

C. A. No. \_\_\_\_\_

**DEE ANNE THOMSON**

Plaintiff,  
v.

**GULF WINDS INTERNATIONAL, INC.**

Defendants.

In The

District Court

Harris County, Texas

\_\_\_\_ Judicial District

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**PLAINTIFF'S ORIGINAL PETITION**

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TO THE HONORABLE JUDGE OF SAID COURT:

1. INTRODUCTION

Plaintiff demands a JURY TRIAL in this employment discrimination case under the Texas Commission on Human Rights Act (Hereafter, the "ACT") as to any and all issues triable to a jury. Plaintiff alleges Defendant GULF WINDS INTERNATIONAL, INC violated the Act when Defendant GULF WINDS INTERNATIONAL took adverse personnel actions against Plaintiff.

1.1 COMES NOW, DEE ANNE THOMSON, (hereinafter referred to as "Plaintiff") complaining of and against GULF WINDS INTERNATIONAL, INC. (hereinafter referred to as "Defendant" or "Defendant GULF WINDS INTERNATIONAL, INC"), and for cause of action respectfully shows the court the following:

2. PARTIES

2.1. Plaintiff is an individual residing in La Porte, Harris County, Texas.

2.2. Defendant GULF WINDS INTERNATIONAL, INC. is an employer engaging in an industry affecting interstate commerce, and employs more than 200 regular employees. Defendant GULF WINDS INTERNATIONAL, INC. can be served by serving its

registered agent ROBERT D. AXELROD, 5300 Memorial Drive, Suite 1000, Houston, Texas 77007.

### 3. VENUE

- 3.1. Venue of this proceeding is proper in Harris County, Texas pursuant to Texas Civil Practice & Remedies Code § 15.002 because Harris County is the county in which all or part of the cause of action accrued and the county where Defendant maintain a residence, an agency or representative.

### 4. FACTS

- 4.1. Defendant, Gulf Winds International, hired Plaintiff in February 2009. Plaintiff's work record was very good over those many years and Plaintiff has always had good performance appraisals; in fact, Plaintiff had 43 employees reporting to her. Plaintiff was highly regarded by staff, peers, and many in higher levels of management. Plaintiff's most recent positions were Commercial Advisory Team Manager and Business Manager for Nakika. Plaintiff is 52 years old, married with five daughters.
- 4.2. Despite the fact that they are subject to laws regarding religious discrimination, Defendant on a daily, routine, and regular basis sent emails containing Christian religious information, quotes and prayers to employees. In messages Plaintiff was told to "think and pray on it." The day after the 2012 election, Steve Stewart, Defendant's Chairman, sent a very long, odd email outlining how disappointed he was that Romney did not win and what that meant for the country. Throughout this political email to the company, Mr. Stewart interspersed New Testament Bible verse. Defendant has fired an employee solely because she had a rainbow sticker on her car and assuming it meant the individual was gay, fired her because that did not comport with their religion. In fact, in that odd 2012

email, the Chairman of the company mentioned Chick Fil A “day” as a reference to homosexuality, holding it in a negative light. All of the upper management employees attend C12 Christian group during work hours. C12 is an organization that holds itself out as America’s leading Christian CEO forum and a cutting edge Christian business leadership grounded in timeless Biblical wisdom. Defendant brought a vendor to this expensive forum and after that vendor did not continue attending no longer did business with him. Defendant has published religious booklets containing Gulf Winds International, Inc., on the books and distributed them through employees. In fact, employees reporting to Plaintiff told her that they were not comfortable being forced to distribute these books to drivers. Plaintiff reported this opposition to Defendant prior to Defendant taking adverse actions against her.

- 4.3. On September 22, 2014, the president of the company took Plaintiff to lunch and told her in an inference that she was not Christian enough and that she needed to examine her walk with Jesus. He also told her, in a further religious reference, that she needed to witness to them to touch their lives, in reference to her reports.
- 4.4. Within weeks, Defendant informed Plaintiff that she was to be moved to another location and another manager, with no experience in her area, would be moved to her facility. Defendant told her that they were giving her grace from God and that grace would come back to them, as that is how God works.
- 4.5. Knowing that this move was not a legitimate business move for Defendant or its customers as it would switch two employees who did not have experience in each other’s work area, and was not in her best interest either, as it would add such significant travel time for Plaintiff that she would not be able to continue with many of her activities

(which include being on the school board), Plaintiff was allowed to go home and reflect. This move was a demotion in title and duties.

- 4.6. Knowing that the Executive Team (members of C12) were trying to push Plaintiff out and that it was unreasonable to continue to work there, Plaintiff told Defendant that the move was not in the best interest of the customers or the company and that she would resign. As Defendant has just given a severance to an employee with whom they did not tell to walk with Jesus and who did not oppose the handing out of the religious booklet on company time and on with company letterhead, Plaintiff asked for severance if she resigned. Defendant refused to offer a severance, and directed her to send them a resignation, though hours earlier they told her to go home and reflect and hoped she would reconsider.
- 4.7. On October 22, 2014, Defendant terminated Plaintiff.
- 4.8. In February of the same year, Defendant brought back the senior customer service manager position (as well as the people) that Plaintiff had before Plaintiff's termination. The individual who received her former position was significantly younger than her and did not have the experience she had, particularly with warehouses.
- 4.9. Defendant discriminated and retaliated against Plaintiff based on religion and because of her opposition of forced religious material in the work place in violation of The Texas Commission on Human Rights Act, as amended and because she engaged in a protected activity. Defendant also discriminated against Plaintiff in violation of the Texas Commission on Civil Rights Act, as amended, based on her age.

## 5. TIMELINESS

5.1. Plaintiff filed Plaintiff's lawsuit within two years of the date Plaintiff filed Plaintiff's Charge of Discrimination.

6. ADMINISTRATIVE CONDITIONS PRECEDENT

6.1. Jurisdiction is also appropriate since this action was filed on or before two years from the date Plaintiff filed Plaintiff's complaint with the Texas Commission on Human Rights.

7. NO FEDERAL CLAIMS

7.1. Plaintiff does not assert any federal claims in this proceeding. Additionally, Plaintiff is in no way seeking damages or remedies that may stem from a federal cause of action.

8. DAMAGES

8.1. As a direct and proximate result of the aforementioned arbitrary and capricious acts, the Plaintiff has suffered grievous harm, including, but not limited to, substantial loss of income; humiliation and embarrassment among co-workers and others; sustained damage to Plaintiff's credibility and sustained damage to Plaintiff's prospects for future employment.

9. CLAIM FOR RELIEF

9.1 Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000 as set forth at Rule 47(c)(4) of the Texas Rules of Civil Procedure. Damages are in excess of the minimum jurisdictional limits of this court.

10. ATTORNEY'S FEES

10.1. Defendants' action and conduct as described herein and the resulting damage and loss to Plaintiff has necessitated Plaintiff retaining the services of ROSENBERG & SPROVACH, 3518 Travis, Suite 200, Houston, Texas 77002 in initiating this proceeding. Plaintiff seeks recovery of reasonable and necessary attorney's fees.

11. JURY DEMAND

11.1. Plaintiff hereby makes Plaintiff's request for a jury trial in this cause pursuant to Rule 216 of the Texas Rules of Civil Procedure and deposits with the District Clerk of Harris County, Texas the jury fee of forty (\$40.00) dollars.

12. PRAYER

12.1. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer, and that on final hearing of this cause Plaintiff have the following relief:

- 12.1.1. Judgment against Defendant, for actual damages sustained by Plaintiff as alleged herein;
- 12.1.2. Judgment against Defendant, for back pay lost by Plaintiff as alleged herein;
- 12.1.3. Judgment against Defendant, for front pay by Plaintiff as alleged herein;
- 12.1.4. Grant Plaintiff general damages for the damage to Plaintiff's reputation;
- 12.1.5. Pre-judgment interest at the highest legal rate;
- 12.1.6. Post-judgment interest at the highest legal rate until paid;
- 12.1.7. Damages for mental pain and mental anguish, and other compensatory damages;
- 12.1.8. Exemplary and punitive damages;
- 12.1.9. Attorney's fees;
- 12.1.10. All costs of court expended herein;
- 12.1.11. Such other and further relief, at law or in equity, general or special to which Plaintiff may show Plaintiff justly entitled.

Respectfully Submitted,

/s/ Ellen Sprovach

Ellen Sprovach  
Texas State Bar ID 24000672  
ROSENBERG SPROVACH  
3518 Travis, Suite 200  
Houston, Texas 77027  
(713) 960-8300  
(713) 621-6670 (Facsimile)  
ellen@rosenberglaw.com  
Attorney-in-Charge for Plaintiff

OF COUNSEL:  
Gregg M. Rosenberg  
ROSENBERG SPROVACH

ATTORNEYS FOR PLAINTIFF

Unofficial Copy Office of Chris Daniel District Clerk