

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN D. RICHARD)	
)	CIVIL ACTION NO.: _____
Plaintiff,)	
)	
v.)	
)	
COATESVILLE AREA)	
SCHOOL DISTRICT)	
)	
Defendant.)	

COMPLAINT

Plaintiff, Kevin D. Richard, a resident of Chester County, Pennsylvania, by and through his attorneys, McCarthy Weisberg Cummings, P.C., brings this civil action for damages against the above-named Defendant, Coatesville Area School District, demands a trial by jury, and complains and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction of the claims set forth in this Complaint is proper in this judicial district pursuant to 28 U.S.C. §1331.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to these claims occurred in this judicial district.

THE PARTIES

3. Plaintiff, Kevin D. Richard (“Richard”), is an adult individual residing at 55 Winged Foot Drive, Coatesville, Chester County, Pennsylvania.

4. Defendant, Coatesville Area School District (“CASD”), was and is now a Public School District, duly organized and existing under the laws of the Commonwealth of Pennsylvania, maintaining a central Administration Office therein at 3030 C G Zinn Road, Thorndale, Chester County, Pennsylvania.

5. At all times relevant to this Complaint, Defendant employed in excess of fifteen (15) individuals and was an employer subject to Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq. (as amended) and the Civil Rights Act of 1991 (“Title VII”).

ADMINISTRATIVE PROCEEDINGS

6. On or about November 22, 2016, Richard filed a Charge of Discrimination with the Equal Employment Opportunity Commission (hereinafter referred to as “EEOC”), which was docketed as EEOC Charge No. 530-2017-00608, alleging religious discrimination, retaliation and wrongful discharge from his employment with Defendant. Richard’s EEOC Charge was cross filed with the Pennsylvania Human Relations Commission.

7. Richard has been advised of his individual right to bring a civil action by receiving a Notice of Rights from the EEOC, dated January 30, 2017.

8. Richard has exhausted the administrative remedies available to him, and all necessary and appropriate administrative prerequisites to the filing of this Complaint have occurred and been satisfied.

STATEMENT OF FACTS

9. Richard was hired by Defendant in or about February 2016, to work as a Secretary and was later transferred to the role of Registration Specialist in or about July 2016.

10. Richard was told that he was reassigned to the role of Registration Specialist in order to replace a woman named Julia.

11. As a Registration Specialist, Richard was responsible for scheduling student registration interviews.

12. Richard practices and follows the teachings of the religion of Satanism.

13. Among the tenets of his religion, Richard is taught to treat all individuals equally.

14. On or about August 23, 2016, Richard, in his capacity as a Registration Specialist, was asked to reschedule a scheduled parent interview for the purpose of prioritizing another individual on the basis of nepotism.

15. Richard complained to his supervisor that, because of the teachings of his religion and the mandate that he treat all individuals equally, he objected to rescheduling an interview on the basis of nepotism, and could not do so in the future.

16. That same day, after Richard lodged a good faith complaint regarding his religious objections, Richard was terminated.

17. Richard was given a reason for his termination which was clearly a pretext. Richard was told that the woman he was going to replace as a Registration Specialist was not going on medical leave; however, this was not the woman, Julia, whose last scheduled day was in the end of August, and whom Richard was told he was replacing.

18. Richard's termination was clearly a pretext for religious discrimination and/or in retaliation for his good faith complaint to his supervisor regarding his religious beliefs.

19. Defendant violated Plaintiff's rights under Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq. (as amended) and the Civil Rights Act of 1991 ("Title VII") by discriminating against Richard on the basis of his religion and retaliating against him after he lodged a good faith complaint.

COUNT I

RELIGIOUS DISCRIMINATION

20. The averments of all prior paragraphs are incorporated by reference as though fully set forth herein.

21. Defendant discriminated against Richard due to his religion by terminating Richard after he advised that his deeply held religious beliefs prevented him from preferentially scheduling individuals on the basis of nepotism.

22. As a consequence of this religious discrimination, Richard has suffered, and continues to suffer, economic loss, emotional distress, a loss of self-respect and confidence, and has been subjected to great damage to his career and professional standing.

23. The actions of Defendant set forth above constitute violations of Title VII.

WHEREFORE, Plaintiff, Kevin D. Richard, respectfully requests this Honorable Court to enter judgment in his favor and against Defendant, Coatesville Area School District, together with compensatory damages, punitive damages, reasonable attorneys' fees and costs, and any such other relief as this Honorable Court deems just and appropriate, which total amount exceeds the jurisdictional limits for mandatory arbitration referral.

COUNT II

RETALIATION

24. The averments of all prior paragraphs are incorporated by reference as though fully set forth herein.

25. Defendant retaliated against Richard by terminating him after he advised a good faith complaint to his employer because his deeply held religious beliefs prevented him from preferentially scheduling individuals on the basis of nepotism.

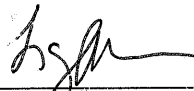
26. As a consequence of this retaliation, Richard has suffered, and continues to suffer, economic loss, emotional distress, a loss of self-respect and confidence, and has been subjected to great damage to his career and professional standing.

27. The actions of Defendant set forth above constitute violations of Title VII.

WHEREFORE, Plaintiff, Kevin D. Richard, respectfully requests this Honorable Court to enter judgment in his favor and against Defendant, Coatesville Area School District, together with compensatory damages, punitive damages, reasonable attorneys' fees and costs, and any such other relief as this Honorable Court deems just and appropriate, which total amount exceeds the jurisdictional limits for mandatory arbitration referral.

Respectfully submitted,

McCarthy Weisberg Cummings, P.C.



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March 23, 2017
Date