

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

MARGARET A. KIRKPATRICK,)
)
 Plaintiff,)
)
 v.)
)
 CHITWOOD AND CHITWOOD, P.C.,)
)
 Defendant.)

NO. 02c992

JURY DEMAND

FILED
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JULY 27 11:41 AM
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COMPLAINT

The plaintiff, Margaret A. Kirkpatrick, for cause of action would state unto the Court as follows:

1. The plaintiff, Margaret A. Kirkpatrick, is a resident of Hamilton County, Tennessee.
2. The defendant, Chitwood and Chitwood, P.C., (hereafter the "defendant") is a Tennessee, professional corporation with a principal place of business located in Hamilton County, Tennessee.
3. The plaintiff was employed by the defendant from August 17, 1998, until April 1, 2002.
4. The plaintiff was employed by defendant as a data entry clerk. The plaintiff performed her job well and earned significant production bonuses from the defendant.

5. In the middle part of 2001, the defendant consolidated two church gift work units or departments into one work unit or department called "Church Gift." A white male was transferred into the plaintiffs work area.

6. The white male co-worker soon began to make remarks to the plaintiff that were racial in nature. The plaintiff attempted to ignore the comments and did not respond. The racial remarks continued such that the plaintiff had ask the white male co-worker to discontinue the comments.

7. The white male co-worker continued to make remarks that were racial in nature to the plaintiff. The plaintiff ultimately complained to the defendant's office manager. The white male co-worker continued to make racial remarks. Approximately one month after her initial complaint, the plaintiff complained to the office manager again about her white male co-worker's remarks that were racial in nature.

8. A week after making a second complaint against the white male co-worker the comments of the white male co-worker, the plaintiff was called into a meeting with the office manager. The office manager stated that the plaintiff was being terminated for "bickering." The plaintiff inquired why she was being terminated after making a complaint and asked to speak with the defendant's president.

9. The president placed the plaintiff on a one (1) week suspension without pay. The plaintiff was terminated when she returned to work after the suspension.

COUNT ONE

10. The plaintiff asserts and re-alleges the allegations of paragraphs one (1) through nine (9) as if fully recited herein.

11. The defendant has engaged in unlawful discrimination prohibited by T.C.A. §4-21-401, et. seq. by taking retaliatory actions against the plaintiff after she opposed unlawful employment practices, including her wrongful termination.

COUNT TWO

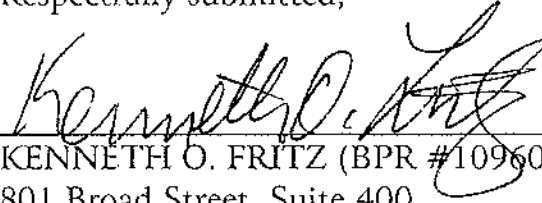
12. The plaintiff asserts and re-alleges the allegations of paragraph one (1) through eleven (11) as if fully recited herein.

13. The defendant's actions in this case constitute an unlawful employment practice prohibited by T.C.A. §4-21-401 by wrongfully terminating the plaintiff from employment.

WHEREFORE, premises considered the plaintiff prays:

1. That process be issued in this matter and be served upon the defendant requiring the defendant to appear and answer this matter.
2. That a jury be empanelled to hear this matter.
3. That the plaintiff be awarded a judgment against the defendants in the amount of One Hundred and Fifty Thousand and 00/100 (\$150,000.00) Dollars in the form of compensatory and punitive damages for violation of her civil rights, reinstatement to her position, plus all costs and reasonable attorney fees.
4. For general relief.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kenneth O. Fritz", is written over a horizontal line.

KENNETH O. FRITZ (BPR #10960)
801 Broad Street, Suite 400
Chattanooga, TN 37402
(423) 756-2291

STATE OF TENNESSEE)
)
COUNTY OF HAMILTON)

I, MARGARET A. KIRKPATRICK, after first being duly sworn, do hereby make solemn oath that the statements contained in the foregoing Complaint are true to the best of my knowledge, information and belief; that to my knowledge the defendant is not a member of the armed forces of the United States of America; that said Complaint is not made out of levity or in collusion with the defendant but in sincerity and truth for the causes mentioned and contained in said Complaint.


MARGARET KIRKPATRICK

Sworn to and subscribed before me this the 9th day of April, 2002.


NOTARY PUBLIC AT LARGE

My Commission Expires: 5/23/05

