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THE HONORABLE RONALD B. LEIGHTON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

Plaintiff,)

v.)

CENTRAL PARK LODGES LONG)
TERM CARE, INC., d/b/a LINDEN)
GROVE HEALTH CARE CENTER,)

Defendants.)

LORRAINE MOORE, CATHY WISE,)
KESHA GANTT, SADARAH)
YARBROUGH, BARBARA BERSHELL,)
VERONICA BRADY, and NORMA)
BALLARD,)

Plaintiffs in Intervention,)

v.)

CENTRAL PARK LODGES LONG)
TERM CARE, INC., d/b/a LINDEN)
GROVE HEALTH CARE CENTER ;)
DONNA STROMSKI, individually and)
the marital community thereof with)
JOHN DOE STROMSKI; MARIETTA)
ANDREASEN, individually and the)
marital community thereof with JOHN)
DOE ANDREASEN, and DOES 1-10)
inclusive,)

Defendants in Intervention)

CASE NO.: C04-5627 RBL

**INTERVENORS' FIRST AMENDED
COMPLAINT FOR DAMAGES**

**1. RACE DISCRIMINATION AND
RACIAL HARASSMENT IN
VIOLATION OF TITLE VII OF THE
CIVIL RIGHTS ACT OF 1964, 42
U.S.C. § 2000e et seq.**

**2. RETALIATION IN VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS
ACT OF 1964, 42 U.S.C. § 2000e et seq.**

**3. RACE DISCRIMINATION AND
RACIAL HARASSMENT IN
VIOLATION OF RCW 49.60**

**4. RETALIATION IN VIOLATION OF
RCW 49.60**

**5. NEGLIGENT SUPERVISION
AND/OR RETENTION**

DEMAND FOR JURY TRIAL

1 COME NOW, Plaintiffs in Intervention, LORRAINE MOORE, CATHY WISE,
2 KESHA GANTT, SADARAH YARBROUGH, BARBARA BERSHELL, VERONICA
3 BRADY, and NORMA BALLARD by and through their attorneys of record, submit
4 their first amendment to their Complaint for Damages, which was initially filed on
5 October 18, 2004. Defendants have not yet been served.
6

7 **I. NATURE OF THE CASE**

8 1. This case involves race discrimination, racial harassment, and retaliation
9 by Defendants CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a LINDEN
10 GROVE HEALTH CARE CENTER and its agents. Plaintiffs in Intervention alleges
11 CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE
12 HEALTH CARE CENTER; DONNA STROMSKI, individually and the marital
13 community thereof with JOHN DOE STROMSKI; MARIETTA ANDREASEN,
14 individually and the marital community thereof with JOHN DOE ANDREASEN
15 engaged in a pattern and practice of overt race discrimination and of ignoring and even
16 condoning the racial harassment.
17
18

19 2. Plaintiffs contend that they were subjected to racial harassment in that
20 employees and patients of Defendant LINDEN GROVE HEALTH CARE CENTER
21 referred to them as "niggers" and "colored."
22

23 3. Plaintiffs assert claims under federal and state anti-discrimination and
24 civil rights laws. Plaintiffs seek legal redress for injuries inflicted upon them by
25 Defendants CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a LINDEN
26 GROVE HEALTH CARE CENTER; DONNA STROMSKI, individually and the marital
27

1 community thereof with JOHN DOE STROMSKI; MARIETTA ANDREASEN,
2 individually and the marital community thereof with JOHN DOE ANDREASEN, and
3 DOES 1-10.
4

5 4. Plaintiffs believe that as a result of the egregious and repetitive
6 discriminatory acts, a sizeable punitive damage award may be required to punish
7 Defendants for past discrimination and deter such behavior in the future.

8 **II. JURISDICTION AND VENUE**
9

10 5. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 based upon a federal
11 question under the laws of the United States. Specifically, this Court has jurisdiction
12 over Plaintiffs' claims under Title VII of the Civil Rights Act of 1964, as amended in
13 1991, 42 U.S.C. § 2000e *et seq.*
14

15 6. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367(a) for state
16 statutory claims under RCW § 49.60.010 *et seq.* and other torts.

17 7. Venue is proper under 28 U.S.C. § 1391(b)(1) and (2); and 42 U.S.C. §
18 2000e-5(f)(3).
19

20 **III. STATUTORY PREREQUISITES**

21 8. Plaintiffs in Intervention has an absolute right, under 42 USC §2000e-
22 5(f)(1), to intervene in this action brought by the Equal Employment Opportunity
23 Commission (hereinafter "EEOC").
24

25 9. In or about January 2004, Plaintiff MOORE filed an EEOC Charge based
26 on race discrimination against Defendant LINDEN GROVE, EEOC Charge No. 380-
27

1 2004-00919.

2 10. On May 24, 2004, the EEOC issued a reasonable cause determination to
3 Plaintiff MOORE. The EEOC found that Defendant LINDEN GROVE HEALTH CARE
4 CENTER violated Title VII by subjecting Plaintiff MOORE to discriminatory work
5 assignments due to her race, African American.
6

7 11. On January 26, 2004, Plaintiff WISE filed an EEOC Charge based on race
8 discrimination against Defendant LINDEN GROVE HEALTH CARE CENTER, EEOC
9 Charge No. 380-2004-01339.
10

11 12. On May 25, 2004, the EEOC issued a reasonable cause determination to
12 Plaintiff WISE. The EEOC found that Defendant LINDEN GROVE HEALTH CARE
13 CENTER violated Title VII by subjecting Plaintiff WISE to discriminatory work
14 assignments and terms and conditions of employment. Further, EEOC found
15 reasonable cause to believe Plaintiff WISE was denied promotional opportunities.
16

17 13. In or about January 2004, Plaintiff GANTT filed an EEOC Charge based on
18 race discrimination against Defendant LINDEN GROVE, EEOC Charge No. 380-2004-
19 01340.
20

21 14. On May 25, 2004, the EEOC issued a reasonable cause determination to
22 Plaintiff GANTT. The EEOC found Defendant LINDEN GROVE HEALTH CARE
23 CENTER violated Title VII by subjecting Plaintiff GANTT was subjected to
24 discriminatory work assignments and terms and conditions of employment, and that
25 she was subjected to harassment in violation of Title VII.
26

1 15. On May 17, 2004, Plaintiff YARBROUGH filed an EEOC Charge based on
2 race discrimination against Defendant LINDEN GROVE HEALTH CARE CENTER,
3 EEOC Charge No. 380-2004-02551. EEOC issued a Notice of Right to Sue on October 29,
4 2004.

5
6 16. On June 28, 2004, Plaintiff BARBARA BERSHELL filed an EEOC Charge
7 based on race discrimination against Defendant LINDEN GROVE HEALTH CARE
8 CENTER, EEOC Charge No. 380-2004-03043. EEOC issued a Notice of Right to Sue on
9 November 1, 2004.

10
11 17. On July 2, 2004, Plaintiff VERONICA BRADY filed an EEOC Charge based
12 on race discrimination against Defendant LINDEN GROVE HEALTH CARE CENTER,
13 EEOC Charge No. 380-2004-03124. EEOC issued a Notice of Right to Sue on October 29,
14 2004.

15
16 18. On September 24, 2004, Plaintiff NORMA BALLARD filed an EEOC
17 Charge based on race discrimination against Defendant LINDEN GROVE HEALTH
18 CARE CENTER, EEOC Charge No. 380-2004-04143. EEOC issued a Notice of Right to
19 Sue on November 1, 2004.

20
21 **IV. PARTIES**

22 **A. Plaintiffs**

23 19. At all times material hereto, Plaintiff MOORE has been a citizen of the
24 United States and a resident of the State of Washington and has been entitled to
25 protection under Title VII of the Civil Rights Act of 1964, as amended in 1991, 42 U.S.C.
26 § 2000e *et seq.*, 42 U.S.C. § 13981, RCW 49.60, and the common law of the State of
27

1 Washington.

2 20. At all times material hereto, Plaintiff WISE has been a citizen of the
3 United States and a resident of the State of Washington and has been entitled to
4 protection under Title VII of the Civil Rights Act of 1964, as amended in 1991, 42 U.S.C.
5 § 2000e *et seq.*, 42 U.S.C. § 13981, RCW 49.60, and the common law of the State of
6 Washington.
7

8 21. At all times material hereto, Plaintiff GANTT has been a citizen of the
9 United States and a resident of the State of Washington and has been entitled to
10 protection under Title VII of the Civil Rights Act of 1964, as amended in 1991, 42 U.S.C.
11 § 2000e *et seq.*, 42 U.S.C. § 13981, RCW 49.60, and the common law of the State of
12 Washington.
13

14 22. At all times material hereto, Plaintiff YARBROUGH has been a citizen of
15 the United States and a resident of the State of Washington and has been entitled to
16 protection under Title VII of the Civil Rights Act of 1964, as amended in 1991, 42 U.S.C.
17 § 2000e *et seq.*, 42 U.S.C. § 13981, RCW 49.60, and the common law of the State of
18 Washington.
19

20 23. At all times material hereto, Plaintiff BERSHELL has been a citizen of the
21 United States and a resident of the State of Washington and has been entitled to
22 protection under Title VII of the Civil Rights Act of 1964, as amended in 1991, 42 U.S.C.
23 § 2000e *et seq.*, 42 U.S.C. § 13981, RCW 49.60, and the common law of the State of
24 Washington.
25
26

1 24. At all times material hereto, Plaintiff BRADY has been a citizen of the
2 United States and a resident of the State of Washington and has been entitled to
3 protection under Title VII of the Civil Rights Act of 1964, as amended in 1991, 42 U.S.C.
4 § 2000e *et seq.*, 42 U.S.C. § 13981, RCW 49.60, and the common law of the State of
5 Washington.
6

7 25. At all times material hereto, Plaintiff BALLARD has been a citizen of the
8 United States and a resident of the State of Washington and has been entitled to
9 protection under Title VII of the Civil Rights Act of 1964, as amended in 1991, 42 U.S.C.
10 § 2000e *et seq.*, 42 U.S.C. § 13981, RCW 49.60, and the common law of the State of
11 Washington.
12

13 **B. Named Defendant Corporations**

14 26. Defendants CENTRAL PARK LODGES LONG TERM CARE, INC.,
15 d/b/a LINDEN GROVE HEALTH CARE CENTER and DOES 1-5 have at all relevant
16 times been an employer as defined by 42 U.S.C. § 2000e(b), in that they have employed
17 fifteen (15) or more persons in each of twenty (20) or more calendar weeks in the
18 current or preceding year.
19

20 27. Defendants CENTRAL PARK LODGES LONG TERM CARE, INC.,
21 d/b/a LINDEN GROVE HEALTH CARE CENTER and DOES 1-5 are employers
22 under R.C.W. 49.60.040, in that they employs eight (8) or more persons.
23

24 28. Defendant CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a
25 LINDEN GROVE HEALTH CARE CENTER conduct business in the State of
26

1 Washington.

2
3 **C. Named Individual Defendants**

4
5 29. It is believed and is herein alleged that Defendant DONNA STROMSKI
6 is and has been a citizen of the United States and a resident of the State of Washington
7 at all times material hereto.

8
9 30. Defendant STROMSKI at all times material herein acted as an agent for
10 Defendant LINDEN GROVE HEALTH CARE CENTER in that she is the
11 Administrator of Defendant LINDEN GROVE HEALTH CARE CENTER. Defendant
12 STROMSKI was at all relevant times a managerial agent of Defendant LINDEN
13 GROVE HEALTH CARE CENTER.

14
15 31. On information and belief, Defendants STROMSKI and JOHN DOE
16 STROMSKI reside in the State of Washington, which is within this judicial district.

17
18 32. Defendant STROMSKI is married to JOHN DOE STROMSKI and all acts
19 done by her were done on behalf of or in furtherance of the interests of the marital
20 community.

21
22 33. It is believed and is herein alleged that Defendant MARIETTA
23 ANDREASEN is and has been a citizen of the United States and a resident of the State
24 of Washington at all times material hereto.

1 34. Defendant ANDREASEN at all times material herein acted as an agent
2 for Defendant LINDEN GROVE HEALTH CARE CENTER in that she was Director of
3 Nursing Services.
4

5 35. On information and belief, Defendants ANDREASEN and JOHN DOE
6 ANDREASEN reside in the State of Washington, which is within this judicial district.
7

8 36. Defendant ANDREASEN is married to JOHN DOE ANDREASEN and
9 all acts done by him were done on behalf of or in furtherance of the interests of the
10 marital community.

11 **D. Doe Defendants**

12 37. The true names and capacities, whether individual, corporate, associate,
13 governmental or otherwise, of Defendants sued herein as DOES 1-5, inclusive, are
14 currently unknown to Plaintiffs, who therefore sue said Defendants by such fictitious
15 names.
16

17 38. The true names and capacities of individual Defendants sued herein as
18 DOES 6-10, inclusive are currently unknown to Plaintiffs, who therefore sue said
19 Defendants by such fictitious names.
20

21 39. Plaintiffs are informed and believe, and based thereon allege, that each of
22 the Defendants designated as a DOES 1-10 are legally responsible in some manner for
23 the events, incidents, and happenings described herein, and caused injuries and
24 damages to Plaintiffs. Plaintiffs will seek leave of court to amend this Complaint to
25 substitute the true names and capacities for the Defendants designated herein as DOES
26

1 1-10 when the true names have been ascertained or in the alternative dismiss said
2 DOES 1-10 if their identities cannot be ascertained.

3
4 40. Plaintiffs are informed and believe, and based thereon alleges, that at all
5 times mentioned herein, Defendants DOES 1-10 allowed, aided, encouraged and
6 incited others, including agents and employees of Defendant CENTRAL PARK
7 LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE
8 CENTER to engage in the acts of discrimination and retaliation alleged herein.
9

10
11 41. Plaintiffs are informed and believe, and based thereon allege that at all
12 relevant times the individual DOE Defendants *viz*, Does 6-10, are and have been
13 residents of the United States and the State of Washington.
14

15 42. Defendants CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a
16 LINDEN GROVE HEALTH CARE CENTER; DONNA STROMSKI, individually and
17 the marital community thereof with JOHN DOE STROMSKI; MARIETTA
18 ANDREASEN, individually and the marital community thereof with JOHN DOE
19 ANDREASEN, and DOES 1-10 are hereinafter collectively referred to as
20 "DEFENDANTS." Unless specified otherwise, whenever this Complaint refers to
21 "Defendant" or "Defendants," such allegation shall be deemed to mean the acts of
22 Defendants acting individually, jointly and/or severally as so designated.
23

24
25 43. Plaintiffs are informed and believe, and based thereon alleges, that at all
26 times mentioned herein, each of the Defendants were the agents, servants and
27

1 employees, co-venturers or co-conspirators of each of the remaining Defendants, and
2 were acting within the course, scope, and purpose of their employment, joint venture
3 or conspiracy, with the consent, knowledge, ratification and authorization of such
4 agency, employment, joint venture or conspiracy.
5

6 **V. GENERAL ALLEGATIONS**

7 **A. Plaintiff LORRAINE MOORE alleges the following:**

8 44. Plaintiff MOORE was subjected to racial harassment, race discrimination;
9 retaliation in that she was constructively discharged. Plaintiff MOORE worked for
10 Defendant LINDEN GROVE HEALTH CARE CENTER as a part-time Licensed
11 Practical Nurse (LPN) from October 11, 2001 to March 12, 2002.
12

13 45. In December 2003, Plaintiff MOORE was assigned to care for the patients
14 on Hall 1 and Hall 2. Plaintiff MOORE was later assigned to work the North Wing
15 twice a week. On December 24, 2003, Plaintiff MOORE noticed the note posted at the
16 nurses' station stating, "no caregivers of color at any time" to care for Patient 1. Two
17 days later, the note remained posted on the office work board. Plaintiff MOORE
18 believed the note was wholly offensive and inappropriate. She also discovered a
19 notation in the patient's file, which stated that the resident prefers Caucasian
20 caregivers only. She submitted a written complaint to Defendant ANDREASEN,
21 stating that she was disappointed in the facility for posting a "racist note". Defendant
22 ANDREASEN ignored Plaintiff MOORE's complaints, as she never responded to
23 Plaintiff MOORE. After two full days, the note was taken down on December 26, 2003.
24
25
26

27 Plaintiffs allege Defendant ANDREASEN did not instruct anyone to remove the

1 posting. Instead, a Caucasian LPN took the note down as she believed that the note
2 was inappropriate and should not have ever been posted.

3 46. Since December 28, 2003, Plaintiff MOORE never worked on Hall 2,
4 where Patient 1 resided. Plaintiff MOORE was also forced to work the North Wing
5 twice each week. She was placed under closer scrutiny soon after complaining about
6 the racist note.
7

8 47. Plaintiff MOORE began receiving phone calls at home for insignificant
9 issues, for which a phone call was not warranted. At that point Plaintiff MOORE was
10 afraid of losing her license because of the possibility of Defendants lodging a bogus
11 complaint in retaliation for complaining about the discrimination. She witnessed other
12 African-American employees being falsely accused of patient abuse and subsequently
13 terminated.
14

15 48. Plaintiff MOORE could no longer work in an environment that condoned
16 discrimination and she could no longer afford to work only 32-hours each week.
17 Plaintiff MOORE alleges she was retaliated against for complaining about the racist
18 note and was eventually constructively discharged from her position at Defendant
19 LINDEN GROVE HEALTH CARE CENTER.
20

21 49. Additionally, Defendants denied Plaintiff MOORE's requests to work the
22 day or evening shift. Plaintiff MOORE first worked at Defendant LINDEN GROVE
23 HEALTH CARE CENTER for five months on a part-time basis between October 2001
24 and March 2002. She returned to Defendant LINDEN GROVE HEALTH CARE
25
26

1 CENTER to work full-time in April 22, 2003. When she was first hired, she was
2 assigned the night shift, which only allowed her to work 32-hours-per-week. Plaintiff
3 MOORE requested the evening or day shift, which would provide her with 40 hours
4 each week.
5

6 50. Plaintiff MOORE was a single mother desperately needing to receive a
7 40-hour-per-week paycheck. Despite her repeated request for the evening or day shift,
8 Defendants hired other Caucasian LPNs for the evening or day shift.
9

10 **B. Plaintiff CATHY WISE alleges the following:**

11 51. Plaintiff WISE was subjected to racial harassment, race discrimination and
12 retaliation. Plaintiff WISE is a Certified Nursing Assistant (CNA) who has worked for
13 Defendants since June 22, 2000.
14

15 52. Plaintiff WISE alleges she was denied promotional opportunities because
16 of her race. She applied for a Staffing Coordinator position twice, in May 2002 and in
17 May 2003. Plaintiff WISE was denied the promotion both times.
18

19 53. In May 2002, Plaintiff WISE and another Caucasian employee, were the
20 top two candidates for the Staffing Coordinator position. While Sheila had no staffing
21 experience, Plaintiff WISE had two years of prior staffing experience. Defendants
22 promoted the Caucasian employee. When the Caucasian employee quit in May 2003, it
23 was well known amongst Defendant LINDEN GROVE HEALTH CARE CENTER
24 employees that Plaintiff WISE should finally be promoted to the Staffing Coordinator
25 position.
26

1 54. Instead, Defendants promoted another Caucasian employee, who did not
2 even apply for the position. The Caucasian employee had less seniority and less
3 experience than Plaintiff WISE. The EEOC has determined Defendant LINDEN
4 GROVE HEALTH CARE CENTER has denied Plaintiff WISE promotional opportunities
5 because of her race.
6

7 55. Plaintiff WISE was also subjected to a hostile work environment. From
8 1999 through 2002, Plaintiff WISE provided patient care to a Caucasian patient, Patient
9 2, who frequently referred to African-American employees as "niggers." Plaintiff WISE
10 was offended by the comments.
11

12 56. Plaintiff Wise complained to her immediate supervisor, a Caucasian LPN.
13 Defendants took no remedial action. Similarly, Caucasian patient, Patient 3, often used
14 the term "Nigger," he sometimes stated, "Fuckin' nigger." Despite Defendants'
15 knowledge of the racial epithets, Defendant LINDEN GROVE HEALTH CARE
16 CENTER managers ignored its patients' inappropriate behavior, therefore condoning
17 racial harassment in the workplace.
18

19 57. Since filing her EEOC Charge in January 2004, Defendant LINDEN
20 GROVE HEALTH CARE CENTER managers have retaliated against Plaintiff WISE by
21 closely scrutinizing her. For instance, in April 2004, Defendant DONNA STROMSKI,
22 Administrator, and DEFENDANT MARIETTA ANDREASEN, Director of Nursing
23 Services, accused Plaintiff WISE of "bullying" a patient in giving her an Easter basket
24 filled with food. While it is not uncommon for caregivers to receive food from patients
25
26
27

1 and patients' families at Defendant LINDEN GROVE HEALTH CARE CENTER,
2 Defendants made it an issue in Plaintiff WISE's case. Plaintiff WISE insisted that the
3 Easter basket was a gift. The patient's family subsequently confirmed that they bought
4 the basket as a token of their appreciation.
5

6 58. In June 2004, Defendant ANDREASEN summoned Plaintiff WISE and
7 another Caucasian LPN to her office to discuss a conflict that ensued between them.
8 The Caucasian LPN falsely accused Plaintiff WISE of not doing her job. Defendant
9 ANDREASEN told the women to try to work things out. She dismissed Plaintiff WISE
10 from her office and told her she still needed to talk to the Caucasian LPN.
11

12 59. Plaintiff WISE walked out of the office and closed the door behind her. As
13 Plaintiff WISE stood outside the office, she heard Defendant ANDREASEN say
14 something to the effect of, "Don't worry, she won't be here long." Plaintiff WISE
15 believes she has been subjected to retaliation for complaining about the discrimination.
16 EEOC has also determined Defendant LINDEN GROVE HEALTH CARE CENTER has
17 subjected Plaintiff WISE to unlawful retaliation.
18

19 **C. Plaintiff KESHA GANTT alleges the following:**
20

21 60. Plaintiff GANTT was subjected to pervasive racial harassment, race
22 discrimination, and retaliation in that she was constructively discharged. Plaintiff
23 GANTT worked as a Certified Nursing Assistant for Defendant LINDEN GROVE
24 HEALTH CARE CENTER from April 2003 through February 2004.
25
26
27

1 61. Plaintiff GANTT alleges Caucasian employees frequently referred to
2 African-Americans as “colored.” The use of the term was not endearing. Plaintiff
3 GANTT was offended and objected to the term. Nevertheless, even Caucasian charge
4 nurses continued to use the term, “colored,” when referring to all African-Americans.
5 For instance, a Caucasian nurse would see an African-American entertainer on the
6 television, Plaintiff GANTT heard her refer to the entertainer as “colored”.

8 62. Other Caucasian employees made comments about the physical features
9 of African-Americans. For instance, in the summer 2003, Plaintiff GANTT appeared for
10 her shift with braids in her hair. Helen Shepard, Caucasian RN, comment to the effect
11 of, “I wish I could wear my hair like that but I can’t because those guys (referring to
12 African-Americans) don’t wash their hair everyday so they can do that. We (referring
13 to Caucasians) wash our hair everyday.” Helen Shepard’s comments initiated an
14 unsolicited “roundtable discussion” among several Caucasian employees about
15 African-Americans’ hair. Plaintiff GANTT was offended by the discussion.

18 63. Helen Shepard continued to make inappropriate race-based comments. In
19 or about September 2003, a Caucasian employee commented that Plaintiff GANTT
20 looked as if she was gaining weight. Helen Shepard stated to the effect of “All African-
21 American girls are built with booty.” Plaintiff GANTT was offended by her comments,
22 but felt that complaining was futile because race-based comments were common and
23 pervasive in the workplace.
24
25
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1 64. Plaintiff GANTT eventually resigned her position at Defendant LINDEN
2 GROVE HEALTH CARE CENTER on February 2004. She found the working
3 environment was intolerable because in or about November 2003, a Caucasian patient
4 falsely accused Plaintiff GANTT of verbal abuse. Her immediate supervisor, Theresa
5 Duggins, Caucasian LPN, warned Plaintiff GANTT not to go into the patient's room.
6 Plaintiff GANTT complied. However, the same allegations were made against her the
7 following day. Plaintiff GANTT complained to Defendant ANDREASEN, who
8 acknowledged that she was "aware of racial issues." Defendant ANDREASEN told
9 Plaintiff GANTT not to worry about the allegations.
10
11

12 65. However, one month later, Plaintiff GANTT received a letter from the
13 State stating that it initiated an investigation, which subsequently found no misconduct
14 stemming from the verbal abuse allegations. She also saw other African-American
15 employees being terminated based on false allegations. Plaintiff GANTT observed how
16 the African-American employees were treated differently than the Caucasian
17 employees and eventually resigned from Defendant LINDEN GROVE HEALTH CARE
18 CENTER.
19
20

21 66. The EEOC investigated Plaintiff GANTT's discrimination claims and
22 found reasonable cause to believe that Plaintiff GANTT was subjected to discriminatory
23 work assignments and terms and conditions of employment, and that she was subjected
24 to harassment in violation of Title VII.
25

26 \\

1 **D. Plaintiff SADARAH YARDBROUGH alleges the following:**

2 67. Plaintiff YARBROUGH was also subjected to repeated race-based
3 comments by Caucasian employees and Caucasian patients, race discrimination and
4 retaliation. Plaintiff YARBROUGH has been a Certified Nursing Assistant for
5 Defendant LINDEN GROVE HEALTH CARE CENTER since September 2003.
6

7 68. Defendants failed to take prompt corrective action and ignored the racial
8 comments that were common in the work place. Plaintiff YARBROUGH was present
9 when a Caucasian employee who worked on the North Wing made an inappropriate
10 comment regarding another African-American employee's hair. She complained about
11 how the African-American employee's hair was "too" kinky and that she should take a
12 comb and comb through her hair.
13

14 69. Plaintiff YARBROUGH heard Caucasian employees commonly use the
15 term "colored" in the workplace. For instance, in or about December 2003, a Caucasian
16 CNA told Plaintiff YARBROUGH that she could not go into Patient 1's room because
17 she did not want any "colored people" to go in there. Plaintiff YARBROUGH was
18 offended by the use of the derogatory term, but like the other Plaintiffs, believed it was
19 futile to complain because "colored" was frequently used when referring to African-
20 American employees. Additionally, she saw the racist note posted at the nurses' station
21 stating no "caregivers of color" allowed to provide care for Patient 1.
22

23 70. Plaintiff YARBROUGH also contends she was subjected to discriminatory
24 work assignments. Like the other Plaintiffs, she believed she was assigned to inferior
25
26

1 job tasks. For instance, Plaintiff YARBROUGH was assigned to the utility room, which
2 meant she was in charge of cleaning all the bedpans and urinals by the end of her shift.
3 She noted that the Caucasian CNAs were rarely assigned the utility room's urinal
4 cleaning duties.
5

6 71. In January 2004, Plaintiff YARBROUGH transferred to the North Wing to
7 work as a shower aid. As a shower aid, her job was to shower the patients in North
8 Wing in addition to her duties as a CNA. More than six months later, in July 2004,
9 Plaintiff YARBROUGH learned she was entitled to a raise because of her additional
10 shower aid duties. Plaintiff YARBROUGH did not receive her retroactive pay until
11 seven months later.
12

13 **E. Plaintiff BARBARA BERSHELL alleges the following:**

14 72. Plaintiff BERSHELL was subjected to racial harassment and race
15 discrimination. She worked for Defendant LINDEN GROVE HEALTH CARE CENTER
16 as a Certified Nursing Assistant from May 2003 through December 2003. A review of
17 her personnel file revealed she performed her duties satisfactory. In fact, she was often
18 called to work extra shifts when there was a shortage of staff. Nevertheless, Plaintiff
19 BERSHELL was terminated on December 24, 2003 based on false allegations of patient
20 abuse. Plaintiff alleges she was terminated because of her race.
21
22

23 73. On December 24, 2003, Plaintiff BERSHELL arrived for her shift and was
24 sitting at the nurses station when she saw the note restricting "caregivers of color" to
25 care for Patient 1. She was told to leave immediately because a patient had accused her
26 of patient abuse. A patient allegedly complained that Plaintiff BERSHELL bruised her
27

1 arm as Plaintiff BERSHELL was attempting to maneuver her.

2 74. A few days later, Plaintiff BERSHELL called to inquire about her
3 employment. She spoke to Defendant ANDREASEN'S assistant, who told Plaintiff
4 BERSHELL that the bruise was not caused by her, but from another caregiver blood that
5 was drawn several weeks prior. Nevertheless, Plaintiff BERSHELL was told she was
6 terminated because she *could have* injured the patient. Plaintiff BERSHELL alleges that
7 her termination was a pretext for discrimination.
8

9
10 75. While employed at Defendant LINDEN GROVE HEALTH CARE
11 CENTER, Plaintiff BERSHELL was also subjected to racial harassment. Like the other
12 Plaintiffs, she also heard Caucasian employees use the term "colored" or "coloreds"
13 when referring to African-Americans at least two to three each times a week. When
14 Plaintiff BERSHELL objected, a Caucasian LPN stated to the effect of, "I like colored
15 people. I have nothing against colored people." Plaintiff BERSHELL believed
16 complaining would be an exercise in futility, as "colored" was a common term in the
17 workplace.
18

19
20 76. Plaintiff BERSHELL also requested to work the evening shift. When she
21 was first hired she requested the evening shift, because she was afraid to work late
22 nights and she would be guaranteed 40 hours each week on the evening shift as
23 opposed to 32 hours each week on the night shift. She was told she would work the
24 night shift until there was an opening on the evening shift. As in Plaintiff Moore's case,
25 other Caucasian CNAs were subsequently hired to work the evening shifts, despite
26 Plaintiff BERSHELL's repeated requests for the evening shift.
27

1 **F. Plaintiff VERONICA BRADY alleges the following:**

2 77. Plaintiff BRADY was subjected to racial harassment and race
3 discrimination. Plaintiff BRADY was a Certified Nursing Assistant for Defendant
4 LINDEN GROVE HEALTH CARE CENTER from September 2002 through December
5 2003.

6
7 78. Caucasian employees and Caucasian patients subjected Plaintiff BRADY
8 to derogatory comments. Plaintiff BRADY was terminated for allegedly “double
9 padding” patients, a process in which two pads are placed under a patient. Plaintiff
10 BRADY alleges she was terminated because of her race.

11
12 79. The State’s investigation did not find any violation. Nevertheless,
13 Defendants terminated Plaintiff BRADY on December 8, 2003. Defendants are now
14 stating that Plaintiff BRADY was terminated for falsifying her employment application
15 by omitting one of her previous employers. While Plaintiff BRADY did omit a previous
16 employer, she later informed Defendants of her previous employer in or about July
17 2003, and was not terminated until December 2003.

18
19 80. On or about July 7, 2003, Plaintiff BRADY hand delivered to Debbie
20 Lacefield a copy of the Stipulation to Informal Disposition. Evidence shows that
21 Plaintiff Brady brought the document to work as soon as she received it from the State.
22 The complaints from a previous employer originated *after* she started to work for
23 Defendants.
24
25
26
27

1 81. The Stipulation to Informal Disposition provided Plaintiff BRADY be
2 placed on two years probation and reimburse the Nursing Assistant Program \$500.00.
3 She did not lose her license due to misconduct.
4

5 82. Additionally, the reasons for Plaintiff BRADY's termination remain
6 unclear. The form from unemployment indicated that Plaintiff BRADY was not
7 terminated, but "suspended pending license review." In contrast, Defendant
8 STROMKI'S letter dated July 14, 2004 indicated that Plaintiff BRADY was terminated on
9 December 8, 2003 for "falsification of her employment application and the outstanding
10 DSHS complaint."
11

12 83. Plaintiff BRADY was never told she was suspended pending the license
13 review and she immediately informed Defendants as soon as she became aware of an
14 inquiry action regarding her license. Plaintiff BRADY alleges the reasons for her
15 termination were pretext for discrimination.
16

17 84. While Plaintiff BRADY was employed at Defendant LINDEN GROVE
18 HEALTH CARE CENTER, she has also been subjected to discriminatory actions. Like
19 Plaintiffs MOORE and BERSHELL, Plaintiff BRADY requested to work the day or
20 evening shift. She again requested to work the day or evening shift in the summer 2003,
21 however two Caucasian CNAs were subsequently hired in the fall 2003.
22

23 85. Plaintiff BRADY also heard Caucasian employees and Caucasian patients
24 make racist comments. "Colored" was frequently used among Caucasian CNAs and
25 Caucasian patients. Ellen Norris, a Caucasian CNA, always referred to Plaintiff BRADY
26

1 as "that colored girl" or "that black girl" when talking to the patients. Plaintiff BRADY
2 complained about Ellen Norris' discriminatory behavior to her immediate supervisor,
3 Theresa Duggin, Caucasian LPN, and subsequently to Defendant ANDREASEN.
4
5 Despite Plaintiff BRADY's complaints, no prompt action was taken.

6 86. Plaintiff BRADY was also assigned to provide care to a Caucasian Patient
7 who often referred to her as "Black Bitch." Plaintiff BRADY was uncomfortable
8 working with this patient and complained to her immediate supervisor and Defendant
9 ANDREASEN. However, she was still forced to provide care to this patient, without
10 employer intervention and corrective remedial action.
11

12 **G. Plaintiff NORMA BALLARD alleges the following:**

13 87. Plaintiff BALLARD was subjected to discriminatory work assignments,
14 terms and conditions of employment and harassment due to her race, African-American
15 and Filipino. Plaintiff BALLARD further alleges she was terminated based on her race.
16

17 88. Plaintiff BALLARD was employed with Defendant LINDEN GROVE
18 HEALTH CARE CENTER as a Certified Nursing Assistant from December 14, 2002 to
19 December 24, 2003, when she was wrongfully terminated.
20

21 89. During her employment, Caucasian patients and employees would make
22 derogatory race-based comments to her. For instance, a Caucasian patient referred to
23 Plaintiff BALLARD as "nigger," while a Caucasian employee referred to her as
24 "colored."
25
26
27

1 90. Another Caucasian employee referred to Plaintiff BALLARD as a
2 "dorper", which is an animal developed in South Africa in the 1930s by crossing
3 Horned Dorsets with Black Headed Persians. Plaintiff BALLARD was offended by the
4 derogatory name-calling as she was part African-American and part Filipino. The other
5 Caucasian employees laughed when Plaintiff BALLARD was referred to as a "dorper."
6 Plaintiff BALLARD alleges Defendants should have known about the racial harassment,
7 but failed to take prompt corrective action.
8

9
10 91. Plaintiff BALLARD was assigned arduous job duties based on her race.
11 Defendant LINDEN GROVE's nurse supervisors frequently assign Plaintiff BALLARD
12 inferior jobs. For instance, Plaintiff BALLARD was repeatedly assigned to clean the day
13 room. Even though Plaintiff BALLARD was not assigned to work the day room, she
14 was instructed to clean up for another Caucasian CNA.
15

16 92. Plaintiff BALLARD alleges it was a common practice for Caucasian nurses
17 to order her to take care of patients who were not initially assigned to her care.
18 Caucasian nurses would relieve the Caucasian CNAs from taking care of "hoyer"
19 patients, who were patients that needed an easy lift. Plaintiff BALLARD repeatedly
20 complained about being assigned inferior jobs, but no action was taken.
21

22 93. Plaintiff BALLARD alleges she worked in a hostile work environment
23 based on her race. She further alleges she was terminated based on her race. Defendant
24 LINDEN GROVE terminated Plaintiff BALLARD for violating its "no call no show"
25

1 policy. Plaintiff BALLARD contends its reasons are pretext for discrimination as
2 Caucasian employees were not terminated under similar circumstances.

3
4 **VI. FIRST CAUSE OF ACTION**
5 **RACE DISCRIMINATION AND RACIAL HARASSMENT IN VIOLATION**
6 **OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,**
7 **42 U.S.C. § 2000e et seq.**
8 **(PLAINTIFFS AGAINST DEFENDANTS CENTRAL PARK LODGES LONG**
9 **TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE CENTER**
10 **AND DOES 1-5)**

11 Plaintiffs MOORE, WISE, GANTT, YARBROUGH, BERSHELL, BRADY, and
12 BALLARD reallege each and every allegation as set forth in the preceding paragraphs 1
13 thru 93 with the same force and effect as though fully set forth herein.

14 94. Plaintiffs MOORE, WISE, GANTT, YARBROUGH, BERSHELL, BRADY,
15 and BALLARD were subjected to severe and pervasive racial harassment, including but
16 not limited to racial comments and discriminatory work assignments.

17 95. Plaintiffs complained about the hostile work environment and
18 discriminatory conduct to Defendants. Despite Defendants' knowledge of the hostile
19 work environment and the race discrimination, Defendants failed to take prompt
20 corrective action.

21 96. The racial harassment was so severe and pervasive, it adversely impacted
22 Plaintiffs' abilities to perform their work.

23 97. As a direct and proximate result of the above mentioned harassment and
24 discriminatory acts and omissions by Defendants CENTRAL PARK LODGES LONG
25 TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE CENTER and Does 1-5,
26 Plaintiffs' emotional well-being have been substantially injured.

1 98. Plaintiffs have suffered, and will continue to suffer pain and suffering,
2 extreme mental anguish and emotional distress because of the above-described acts and
3 omissions of Defendants. Plaintiffs have also suffered, and will continue to suffer, loss of
4 earnings, nonpecuniary losses and job opportunities as a result of the actions and
5 omissions of Defendants.
6

7 **VII. SECOND CAUSE OF ACTION**
8 **RETALIATION IN VIOLATION OF TITLE VII OF THE**
9 **CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000e *et seq.***
10 **(Plaintiffs WISE, MOORE, and GANTT against Defendants CENTRAL PARK**
11 **LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE**
12 **CENTER and DOES 1-5)**

13 Plaintiffs WISE, MOORE, and GANTT reallege the preceding paragraphs 1 thru
14 98 with the same force and effect, and incorporates the same as though fully set forth
15 herein.

16 99. Plaintiffs WISE, MOORE, and GANTT allege they engaged in protected
17 activity when they complained about racial harassment and race discrimination.

18 100. Plaintiffs MOORE, WISE, and GANTT further allege they engaged in
19 protected activity when they filed their Charges of Discrimination alleging racial
20 harassment and discrimination with the EEOC.

21 101. As a result of complaining about the racial harassment and race
22 discrimination, Plaintiffs experienced adverse employment actions.

23 102. Plaintiffs MOORE and GANTT allege they were constructively
24 discharged. Plaintiff MOORE could no longer work at Defendant LINDEN GROVE
25 HEALTH CARE CENTER because it continued to refuse her requests for a 40-hour
26

1 work week. Instead, Defendants hired Caucasian LPNs to work the 40-hour work
2 week.

3 103. Plaintiff GANTT observed how African-American employees were
4 treated differently than Caucasian employees in that the African-American employees
5 were constantly accused of patient abuse. Plaintiff GANTT was also falsely accused of
6 patient abuse in which the State's investigation revealed the allegations were
7 unsupported. Plaintiff GANTT eventually resigned because of the continued hostile
8 work environment and for fear of losing her license.
9

10
11 104. Plaintiff MOORE alleges they were closely scrutinized soon after
12 complaining about the discrimination.

13 105. Plaintiffs MOORE, WISE, and GANTT allege that their opposition to the
14 discrimination and/or hostile work environment was a substantial factor in the adverse
15 employment actions.
16

17 106. As a direct and proximate result of the retaliation referred to above,
18 Plaintiffs have suffered and will continue to suffer damages including, but not limited
19 to, earnings and employment benefits, as well as physical, emotional, and mental
20 distress.
21

22 **VIII. THIRD CAUSE OF ACTION**
23 **RACE DISCRIMINATION AND RACIAL HARASSMENT**
24 **IN VIOLATION OF RCW 49.60**

25 **(PLAINTIFFS AGAINST DEFENDANTS CENTRAL PARK LODGES LONG TERM**
26 **CARE, INC., d/b/a LINDEN GROVE HEALTH CARE CENTER; DONNA**
27 **STROMSKI, individually and the marital community thereof with JOHN DOE**
28 **STROMSKI; MARIETTA ANDREASEN, individually and the marital community**
thereof with JOHN DOE ANDREASEN and DOES 1-10)

1 Plaintiffs MOORE, WISE, GANTT, YARBROUGH, BERSHELL, BRADY, and
2 BALLARD reallege each and every allegation herein set forth above in the preceding
3 paragraphs 1 thru 106 with the same force and effect as though fully set forth herein.
4

5 107. Plaintiffs MOORE, WISE, GANTT, YARBROUGH, BERSHELL, BRADY,
6 and BALLARD allege that a substantial factor in the above-referenced hostile working
7 environment and discriminatory behavior was because of Plaintiffs' race, African-
8 American.
9

10 108. The acts of Defendants as described herein violate RCW 49.60 *et seq.* as
11 they violate Plaintiffs' right to be free from racial harassment and race discrimination in
12 employment.
13

14 109. The above-described hostile comments, and disparate treatment occurred
15 because of Plaintiffs' race.
16

17 110. The above-described hostile comments, and disparate treatment were
18 unwelcome to Plaintiffs and were sufficiently severe or pervasive to alter the terms and
19 conditions of Plaintiffs' employment, creating a hostile working environment.
20

21 111. Defendants had actual, imputed, and/or constructive knowledge of the
22 unlawful actions of its managerial, supervisory, and other employees, but failed to take
23 prompt and effective remedial action.
24

25 \\

26 \\

27 \\

1 **IX. FOURTH CAUSE OF ACTION**
2 **RETALIATION IN VIOLATION OF RCW 49.60**
3 **(Plaintiffs MOORE, WISE, YARBROUGH, and GANTT against DEFENDANTS**
4 **CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE**
5 **HEALTH CARE CENTER; DONNA STROMSKI, individually and the marital**
6 **community thereof with JOHN DOE STROMSKI; MARIETTA ANDREASEN and**
7 **DOES 1-10)**

8 Plaintiffs MOORE, WISE, YARBROUGH and GANTT reallege the preceding
9 paragraphs 1 thru 111 with the same force and effect, and incorporates the same as
10 though fully set forth herein.

11 112. Because of the above-referenced opposition activity, Defendants and their
12 employees subjected Plaintiffs MOORE, WISE, YARBROUGH and GANTT to adverse
13 employment actions.

14 113. Plaintiffs MOORE and GANTT allege they were constructively
15 discharged. Plaintiff MOORE could no longer work at Defendant LINDEN GROVE
16 HEALTH CARE CENTER because it continued to refuse her requests for a 40-hour
17 work week. Instead, Defendants hired Caucasian LPNs to work the 40-hour work
18 week.

19 114. Plaintiff GANTT observed how African-American employees were
20 treated differently than Caucasian employees in that the African-American employees
21 were constantly accused of patient abuse. Plaintiff GANTT was also falsely accused of
22 patient abuse in which the State's investigation revealed the allegations were
23 unsupported. Plaintiff GANTT eventually resigned because of the continued hostile
24 work environment and for fear of losing her license.

25 115. Plaintiff MOORE and YARBROUGH alleges they were closely
26

1 scrutinized soon after complaining about the discrimination.

2 116. Plaintiffs allege that in violation of RCW 49.60, their opposition activity
3 was a substantial factor in the above-referenced adverse employment action.
4

5 117. As a direct and proximate result of the retaliation referred to above,
6 Plaintiffs have suffered and will continue to suffer damages including, but not limited
7 to, earnings and employment benefits, as well as physical, emotional, and mental
8 distress.
9

10 **X. FIFTH CAUSE OF ACTION**
11 **NEGLIGENT SUPERVISION and/or RETENTION**
12 **(PLAINTIFFS against Defendants CENTRAL PARK LODGES LONG TERM CARE,**
13 **INC., d/b/a LINDEN GROVE HEALTH CARE CENTER, and DOES 1-5)**

14 Plaintiffs MOORE, WISE, GANTT, YARBROUGH, BERSHELL, BRADY, and
15 BALLARD reallege the preceding paragraphs 1 thru 117 with the same force and effect,
16 and incorporate the same as though fully set forth herein.

17 118. As Plaintiffs' employer, Defendants CENTRAL PARK LODGES LONG
18 TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE CENTER and DOES 1-5
19 owed and breached duties to Plaintiffs including, but not limited to: 1) the duty not to
20 employ or retain employees whom it knows or should know to be unfit or dangerous,
21 2) the duty to exercise care appropriate to the circumstances in supervising and/or
22 retaining employees, 3) the duty to exercise due diligence to determine whether an
23 employee is or has become unfit or dangerous.
24

25 119. Defendants CENTRAL PARK LODGES LONG TERM CARE, INC.,
26 d/b/a LINDEN GROVE HEALTH CARE CENTER and DOES 1-5 failed to exercise care
27

1 appropriate to the circumstances in retaining its employees and patients who subjected
2 Plaintiffs to racial harassment.

3 120. Defendants CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a
4 LINDEN GROVE HEALTH CARE CENTER and DOES 1-5 had actual, constructive
5 and/or imputed notice and knowledge of the unfitness of employees and Defendants
6 DOES 6-10, who have subjected Plaintiffs to repeated racial harassment.
7

8 121. Such notice and knowledge made foreseeable the injuries these
9 employees and patients inflicted upon Plaintiffs.
10

11 122. Despite such notice and knowledge, Defendants CENTRAL PARK
12 LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE
13 CENTER and DOES 1-5 failed to exercise ordinary care to discipline its employees
14 and/or Defendants DOES 6-10.
15

16 123. At all times material herein, Defendants CENTRAL PARK LODGES
17 LONG TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE CENTER and
18 DOES 1-5 had the power, ability, authority, and duty to so intervene, monitor, review,
19 evaluate, control, regulate, discipline, restrict, and/or penalize the conduct of
20 themselves, their agents, and employees.
21

22 124. Despite said knowledge, power, and duty, Defendants CENTRAL PARK
23 LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE
24 CENTER and DOES 1-5 negligently failed to act so as to prevent, supervise, monitor,
25 review, evaluate, control, regulate, discipline, and/or penalize such conduct, acts, and
26
27

1 failures to act or to otherwise protect Plaintiffs.

2 125. Plaintiffs are informed and believe, and based thereon alleges, that each of
3 the Defendants CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a LINDEN
4 GROVE HEALTH CARE CENTER and DOES 1-5 designated as a DOE is legally
5 responsible in some manner for the events, incidents, and happenings described herein,
6 and caused injury and damage to Plaintiffs.
7

8 126. As a direct and proximate result of the failure of Defendants CENTRAL
9 PARK LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE
10 CENTER and DOES 1-5 to protect Plaintiffs and to adequately monitor, review,
11 evaluate, control, regulate, discipline, and/or otherwise penalize the conduct, acts, and
12 failures to act by Defendant themselves, their agents, and employees, as alleged herein,
13 said conduct, acts, and failures to act were perceived by said Defendants, its agents, and
14 employees as, and in fact had the effect of, ratifying, encouraging, condoning,
15 exacerbating, increasing, and/or worsening said conduct, acts, and failures to act,
16 thereby causing reasonably foreseeable injury.
17
18

19 127. Defendants CENTRAL PARK LODGES LONG TERM CARE, INC. d/b/a
20 LINDEN GROVE HEALTH CARE CENTER and DOES 1-5 are responsible for the acts
21 of their employees alleged herein.
22

23 128. Defendants CENTRAL PARK LODGES LONG TERM CARE, INC., d/b/a
24 LINDEN GROVE HEALTH CARE CENTER and DOES 1-5 failure to exercise ordinary
25 care breached the above-referenced duties of care, proximately causing the injury and
26

1 damages to Plaintiffs referenced herein.

2 129. As a direct and proximate result of Defendants CENTRAL PARK
3 LODGES LONG TERM CARE, INC., d/b/a LINDEN GROVE HEALTH CARE
4 CENTER and DOES 1-5 breach of the duties owed to Plaintiffs, Plaintiffs suffered
5 substantial emotional injuries in an amount to be proven at trial.
6

7 130. As a further direct and proximate result of Defendants CENTRAL PARK
8 LODGES LONG TERM CARE, INC. d/b/a LINDEN GROVE HEALTH CARE
9 CENTER and DOES 1-5 actions and omissions, Plaintiffs have suffered and will
10 continue to suffer mental anguish and severe emotional distress.
11

12 131. Therefore, Plaintiffs are entitled to general and compensatory damages for
13 their emotional injuries in an amount to be proven at trial.
14

15 **XI. PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs pray that judgment be entered in their favor and
17 against Defendants as specified in all causes of action as follows:
18

- 19 1. That all Defendants be ordered to pay Plaintiffs actual, compensatory,
20 general and punitive damages according to proof at trial and as allowable
21 by law;
22
23 2. That Plaintiffs be awarded their costs of suit including reasonable
24 attorneys' fees;
25
26 3. That Plaintiffs be awarded prejudgment interest; and
27

1 4. That this Court award such further relief as the Court deems just and
2 proper.
3

4 DATED this 10th day of November, 2004

Law Offices of GRANT & ASSOCIATES

5 _____/s/_____
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