

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

KATHLEEN M. GRAHAM,

Plaintiff,

v.

STATE OF NEBRASKA,

Defendant.

CASE NO. C1-18-7708

COMPLAINT, DEMAND FOR  
JURY TRIAL AND PRAECIPE

LANCASTER COUNTY  
2018 MAY 18 PM 3 57  
DISTRICT COURT

COMES NOW the Plaintiff, by and through her attorney, and for her complaint against the Defendant states and alleges as follows:

1. This is an action seeking redress for violations of the rights guaranteed the plaintiff by the Nebraska Age Discrimination in Employment Act, Neb.Rev.Stat. § 48-1001 *et seq.*, and the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*

2. This Court has original jurisdiction over the state law claims and concurrent jurisdiction over the claims arising under federal law.

3. Plaintiff is a resident of Lancaster County, Nebraska.

4. Upon information and belief, Defendant State of Nebraska is a political subdivision located in the State of Nebraska and is an employer as that term is defined under the state and federal statutes set forth herein.

5. Plaintiff filed timely administrative actions with the Nebraska Equal Employment Opportunity Commission and the Equal Employment Opportunity Commission. Plaintiff has filed this timely action within 90 days of her receipt of the Right to Sue Notices.



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6. Plaintiff was sixty-five (65) years of age at the time of the alleged illegal actions occurred.

7. Plaintiff had worked for the Defendant since 2001, most recently as an Administrative Assistant/Executive Assistant to the Governor. Plaintiff's work performance was exemplary. Ms. Graham was likely the longest serving administrative assistant serving the Governor in the history of Nebraska.

8. On December 1, 2016, Plaintiff was told by Governor Pete Ricketts that due to budget cuts, he was eliminating her position.

9. Within days, Defendant replaced the Plaintiff with a younger employee who is in her twenties (20s).

10. Plaintiff's twenty-something year old replacement was given a substantial pay raise (between \$7,000-\$8,000) while the Defendant was aware of upcoming budget problems. The twenty-something year old was the only staff person in the Governor's Office to receive such a pay increase. Plaintiff's substantially younger replacement sat at plaintiff's former desk, parked in Plaintiff's former parking spot and continued to do the same duties previously performed by the Plaintiff. The younger replacement left her employment soon thereafter.

11. The sole factor in the adverse employment action noted herein was Plaintiff's age.

12. Defendant's elected officials, employees, supervisors, managers, officers, and/or other agents were acting in the scope and course of their employment with the Defendant at all times alleged herein.

13. Defendant's conduct was willful and/or done in reckless disregard of the Plaintiff's statutory rights. Liquidated damages are appropriate.

14. As a result of the unlawful acts set forth herein, Plaintiff has sustained lost wages, and the value of job related benefits, and will continue to incur such damages into the future.

15. Defendant's decision to subject her to adverse terms, conditions, and privileges of employment was due to Plaintiff's age. Said conduct is violative of the state and federal age discrimination laws (as noted herein).

#### COUNT I

Plaintiff incorporates paragraphs 1 through 15 as if fully set forth herein.

16. Defendant discriminated against the Plaintiff in the terms, conditions and privileges of employment due to her age in violation of the NE ADEA and the ADEA.

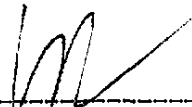
17. As a result of the Defendant's conduct, Plaintiff has incurred lost wages and job-related benefits and will continue to incur such damages into the future as well as attorney's fees and costs.

18. Due to the willful or reckless conduct of the Defendant, liquated damages are appropriate.

WHEREFORE, Plaintiff requests judgment against the Defendant in the following respects:

- a) Declaring the acts of the Defendant to be in violation of state and federal laws;
- b) Award Plaintiff lost wages and the value of benefits as well as prejudgment interest;
- c) Order Defendant to reinstate Plaintiff to her previously held position, or award her front pay and an appropriate amount for the loss of job related benefits in accordance with law;
- d) Award Plaintiff liquidated damages;
- e) Award Plaintiff attorney's fees and costs;
- f) Award such other and additional relief as this Court deems just and proper under the circumstances.

KATHLEEN M. GRAHAM, Plaintiff




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DEMAND FOR JURY TRIAL

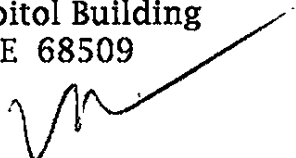
Plaintiff demands a jury trial to be held in Lincoln, Lancaster County,  
Nebraska.

  
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PRAECIPE

Please issue summons in the above captioned matter and return the  
same to the undersigned for service by Certified Mail upon the Defendant at  
the following address:

State of Nebraska  
Douglas Peterson, Attorney General  
2115 State Capitol Building  
Lincoln, NE 68509

  
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