

CAUSE NO. CC-21-03797-E

**PAMELA ALLEN,
STEVIE BROWN,
ARNOLD RICHARD,
AND JAMIN STINSON,**

Plaintiffs,

v.

NORTH TEXAS FOOD BANK,

Defendant.

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IN THE COUNTY COURT

AT LAW NO. _____

DALLAS COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

I.

INTRODUCTION

Plaintiffs Pamela Allen (Allen), Stevie Brown (Brown), Jamin Stinson (Stinson), and Arnold Richard (Richard) (collectively Plaintiffs) file this Original Petition against Defendant North Texas Food Bank (Defendant or North Texas Food Bank).

II.

DISCOVERY CONTROL PLAN

1. Plaintiffs intend to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.3.

III.

PARTIES

2. Plaintiff Pamela Allen (Allen) is an individual and a citizen of Dallas County, Texas.

3. Plaintiff Stevie Brown (Brown) is an individual and a citizen of Dallas County, Texas.

4. Plaintiff Arnold Richard (Richard) is an individual and a citizen of Dallas County, Texas.

5. Plaintiff Jamin Stinson (Stinson) is an individual and a citizen of Collin County, Texas.

6. Defendant North Texas Food Bank is a Texas non-profit organization organized under the laws of the state of Texas. The Food Bank Defendant may be served with process, including citation and a copy of this petition, by serving its registered agent for service of process, Trisha Cunningham, 3677 Mapleshade Lane, Plano, Texas 75075, or wherever she may be found.

IV.

JURISDICTION

7. The Court has jurisdiction over this action because the amount in controversy, exclusive of interest and costs, is within the jurisdictional limits of the Court.

8. North Texas Food Bank employs the requisite number of employees for coverage under the relevant state laws and statutes upon which Plaintiffs' claims are based.

9. As required by Texas Rule of Civil Procedure 47(c), Plaintiffs seek monetary relief over \$1,000,000.00.

V.

VENUE

10. Venue is proper in Dallas County because Plaintiffs were drivers for North Texas Food Bank and spent the majority of their time driving in Dallas County, and thus all or a

substantial part of the events and omissions giving rise to Plaintiffs' claims occurred in Dallas County.¹

VI.

BACKGROUND FACTS

11. North Texas Food Bank is a non-profit organization that takes donations of food to provide to the sick, needy, and elderly.

12. Plaintiffs Allen, Brown, Stinson, and Arnold are African Americans who drove trucks for North Texas Food Bank.

13. Brown started working for North Texas Food Bank in 2010, while Allen, Stinson started working for North Texas Food Bank in 2018.

14. Manuel Gomez (Hispanic) was Plaintiffs' supervisor for much of the time they worked for North Texas Food Bank.

15. North Texas Food Bank hired Mike Lawler (white) as a supervisor.

16. Lawler immediately began harassing and discriminating against the black and Hispanic drivers, including Plaintiffs.

17. According to Gomez, Lawler:

- a. Severely micromanaged the black and Hispanic drivers, and treated them like "children;"
- b. Treated the black and Hispanic drivers like children;
- c. Spied on the black and Hispanic drivers trying to "catch" them making mistakes; and
- d. Referred to black drivers as "yard apes."

¹ TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1).

18. Gomez spoke to Lawler and told Lawler that he was making the black and Hispanic drivers feel discriminated against; Lawler stated he did not care, or words to similar effect.

19. In November 2020, Michael Green, another African America driver, reported to Gomez that Lawler had referred to a group of black drivers as “yard apes.”

20. Gomez urged Green to report this incident to upper management, as Gomez was having no luck getting Lawler to stop discriminating against the black and Hispanic drivers.

21. Upon information and belief, Green reported Lawler to Suzanne Drotman (white female).

22. Plaintiffs all reported Lawler’s discriminatory conduct to management, including to Drotman.

23. Drotman subsequently held several meetings with Plaintiffs and the other drivers.

24. When Plaintiffs asked Drotman what she was going to do about Lawler, Drotman replied, “I’m tired of hearing all your complaints about race discrimination,” or words to similar effect.

25. The next day, North Texas Food Bank fired Plaintiffs.

26. The Food Bank claimed Brown, Allen, and Stinson were stealing from the Food Bank.

27. When pressed on what North Texas Food Bank claimed Plaintiffs had stolen, North Texas Food Bank referred to the personal bags all the drivers took to and from their personal vehicles to their work trucks every day.

28. Plaintiffs were not provided lockers with at North Texas Food Bank, so any personal items Plaintiffs had with them, they were required to transport them in their work trucks.

29. Plaintiffs had taken personal belongings into their trucks every day for reasons such as possibly needing a change of clothing.

30. When pressed further, North Texas Food Bank admitted it had no idea what Brown, Allen, and Stinson had allegedly stolen.

31. Gomez testified Lawler was manufacturing reasons to fire some of these employees because of their race, and he believed all were fired because of their race and because they engaged in protected activity by reporting Lawler's discriminatory conduct to management.

32. It appears Lawler conspired with Drotman to concoct reasons for firing the black and Hispanic employees who complained about Lawler's racist behavior.

33. Indeed, Drotman called the police to perpetuate the charade, yet North Texas Food Bank did not file criminal charges against Plaintiffs for these non-existent thefts.

34. To this day, North Texas Food Bank cannot identify a single item it claims Plaintiffs stole, other than claiming Stinson stole flowers that were thrown out with the trash.

35. Drivers frequently took home flowers that were donated by various grocery stores because North Texas Food Bank simply threw them away.

VII.

CONDITIONS PRECEDENT

- 36. Plaintiffs filed Charges of Discrimination with the Texas Workforce Commission.
- 37. The Charges were filed within 180 days after the date on which the complained of employment practices were committed.
- 38. More than 180 days have passed since the Charges were filed and no action has been taken.
- 39. Plaintiffs has timely exhausted all administrative remedies.

VIII.

CAUSES OF ACTION

A. First Cause of Action—Race/Color Discrimination—TCHRA²

- 40. Plaintiffs incorporate each of the foregoing paragraphs.
- 41. The Food Bank discriminated against Plaintiffs because of Plaintiffs’ race/color.
- 42. The Food Bank’s actions violated section 21.051 of the Texas Labor Code.

B. Second Cause of Action—Race/Color Discrimination—Discriminatory Discharge — TCHRA

- 43. Plaintiffs incorporate each of the foregoing paragraphs.
- 44. North Texas Food Bank terminated Plaintiffs’ employment because of Plaintiffs’ race/color.
- 45. North Texas Food Bank’s actions violated section 21.051 of the Texas Labor Code.

² Texas Commission on Human Rights Act.

C. Third Cause of Action—Unlawful Retaliation—TCHRA

46. Plaintiffs incorporate each of the foregoing paragraphs.

47. Plaintiffs engaged in protected activity as set forth in Texas Labor Code section 21.055.

48. In response, North Texas Food Bank retaliated against Plaintiffs and terminated their employment.

49. North Texas Food Bank's actions violated section 21.055 of the Texas Labor Code.

IX.

DAMAGES

50. Plaintiffs incorporate each of the foregoing paragraphs.

51. North Texas Food Bank's actions violated the TCHRA, which entitles Plaintiffs to recover from North Texas Food Bank back pay, front pay, compensatory damages, as well as pre-judgment and post-judgment interest.

52. Because North Texas Food Bank's actions were done with malice and/or reckless indifference to Plaintiffs' state-protected rights, Plaintiff is entitled to recover from North Texas Food Bank punitive damages.

53. Plaintiff seeks all damages available under the TCHRA.

X.

ATTORNEYS' FEES AND COSTS

54. Plaintiffs incorporate each of the foregoing paragraphs.
55. Plaintiffs retained the services of undersigned counsel to prosecute Plaintiffs' claims.
56. Pursuant to Texas Labor Code section 21.259, Plaintiffs are entitled to recover a reasonable attorneys' fee from North Texas Food Bank, including reasonable expert fees.

XI.

INJUNCTIVE AND EQUITABLE RELIEF

57. Plaintiffs incorporate each of the foregoing paragraphs.
58. Plaintiffs request the Court enter an order providing injunctive and declaratory relief including, but not limited to:
- e. Prohibiting North Texas Food Bank from engaging in unlawful discrimination;
 - f. Reporting to the Court on the manner of compliance with the terms of a final order issued by this Court;
 - g. Reinstating Plaintiffs' employment with North Texas Food Bank with backpay;
 - h. Paying court costs;
 - i. Any additional equitable relief as the Court deems proper.

XII.

NOTICE PURSUANT TO RULE 193.7

59. Plaintiffs incorporate each of the foregoing paragraphs.
60. Plaintiffs provide notice to North Texas Food Bank, pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, that Plaintiffs may utilize as evidence during the trial of this lawsuit all documents exchanged by the parties in written discovery in this case.

XIII.

JURY TRIAL

- 61. Plaintiffs incorporate each of the foregoing paragraphs.
- 62. Plaintiffs demand a jury trial.

XIV.

PRAYER

63. Plaintiffs respectfully requests that North Texas Food Bank be cited to appear and answer, and that upon final trial of this matter, the Court enter judgment against North Texas Food Bank awarding Plaintiffs:

- A. Back pay and front pay (including benefits);
- B. Compensatory damages;
- C. Punitive damages;
- D. Reasonable attorneys' fees and expert fees;
- E. Injunctive and equitable relief, including but not limited to, an Order:
 - a. Prohibiting North Texas Food Bank from engaging in unlawful discrimination;
 - b. Reinstating Plaintiffs' employment with North Texas Food Bank with backpay;
 - c. Reporting to the Court on the manner of compliance with the terms of a final order issued by this Court;
 - d. Paying court costs;
 - e. Any additional equitable relief the Court deems proper;
- F. Courts costs;
- G. Pre-judgment and post-judgment interest at the rate set by law; and
- H. All legal or equitable relief this Court deems proper.

Respectfully submitted,

/s/ Matthew R. Scott

MATTHEW R. SCOTT

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ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

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Matt Scott on behalf of Matt Scott
Bar No. 794613
matt@mattscottlaw.com
Envelope ID: 56990025
Status as of 9/7/2021 1:13 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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