**GARIBALDI/REITMAN INNS OF COURT**

**JOINT PROGRAM JAN. 14, 2021**

**FACT PATTERN**

Suzy Sims was hired by Best Vets Veterinary Clinic on August 11, 2015. Sims worked for Best Vets as a Receptionist at an hourly rate of $11.00 per hour until she was “promoted” to the title of “Lead Receptionist” in or about August of 2018 at which time Best Vets converted her to salary at $32,000.00 per year regardless of hours worked. Despite Sims’s promotion (in title only), she was really just performing administrative front desk tasks, including answering phones, and checking customers’ pets for service; she also assisted with bringing pets into the rooms, calming them down, taking them out of their crates (if applicable), and helping lift them onto the exam table.

Sims regularly worked a 50-hour work week, as her schedule was from 8 a.m. to 6 p.m. (with no paid lunch breaks). Sims was directly supervised by Ann Rough, and Ms. Rough has been employed with Best Vets since in or about November of 2016 as Best Vets Head of Clinic. In or about February of 2019, Sims learned she was pregnant. Sims did not inform Best Vets of her pregnancy until in or about July of 2019, as she started to experience various complications and was suffering from gestational diabetes. Due to Sims’s pregnancy and associated complications, she approached her then manager, Dr. Doolittle, about not having to deal with any of the animals (as she felt the aggressive animals caused her anxiety and would affect the pregnancy), and in particular, asked to not assist in lifting any animals onto the exam tables.

Dr. Doolittle reminded Sims that this was a veterinary clinic and “the place won’t run if everyone doesn’t pitch in with getting the animals in and out of the rooms.” Sims felt that this was unfair treatment, as two (2) other male employees, who had been there for quite some time, asked Dr. Dolittle not to deal directly with the animals, simply because they “didn’t like pets” – and their requests were granted by Dr. Doolittle without issue. Sims also informed Dr. Dolittle that she had to work through lunch breaks, for which she was not paid, and that it was not good for the baby’s growth to do so, and that she was requesting a full one (1) hour lunch break to account for her pregnancy. Dr. Dolittle told her she could have 15 minutes lunch break, but it would have to be done to avoid the “busy rush” when clients usually brought pets in on their own lunch hour, and this break would not be paid. Sims did not bring her concerns to Nosey Nancy (HR) because she felt like Nancy would just side with Dr. Dolittle, and Sims figured she would just try to get other colleagues to help her out if she had to deal with the animals (as this was not a large function of her job).

In August of 2019, one of the veterinary techs called Sims and another employee, Patty, in for immediate assistance as one of the larger dogs was acting up and the tech could not get the dog on the table without a second person; unfortunately, the dog knocked the table over and it injured both Patty and Sims (and in particular causing a large gash in Sims’s leg). Sims and Patty immediately went to Nancy and filled out an injury report form (but she did not tell Dr. Doolittle as he had previously expressed his frustration with anyone filing workers’ comp claims, as it was expensive for the company). Sims went to the local hospital to have the gash treated and was referred to continue follow up treatment for the wound with the workers’ comp panel of doctors. For the next several weeks, Sims’s coworkers made fun of Sims and Patty for having gotten injured, and referred to them as “babies milking an injury.”

When Sims specifically overhead the veterinary tech say that he would lie if anyone ever interviewed him about the accident (to help Best Vets avoid workers’ compensation liability), Sims made a formal written complaint to Dr. Dolittle and Nancy regarding the fact that she felt the company as a whole was committing acts of workers’ compensation fraud, in a conspiracy to deprive workers of their right to workers’ compensation benefits. While Nancy emailed Sims back and said her concerns were being investigated, she never heard back and instead, felt as though she was getting the cold shoulder from most people in the office thereafter.

In September of 2019, Sims was placed on complete bed rest by her doctors, and therefore applied for Family and Medical Leave (“FMLA”), which was approved beginning September 5, 2019. Shortly after Sims began her medical leave, Best Vets disseminated and publicized an advertisement for Sims’s exact job position. Sims expressed concerns to Best Vets Nancy about her job being posted in conjunction with her taking medical leave; and despite same, Sims was assured by Best Vets that her job was not in jeopardy.

Sims delivered a healthy baby boy on November 7, 2019. Best Vets Nancy sent Sims a letter dated November 11, 2019 notifying her that her FMLA protected leave would expire on November 25, 2019 and that if she did not return by the following Monday, November 28, 2019, they could not hold her job for her any longer. Sims contacted Nancy by phone on November 24, 2019 (as she was busy taking her care her newborn child) and informed Nancy that she really wanted to spend more time taking care of her son, and asked if there was anything they could do for her (given her long tenure with the company). Nancy informed Sims that they did not have to hold her job more than the protected 12 weeks and if she did not return by Monday November 28, 2016, she would be considered terminated.

Sims did not return and instead consulted Wiley Shark, Esq., a noted plaintiff’s employment litigator, about her rights who filed a complaint on her behalf. Shortly after the suit was filed – and before any discovery was conducted, Sims conveyed six (6) paged single spaced demand letter asking for $750,000.00 (which did not address attorneys’ fees), asked for reinstatement, a formal letter of apology from Dr. Dolittle and reserved Plaintiff’s right to work with any state agencies or speak in public forums in addressing Plaintiff’s concerns of workers’ compensation fraud and illegalities occurring within the clinic.

Defendants are all represented by the same attorneys and did not respond; the matter has been referred to mediation through a mediation referral order.