

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

CAROLYN AMMIDOWN,

Plaintiff,

v.

NOBEL LEARNING COMMUNITIES, INC. d/b/a MERRYHILL SCHOOL,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Carolyn Ammidown (“**Ms. Ammidown**”), through her undersigned counsel, submits this Complaint and Jury Demand against Nobel Learning Communities, Inc. (“**Nobel Learning**”) d/b/a Merryhill School (“**Merryhill**”), a Delaware corporation.

PARTIES

1. Plaintiff Ms. Ammidown is an individual who resides at 5569 East Wickerdale Lane, Highlands Ranch, Colorado 80130.

2. Nobel Learning Communities, Inc., d/b/a Merryhill School is a Delaware corporation. Its corporate headquarters are located at 1616 West Chester Pike, Suite 200, West Chester, Pennsylvania 19362.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Ms. Ammidown’s claims pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343, and 42 U.S.C. § 2000e-5(f)(3). This is an action authorized by, and

instituted under, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.* (“**Title VII**”).

4. The unlawful employment practices alleged herein were committed within the judicial district of the United States District Court for the District of Colorado. Accordingly, venue is proper in this District pursuant to 28 U.S.C. § 1391.

ADMINISTRATIVE PROCEDURES

5. On or about July 9, 2015, Ms. Ammidown filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) related to unequal treatment based on race, gender, and retaliation.

6. On or about July 26, 2017, the EEOC issued a Dismissal and Notice of Rights to Ms. Ammidown, which included a Notice of Suit Rights, authorizing Ms. Ammidown to bring the present lawsuit.

GENERAL ALLEGATIONS

Employer and Employee Information

7. Ms. Ammidown is a Black/African-American woman.

8. Merryhill is an employer pursuant to Title VII, and at all times material hereto has employed more than fifteen employees.

9. In August 2013, Nobel Learning acquired Children’s Choice Learning Center in Highlands Ranch, Colorado.

10. At the time, Ms. Ammidown was the principal of Children’s Choice Learning Center in Highlands Ranch, Colorado, and had been since 2008.

11. Ms. Ammidown had been employed by Children's Choice Learning Center of Highlands Ranch since approximately April 2005 in various roles.

12. Following Nobel Learning's acquisition of Children's Choice Learning Center in Highlands Ranch, Colorado, Ms. Ammidown became the Preschool Principal at Merryhill.

13. Throughout her employment with Merryhill, Ms. Ammidown's direct supervisor was Krista Bielat ("Ms. Bielat"). At all relevant times, Ms. Bielat was an Executive Director of Nobel Learning.

14. Ms. Ammidown was terminated from her employment with Merryhill on or about April 20, 2015.

Instances of Unlawful Discrimination by Merryhill

15. Ms. Ammidown kept a photo of herself and her husband on her desk at work. Ms. Ammidown's husband is Caucasian.

16. During a meeting in Ms. Ammidown's office, Ms. Bielat commented to Ms. Ammidown that she would never have thought that Ms. Ammidown would be married to a "white man."

17. In the fall of 2013, just weeks after Nobel Learning's acquisition, Ms. Bielat, Ms. Ammidown and other leadership from Nobel Learning schools attended a conference in Las Vegas, Nevada.

18. Ms. Bielat told Ms. Ammidown she thought it would be a good idea for Ms. Ammidown to introduce herself to Nobel Learning executives during an event.

19. In an effort to appease Ms. Bielat, her new supervisor, and to begin to build rapport with Nobel executives, Ms. Ammidown set out to introduce herself to Patricia Miller

(“Ms. Miller”), at the time, Nobel Learning’s Chief Operating Officer and Senior Vice President. Upon information and belief, Ms. Miller has since been promoted to President of Nobel Learning.

20. Ms. Ammidown located Ms. Miller in the crowd and introduced herself. Ms. Miller said to Ms. Ammidown upon meeting for the first time: “I don’t think too highly of many Black people.”

21. Stunned, Ms. Ammidown quickly returned to her table, where she was seated next to Ms. Bielat.

22. Ms. Ammidown immediately reported to Ms. Bielat the racial comment made by Ms. Miller. Ms. Bielat’s response was that Ms. Miller was “drunk,” and that Ms. Ammidown should not report the comment to anyone else, because Nobel had just acquired Merryhill and Ms. Ammidown should not “rock the boat.”

23. Heeding her supervisor’s advice, Ms. Ammidown did not report the comment to anyone else in the Nobel Learning leadership hierarchy.

24. Then, in November 2013, Nobel Learning’s Chief Executive Officer George Bernstein visited Merryhill.

25. Ms. Ammidown and Mr. Bernstein met during Mr. Bernstein’s tour of Merryhill.

26. Following the visit, Ms. Bielat informed Ms. Ammidown that Mr. Bernstein was “intimidated” by Ms. Ammidown.

27. When Ms. Ammidown questioned Ms. Bielat about why Mr. Bernstein would find her intimidating, Ms. Bielat responded by saying, “maybe it’s your background,” though neither Mr. Bernstein nor Ms. Bielat had much knowledge of Ms. Ammidown’s “background.”

28. In February 2015, Ms. Bielat attended a conference for Nobel Learning leadership and upon her return, told Ms. Ammidown that “George told me to tell you that he is intimidated by you.”

29. Again Ms. Bielat would not give specifics about Mr. Bernstein’s feeling of intimidation or the context of the hurtful comment. This time, Ms. Ammidown told Ms. Bielat that being called “intimidating” bothered her and hurt her feelings.

Ms. Ammidown’s Opposition of Discriminatory Comments

30. Shortly thereafter, Ms. Ammidown spoke with an applicant for an open position at Merryhill. The applicant’s name was Stephanie (last name unknown). Stephanie never followed up on the open position.

31. Later, on a day when Ms. Bielat was at Riverstone School, a Nobel Learning school she also oversaw, the applicant Stephanie stopped by the office to inquire about open positions at Riverstone. Stephanie was apparently unaware the two schools were sister schools.

32. Ms. Bielat advised Stephanie about the open position at Merryhill. Stephanie then told Ms. Bielat that she was not interested in the position at Merryhill.

33. When Ms. Bielat relayed this story to Ms. Ammidown, Ms. Ammidown wondered aloud why Stephanie was not interested in the position at Merryhill. Ms. Bielat responded that it may be because Stephanie was “intimidated” by Ms. Ammidown.

34. In response, Ms. Ammidown again inquired as to why anyone might find her “intimidating.”

35. This time, Ms. Bielat responded by telling Ms. Ammidown that people found her “intimidating” because “you’re a big, Black woman.”

36. Ms. Ammidown immediately told Ms. Bielat that she did not believe the comment based on Ms. Ammidown's race and gender was appropriate for Ms. Bielat to have said.

37. Ms. Bielat responded by saying she felt the two had the sort of relationship where she felt she could share information of that sort.

38. After Ms. Ammidown advised Ms. Bielat that her race- and gender-based comment was not appropriate, the relationship between Ms. Ammidown and Ms. Bielat was tense and noticeably changed.

Retaliation Begins Against Ms. Ammidown

39. Further, Ms. Ammidown began to feel additional, unexplained scrutiny of her work by Ms. Bielat.

40. Ms. Bielat accused Ms. Ammidown of stealing frozen chicken patties from Merryhill's cafeteria, a claim that was later found to be untrue.

41. Near the end of February 2015, Ms. Bielat visited Merryhill to ostensibly conduct a "name to face" audit. This audit involves matching children's names on attendance forms with the photographs of children present in the class on audit day.

42. Ms. Ammidown provided Ms. Bielat with the "name to face" forms for the entire school and Ms. Bielat began reviewing them.

43. Thereafter, Ms. Ammidown noticed that all of the forms for the Infants class were missing from the school.

44. Ms. Ammidown (and a witness), hoping to see how the forms got misplaced, rolled back the footage from the office video camera and watched as Ms. Bielat placed the forms

from the Infants class into a portfolio, placed the portfolio into her personal handbag, and left the office.

45. When later questioned by Ms. Ammidown about the forms, Ms. Bielat responded that she must have taken the forms by mistake because her husband later located them in one of her family's vehicles.

Merryhill Places Ms. Ammidown on Administrative Leave and Then Terminates Her Employment

46. Without warning or prior discipline of any kind, Ms. Ammidown was placed on administrative leave on April 14, 2015, ostensibly so Merryhill and Nobel Learning could investigate alleged misconduct by Ms. Ammidown.

47. On Friday, April 17, 2015, Ms. Ammidown contacted Nobel Learning corporate human resources in an attempt to make a formal complaint about race and gender discrimination.

48. Ms. Ammidown was fired on April 20, 2015.

49. The Performance Memorandum ("Termination Notice") prepared by Ms. Bielat indicates that Ms. Ammidown was terminated for every negative issue pre-printed on the termination form used: (1) Work Habits; (2) Work Performance; (3) Safety Violation; and (4) Policy/Standard Violation.

50. The form further indicated that Ms. Ammidown was being terminated because she was both "too lenient" and "too strict" in her application of Nobel Learning's policies.

51. Yet another alleged reason for Ms. Ammidown's termination was that she was too lenient in her dealings with a Merryhill staff member, Brandon Heath ("Mr. Heath").

52. Mr. Heath was one of three Black/African American employees at Merryhill, including Ms. Ammidown.

53. Mr. Heath had been terminated on or about April 17, 2015.

FIRST CLAIM FOR RELIEF
Discrimination in Violation of Title VII

54. Ms. Ammidown incorporates each of the allegations set forth above, as if fully set forth herein.

55. At all times relevant hereto, Merryhill was and is subject to Title VII.

56. At all times relevant hereto, Ms. Ammidown was qualified to perform the duties of her position of Preschool Principal.

57. Ms. Ammidown is a Black/African American woman and, therefore, she is a member of protected classes under Title VII.

58. Ms. Ammidown's supervisor, Merryhill, and Nobel Learning's leadership know or reasonably should know that Ms. Ammidown is a Black/African American woman.

59. Disparate treatment of Ms. Ammidown by her supervisor, Merryhill, and Nobel Learning's leadership, was intentional and due to Ms. Ammidown's race and gender.

60. Ms. Ammidown's supervisor, Merryhill, and Nobel Learning's leadership engaged in discriminatory practices with malice and/or with reckless indifference to Ms. Ammidown's federally protected rights, as set forth in the preceding paragraphs.

61. Such conduct denied Ms. Ammidown equal terms, conditions, and privileges of employment, thereby violating Ms. Ammidown's rights as guaranteed by Title VII.

62. As a result of the conduct of Ms. Ammidown's supervisor, Merryhill, and Nobel Learning's leadership as above alleged, Ms. Ammidown has been damaged in an amount to be determined at trial, including but not limited to, compensatory damages for back pay, front pay,

lost job benefits, damages for emotional distress and pain and suffering, punitive damages, reasonable attorneys' fees and costs, and pre- and post-judgment interest.

SECOND CLAIM FOR RELIEF
Retaliation in Violation of Title VII

63. Ms. Ammidown incorporates each of the allegations set forth above, as if fully set forth herein.

64. At all times relevant hereto, Merryhill was and is subject to Title VII.

65. At all times relevant hereto, Ms. Ammidown was qualified to perform the duties of her position of Preschool Principal.

66. Ms. Ammidown is a Black/African American woman and, therefore, she is a member of protected classes under Title VII.

67. Ms. Ammidown's supervisor, Merryhill, and Nobel Learning's leadership knew or reasonably should have known that Ms. Ammidown is a Black/African American woman.

68. Ms. Ammidown's supervisor, Merryhill, and Nobel Learning knew or reasonably should have known that Ms. Ammidown engaged in protected conduct by opposing race discrimination and race and gender stereotypes in violation of Title VII.

69. The conduct of Ms. Ammidown's supervisor, Merryhill, and Nobel Learning's leadership in their disparate treatment of Ms. Ammidown, as alleged in the preceding paragraphs, was intentional and due to Ms. Ammidown's protected conduct.

70. Ms. Ammidown's supervisor, Merryhill, and Nobel Learning's leadership engaged in retaliatory practices with malice and/or with reckless indifference to Ms. Ammidown's federally protected rights, as set forth in the preceding paragraphs.

71. Similarly situated employees who did not participated in similar protected activity under Title VII were treated better than Ms. Ammidown.

72. As a result of the conduct of Ms. Ammidown's supervisor, Merryhill, and Nobel Learning's leadership as above alleged, Ms. Ammidown has been damaged in an amount to be determined at trial, including but not limited to, compensatory damages for back pay, front pay, lost job benefits, damages for emotional distress and pain and suffering, punitive damages, reasonable attorneys' fees and costs, and pre- and post-judgment interest.

PRAYER FOR RELIEF

WHEREFORE, Ms. Ammidown prays for entry of judgment in her favor and against Merryhill as follows:

- a. Economic damages, including without limitation, back pay and lost benefits;
- b. Compensatory damages, including without limitation, damages for loss of reputation, loss of opportunity for professional growth, loss of opportunity for promotion, additional financial incidental and consequential damages;
- c. Non-economic damages for emotional distress, pain and suffering, inconvenience, mental anguish, loss of reputation, and other non-pecuniary losses;
- d. Punitive damages as allowed by law and to be determined at trial;
- e. Reasonable attorneys' fees and costs;
- f. Pre- and post-judgment interest; and
- g. Such other and further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL CLAIMS SO TRIABLE.

Dated: October 24, 2017

By: /s/ Leah P. VanLandschoot

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