by reference, the same as fully set forth verbatim.

21. At all times relevant this action, Plaintiff was an employee within the meaning of the Title VII of the Civil Rights Act of 1964 and belonged to a protected class under the statute, namely a female who was discriminated against on the basis of her age and sex.

22. At all times relevant this action, Defendant was an employer within the meaning of Title VII of the Civil Rights Act of 1964.

23. Prior to filing this lawsuit, Plaintiff complied with all the procedural prerequisites to the filing of a lawsuit as alleged in Paragraphs 1-22 of this Complaint.

24. On March 11, 2022, the EEOC, issued a Notice of Right to Sue letter.

25. Defendant has engaged in a widespread pattern and practice of violating Title VII of the Civil Rights Act of 1964, as detailed in this Complaint, including, *inter alia*, discriminating against Plaintiff based on her age and sex.

26. Defendant discriminated against Plaintiff and engaged in retaliatory conduct directed towards Plaintiff without cause based on her age and sex.

27. These actions on the part of Defendant were wholly inconsistent with the manner in which Defendant demoted Plaintiff after Plaintiff complained to human resources.

28. Defendant acted knowingly and willfully in violation of Title VII of the Civil Rights Act of 1964 for which Plaintiff seeks relief under said statute.

COUNT 2 – RETALIATION

29. The allegations contained in Paragraphs 1-28 are incorporated herein by reference, the same as fully set forth verbatim.

30. Plaintiff brings this claim under the Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000(e), *et. seq.*

31. Plaintiff is an employee within the meaning of Title VII, 29 U.S.C. §§ 203(e) and 623, and belongs to a class protected under the statute, namely a natural person who was been retaliated against.

32. Defendant is an employer within the meaning of Title VII and 29 U.S.C. §203(d).

33. Defendant discriminated against Plaintiff without cause based on her age and sex. This was done with the intention of negatively impacting Plaintiff's position by demoting her in rank and pay.

34. Prior to filing this lawsuit, Plaintiff filed a timely charge of employment discrimination with the EEOC. On March 11, 2022, the EEOC issued a Notice of Right to Sue Letter.¹

35. The actions described in paragraphs 10-34 of this Complaint illustrate the disparate and discriminatory treatment of Plaintiff compared to other younger and male employees.

36. The foregoing actions were materially adverse to Plaintiff, in response to Plaintiff's complaints to human resources which has resulted in retaliatory conduct directed towards Plaintiff.

37. These retaliatory acts are in violation of Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000(e), *et. seq.*, for which violation Plaintiff seeks relief under said statute.

¹ See Exhibit A- Notice of Right to Sue.

VII.
LIQUIDATED DAMAGES

38. Plaintiff requests an award of liquidated damages pursuant to Title VII of the 1964 Civil Rights Act as Defendant willfully violated his federally-protected rights.

VIII.
ATTORNEYS' FEES

39. Defendant's wrongful conduct has made it necessary for Plaintiff to retain the undersigned attorneys to represent her in bringing and prosecuting this action, and, if necessary, for legal representation in appeal. Plaintiff therefore seeks recovery of all reasonable attorneys' fees and costs pursuant to Title VII of the 1964 Civil Rights Act, 29 U.S.C. § 201 *et seq.*

IX.
PRAYER

40. The allegations contained in Paragraphs 1-39 are incorporated herein by reference, the same as fully set forth verbatim.

41. As a direct and proximate result of Defendant's unlawful and discriminatory actions, Plaintiff has suffered injuries for which she seeks monetary compensation in the following non-exclusive areas:

- a. Judgment for past and future mental anguish, anxiety, emotional distress, humiliation, and injury to reputation;
- b. Judgment for actual damages in the amount of past and future back pay, loss of earnings and benefits, sick and/or annual leave and loss of earning capacity;
- c. Liquidated damages for Defendants willful violation of Plaintiff's federally-protected rights under Title VII of the 1964 Civil Rights Act;
- d. Pre-judgment and post-judgment interest at the maximum legal rate;
- e. A declaratory judgment that the acts, policies and practices complained herein are in violation of Title VII of the 1964 Civil Rights Act;

- f. That the Court enjoin Defendant from continuing its acts, policies, and practices which violate Title VII of the 1964 Civil Rights Act;
- g. Reasonable attorneys' fees under Title VII, 42 U.S.C. §2000e-5(k);
- h. All costs of court; and
- i. All other relief to which Plaintiff may be entitled.

Dated: June 8, 2022.

Respectfully submitted,

LAW OFFICE OF MATTHEW BOBO, PLLC.

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