

IN THE CIRCUIT COURT OF POLK COUNTY, MISSOURI

KERA RENEE CANTRELL,

Plaintiff,

vs.

CITIZENS MEMORIAL  
HEALTHCARE, JODI BRAND,  
JOHN AND JANE DOES

Defendants.

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Case No.

**PETITION**

**COMES NOW** Plaintiff, by and through counsel, and for her Petition, states as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff is a citizen of Fair Play, Missouri.
2. Defendant, Citizens Memorial Healthcare (hereinafter "CMH"), is a nonprofit corporation in the State of Missouri which may be sued and served through its registered agent, Donald Babb, at 1500 N. Oakland, Bolivar, Missouri 65613.
3. Defendant, Jodi Brand, is a citizen and resident of Polk County Missouri, who may be served at 1500 N. Oakland, Bolivar, Missouri 65613.
4. Defendant Jodi Brand is a person directly acting in the interest of Defendant CMH at all times pertinent to this Petition.
5. Defendant John and Jane Does in this Petition are those employees of CMH who had knowledge of the inappropriate conduct herein as occurred in the Cath Lab and who retaliated against plaintiff, including input or participation in the retaliatory acts and decisions as to Plaintiff. On information and belief, this will include supervisors of

Plaintiff, a co-worker who has since been promoted, Dr. Best and Kathy Williams, Human Resource.

6. Plaintiff was employed as a registered nurse for the Cardiac Cath Lab of Defendant CMH.
7. Plaintiff did an excellent job throughout her tenure as an employee of Defendant CMH.
8. While in the Cath lab, Dr. John Best engaged in conduct of the sexual harassment, including direct statements and participation in communications, banter, and an inappropriate environment for females of gender in violation of CMH policy.
9. Dr. John Best is the lead cardiologist. Dr. Best made several inappropriate statements of a sexual nature. He told persons that he had seen my "ass." He told people that I touched his butt. Dr. Best nicknames persons/employees. The nickname he gave me was "Veggie." Dr. Best would sing parts of the song Mary Moon at least once a week. He would sing the part "She's a vegetarian .... She don't eat meat but she sure likes the bone." The song goes on to state "Mary Moon despite that fact remains quite sexual." It was offensive, degrading and inappropriate. No one said anything as they were scared, he was a doctor and in charge.
10. Several times Plaintiff voiced opposition, telling Dr. Best that she didn't like it and asked that he stop singing it. Dr. Best didn't stop, but he would sign the song, laugh and sometimes then look at Plaintiff and say "oh, I guess I shouldn't say that."
11. Dr. Best also frequently made other inappropriate statements of sexual nature or derogatory toward females as a gender.
12. Plaintiff asked that the statements stop, they didn't.

13. Plaintiff reported the environment of sexual harassment.
14. Plaintiff was given a written counseling in retaliation for her report.
15. Defendant Brand told Plaintiff that her report of sexual harassment would be looked into, and it was understood that an investigation would be conducted.
16. After her reports, Plaintiff was terminated for a bogus illegitimate reason.
17. Plaintiff's opposition to and voicing her concern as to sexual harassment and inappropriate conduct of a sexual nature was a contributing factor to the decision of termination.
18. An investigation occurred within days AFTER Plaintiff was terminated related to the environment in the cath lab and control room at CMH.
19. The investigation as to the environment of the cath lab and control room at CMH determined that inappropriate sexual conduct had occurred.

**COUNT I – DISCRIMINATION/HOSTILE ENVIRONMENT**

**COMES NOW** Plaintiff and for Count I, states:

20. Incorporate herein the General Allegations.
21. Plaintiff was an 'employee' within the meaning of § 213 RSMo *et seq*
22. Defendant is an 'employer' within the meaning of § 213 RSMo *et seq*.
23. With respect to the unlawful employment practices, a Charge of Discrimination was filed with the Missouri Commission of Human Rights ('MCHR'). Attached hereto **Exhibit A** is a true and accurate copy of the Charge of Discrimination made part hereof by reference as to the facts set forth therein.

24. Said Charge of Discrimination was filed with the MCHR within 180 days of the most recent unlawful employment practices alleged, and more than 60 days prior to the commencement of this action.
25. With respect to the Charge of Discrimination, Plaintiff was issued a Right to Sue letter by the MCHR, informing her of her right to pursue independent legal action and this action is filed in a timely manner within 90 days of receipt of the Right to Sue. Attached hereto **Exhibit B** is a true and accurate copy of the Right to Sue.
26. The atmosphere of the Cat Lab, and especially as to the statements and conduct of Dr. Best, created a hostile environment for Plaintiff as a female in gender.
27. Defendants engaged in unlawful employment practices, as set forth herein, against Plaintiff in violation of Chapter 213 RSMo., *et seq* in that Plaintiff was subject to a hostile environment of sex discrimination which Defendants were aware of and failed to stop or prevent.
28. Defendants' actions, as set forth herein, were discriminatory, continuous, arbitrary and capricious and Defendants knew such actions were unlawful. The actions of Defendants were intentional, willful and calculated toward Plaintiff and constituted willful violations of Chapter 213 RSMo., *et seq*.
29. Plaintiff has been monetarily damaged by Defendants' unlawful practices in violation of Chapter 213 RSMo., *et seq.*, and has also suffered physical and mental pain, anguish and distress.

**WHEREFORE**, Plaintiff prays the Court:

- A. Adjudge and decree that Defendants discriminated/sex against Plaintiff, and that said actions by Defendants were willful violations of the Act;
- B. Order Defendants to make Plaintiff whole for the loss of income she has suffered as a result of Defendants' unlawful employment practices, including back pay from the time of the unlawful discrimination, wage increases and reimbursement of any lost fringe benefits, Social Security contributions, front pay, and all other monetary compensation, including prejudgment interest, for injuries and damages suffered by Plaintiff;
- C. Award Plaintiff attorney's fees, costs and all other relief afforded under Chapter 213 RSMo., *et seq.*, and;
- D. For all other relief the Court deems just and proper.

**COUNT II – RETALIATION**

**COMES NOW** Plaintiff and for Count II, states:

- 30. Incorporate herein the General Allegations.
- 31. Plaintiff was an 'employee' within the meaning of § 213 RSMo *et seq*
- 32. Defendant is an 'employer' within the meaning of § 213 RSMo *et seq.*
- 33. With respect to the unlawful employment practices, a Charge of Discrimination was filed with the Missouri Commission of Human Rights ('MCHR'). Attached hereto **Exhibit A** is a true and accurate copy of the Charge of Discrimination made part hereof by reference as to the facts set forth therein.

34. Said Charge of Discrimination was filed with the MCHR within 180 days of the most recent unlawful employment practices alleged, and more than 60 days prior to the commencement of this action.
35. With respect to the Charge of Discrimination, Plaintiff was issued a Right to Sue letter by the MCHR, informing her of her right to pursue independent legal action and this action is filed in a timely manner within 90 days of receipt of the Right to Sue. Attached hereto **Exhibit B** is a true and accurate copy of the Right to Sue.
36. Defendants engaged in unlawful employment practices, as set forth herein, against Plaintiff in violation of Chapter 213 RSMo., *et seq* in that Plaintiff voiced opposition to conduct inappropriate towards female as a gender, sexual harassment and such report(s) were a contributing factor to a written counseling, and her termination.
37. Defendants' actions, as set forth herein, were discriminatory, continuous, arbitrary and capricious and Defendants knew such actions were unlawful. The actions of Defendants were intentional, willful and calculated toward Plaintiff and constituted willful violations of Chapter 213 RSMo., *et seq*.
38. Plaintiff has been monetarily damaged by Defendants' unlawful practices in violation of Chapter 213 RSMo., *et seq*., and has also suffered physical and mental pain, anguish and distress.

**WHEREFORE**, Plaintiff prays the Court:

- E. Adjudge and decree that Defendants discriminated/retaliated against Plaintiff, and that said actions by Defendants were willful violations of

the Act;

- F. Order Defendants to make Plaintiff whole for the loss of income she has suffered as a result of Defendants' unlawful employment practices, including back pay from the time of the unlawful discrimination, wage increases and reimbursement of any lost fringe benefits, Social Security contributions, front pay, and all other monetary compensation, including prejudgment interest, for injuries and damages suffered by Plaintiff;
- G. Award Plaintiff attorney's fees, costs and all other relief afforded under Chapter 213 RSMo., *et seq.*, and;
- H. For all other relief the Court deems just and proper.

*/s/Jay Kirksey*

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**Jerry M. (Jay) Kirksey**  
Missouri Bar No. 38643  
Attorney for Plaintiff

**KIRKSEY LAW FIRM, L.L.C.**  
711 S. Albany Avenue  
Bolivar, Missouri 65613-2619  
Telephone 417.326.4529  
Facsimile 417.326.8531  
jmkirksey@kirkseylawfirm.com