

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHARENA COFFIN,	§	
	§	
Plaintiff,	§	
	§	C.A. No. 4:22-cv-1516
v.	§	
	§	
TOMBALL INDEPENDENT SCHOOL DISTRICT,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

To the Honorable United States District Judge:

COMES NOW Sharena Coffin (“Coffin” or “Plaintiff”), and files her Original Complaint, complaining of Tomball Independent School District (“Tomball ISD” or “Defendant”) for violations of American’s with Disabilities Act, as amended, codified at 42 U.S.C. § 12101 *et seq.* (“ADA”) and the Family Medical Leave Act, codified at 29 U.S.C. § 2601 *et seq.* (“FMLA”). Plaintiff demands a jury for any and all issues triable to a jury. This action seeks declaratory, injunctive and equitable relief; compensatory, liquidated and actual damages; and costs and attorneys’ fees for the adverse actions suffered by Plaintiff due to Defendant taking such adverse employment actions against her in violation of ADA and FMLA.

PARTIES

1. Plaintiff Sharena Coffin is an individual who is an adult resident of Harris County, Texas. Ms. Coffin is a former employee of Defendant.

2. Defendant Tomball Independent School District is a school district system in the State of Texas. Defendant Tomball Independent School District has its principal place of

business in Harris County, Texas and may be served by serving its Superintendent of Schools Dr. Martha Salazar-Zamora at 310 S. Cherry Street, Tomball, Texas 77375.

3. Plaintiff at all times herein relevant was an employee, de facto employee, or applicant for employment with Defendant.

4. At all relevant times, Defendant was Plaintiff's "employer" within the meaning of the ADA. Defendant is an employer qualified to do business in Texas and employs more than 2,000 regular employees.

JURISDICTION & VENUE

5. Jurisdiction is invoked pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(4), the American's with Disabilities Act, as amended, 42 U.S.C. § 12101 *et seq*, and the Family Medical Leave Act, 29 U.S.C. § 2601 *et. seq*.

6. Venue of this action is proper in this Court because a substantial part of the unlawful employment practices described herein were committed in the Southern District of Texas, and, on information and belief, all records relevant to the causes of action alleged in this complaint are kept in the Southern District of Texas. Venue is invoked pursuant to 28 U.S.C. § 1391.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Plaintiff timely filed a charge of discrimination (*EEOC Charge No. 460-2021-02161*) with the Equal Employment Opportunity Commission ("EEOC") on March 2, 2021, to challenge the discrimination and retaliation suffered. She received a right to sue letter on this charge and timely files this lawsuit to vindicate her rights. Plaintiff has exhausted all applicable administrative remedies.

FACTUAL BACKGROUND

8. Plaintiff is an African American individual. Plaintiff's employment with Defendant began on or about July 31, 2018 when she was employed as a Counselor at the Willow Wood Junior High School ("Willow Wood") campus. Prior to the start of the 2020-2021 school year, Plaintiff was assigned to the Creekside Park Junior High School ("Creekside Park") campus. While employed at Creekside Park, Plaintiff reported to Principal John Vaglienty.

9. Defendant is an independent public school district with campuses and facilities located in both Harris and Montgomery County, Texas. Defendant employs approximately 2,200 employees including teachers, professional support, campus administration, educational aides, and other auxiliary staff throughout its district offices and campuses.

10. Starting on or about August 11, 2020, Plaintiff started experiencing serious medical issues and complications as a result of varied manifestations of COVID-19, which required her to be out of the office extensively. Plaintiff notified Defendant for a continuous period of time of her prolonged illness and her need to miss an extended period of work as a result of her illness. In August 2020, Plaintiff accrued approximately seven absences because of her illness; however, Defendant failed to provide her timely notice of her FMLA eligibility despite Defendant having knowledge that Plaintiff needed leave for a reason covered by the FMLA.

11. From September 2020 through December 2020, Plaintiff continued to miss work because of flare-ups of her symptoms of "Long COVID-19." In October 2020, Mr. Vaglienty sent an email addressing Plaintiff's absences but still failed to provide Plaintiff any notice of her eligibility and rights and responsibilities under the FMLA.

12. In November 2020, Plaintiff began the process of submitting paperwork for FMLA even though she previously informed Defendant of her intent to take FMLA leave. Plaintiff also requested a reasonable accommodation to work remotely because of her illness – Long COVID 19. After Plaintiff informed Defendant of her need for an accommodation and the proposed adjustment in her working conditions – working remotely – because of her medical condition the Defendant simply denied Plaintiff’s request without attempting to engage in an interactive process with the goal of finding an appropriate accommodation for Plaintiff’s limitations.

13. Defendant did not approve Plaintiff’s FMLA leave until January 26, 2021. Defendant also failed to retroactively designate Plaintiff’s prior absence because of her illness as FMLA protected absences.

14. Instead, Defendant issued Plaintiff a disciplinary reprimand citing purported performance deficiencies during the period following Plaintiff’s request for FMLA leave and her request for a reasonable accommodation. Plaintiff did not have any documented behavioral or performance issues before her requests for FMLA leave. Also, Defendant issued the disciplinary reprimand less than two months following her request for a reasonable accommodation.

CAUSES OF ACTION

15. The actions and conduct of Defendant set forth herein constitute interference, restraint or denial of Plaintiff’s rights under the Family Medical Leave Act in violation of 29 U.S.C. § 2615 in the following non-exclusive particulars:

- (a) Failure to provide Plaintiff with her rights under the FMLA;
- (b) Interfering with Plaintiff’s rights under the FMLA;
- (c) Failing to reinstate Plaintiff following the FMLA leave;

- (d) Retaliating against Plaintiff for requesting leave due under the FMLA; and
- (e) Retaliating against Plaintiff as a result of her leave under FMLA.

16. The actions and conduct of Defendant set forth herein constitutes discrimination and retaliation due to disability and/or being regarded as disabled and for requesting reasonable accommodations in violation of 42 U.S.C. § 12101 *et seq.*

17. Defendant's actions complained of herein were performed with malice or reckless indifference to and in knowing violation or reckless disregard of Plaintiff's federally-protected rights and caused Plaintiff emotional distress.

18. As a result of the actions taken by Defendant, Plaintiff has suffered tremendous anxiety, mental anguish, mental suffering, humiliation and embarrassment. The damage done to Plaintiff's reputation as an employee has been enormous, and Plaintiff has suffered both economic and emotional distress because of Defendant's conduct.

DAMAGES

19. As a direct and proximate cause of the aforementioned arbitrary and capricious acts, the Plaintiff has suffered grievous harm, including but not limited to:

- a. Loss of wages and benefits, including front pay and back pay,
- b. Humiliation and embarrassment among coworkers and others,
- c. Mental anguish and emotional distress,
- d. Sustained damage to Plaintiff's credibility, and
- e. Sustained damages to Plaintiff's prospects of future employment.

ATTORNEYS FEES

20. Defendant's action and conduct as described herein and the resulting damage and loss to Plaintiff has necessitated Plaintiff retaining the services of the LAW OFFICE OF CHUKWUDI

EGBUONU, 4141 Southwest Freeway, Suite 390, Houston, Texas 77027 in initiating this proceeding. Plaintiff seeks recovery of reasonable and necessary attorneys' fees.

JURY TRIAL DEMAND

21. Plaintiff demands a trial by jury as to all matters permitted by law.

PRAYER

WHEREFORE, Plaintiff prays the Court order to award such relief including the following:

a. that the Court declare the employment practices of which complaint is made to be in violation of 29 U.S.C. § 2601 *et seq.*, and 42 U.S.C. § 12101 *et seq.*, and otherwise inculpatory and illegal;

b. that the Court order Defendant to pay front pay and lost future wages in amounts to be determined by the jury;

c. that Plaintiff be awarded back pay, including prejudgment interest, and any other benefits or seniority to which she may have been entitled or which she may have lost as a result of the discrimination or retaliation or tortious conduct against her;

d. that Plaintiff be awarded compensatory and liquidated damages pursuant to 29 U.S.C. § 2617(a), and 42 U.S.C. § 12101 *et seq.*;

e. that Plaintiff be awarded the costs of this action, including attorneys' fees, pursuant to 29 U.S.C. § 2617(a), and 42 U.S.C. § 12101 *et seq.*;

f. that Plaintiff be awarded punitive damages to be determined by the trier of fact; and

g. that Plaintiff be awarded such other and further relief as the Court finds equitable, just and proper.

Respectfully submitted,

/s/ Chukwudi Egbuonu*

Chukwudi Egbuonu

State Bar No. 24081838

Federal I.D. No. 2365112

LAW OFFICE OF CHUKWUDI EGBUONU

4141 Southwest Freeway, Suite 390

Houston, Texas 77027

Phone: (713) 635-9488

Fax: (832) 426-5792

chuck@celawoffice.com

* Attorney in charge for Sharena Coffin