

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	:	CASE NO. 03 - CV - 5461
	:	
	:	
Plaintiff	:	
	:	
v.	:	ASSIGNED TO: F. Van Antwerpen, J.
	:	
	:	
MUHLENBERG MEDICAL ASSOCIATES, LTD.	:	JURY TRIAL DEMANDED
	:	
	:	
Defendant	:	

**COMPLAINT
OF INTERVENOR LEANNA STASTNY**

Leanna Stastny, Plaintiff/Intervenor, by her attorney, Jana R. Barnett, alleges as follows:

I. INTRODUCTION

1. This is an action seeking redress for the discrimination based on sex (sexual harassment) and retaliation, in contravention of Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act.
2. Mrs. Stastny, a female citizen of the United States, seeks equitable and monetary relief for the Defendant's unlawful actions, including back pay and benefits, compensation for physical and emotional pain and suffering, reimbursement of medical expenses, costs, attorneys' fees, punitive damages, and all other relief to which she is entitled by Title VII and the Pennsylvania Human Relations Act.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff's Title VII claims pursuant to 28 U.S.C. §1331, and 42 U.S.C. §2000e *et seq.* (§706). This Court has jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. §1367 because the claims arising under the Pennsylvania Human Relations Act are so related to the claims arising under Title VII of the Civil Rights Act of 1964 that they form the same case or controversy.

4. Venue in this district is appropriate pursuant to 28 U.S.C. §1391(b). The unlawful acts and practices of the Defendant were committed by the Defendant in Berks County, Pennsylvania, which is within the Eastern District of Pennsylvania.

III. PARTIES

5. Plaintiff Leanna Stastny is an adult citizen of the Commonwealth of Pennsylvania who resides in Berks County, Pennsylvania. Her address is 441 Main Street, Virginville, PA 19564.
6. Defendant Muhlenberg Medical Associates, Ltd. is a Pennsylvania limited corporation with its principal place of business at 4201 Kutztown Road, Temple, PA 19560. It employed Mrs. Stastny as a receptionist from August 28, 2000 through October 17, 2002. It is an employer within the meaning of Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act.

IV. FACTUAL BACKGROUND

7. Mrs. Stastny began working for MMA as a receptionist on August 28, 2001.
8. Dr. Joseph Hassan was one of the physicians who worked at MMA from at least August 28, 2000 through October 17, 2002. Dr. Hassan was an officer, shareholder and employee of MMA from at least August 2001 - July, 2002.
9. Dr. Hassan had a record of touching female employees despite the fact that he was informed that his touching was unwelcome.
10. During much of the term of Mrs. Stastny's employment by MMA, Dr. Hassan put his hands on Mrs. Stastny's shoulders. Although this touching was unwelcome, Mrs. Stastny tolerated it.
11. During the week of June 3, 2002, Dr. Hassan cornered Mrs. Stastny, cupped his right hand around her neck, and slid his forearm back and forth against her left breast. A patient who observed Dr. Hassan touch Mrs. Stastny in this way said words to the effect of, "Honey, I see how you got your diamonds." An employee was present when Dr. Hassan touched Mrs. Stastny.
12. When Dr. Hassan was done touching Mrs. Stastny in this way, he asked her to get him a cup of coffee, light on the cream.
13. Dr. Hassan's conduct, and the patient's obvious conclusion that Dr. Hassan had a

sexual relationship with Mrs. Stastny, caused Mrs. Stastny to vomit.

14. On June 10, 2002, Dr. Hassan approached Mrs. Stastny with his schedule. He leaned near her, and rubbed his right forearm against her left breast twice. Mrs. Stastny moved away. Dr. Hassan moved toward Mrs. Stastny, and rubbed his right forearm against her left breast two more times. Mrs. Stastny stood up, told Dr. Hassan that she'd take care of his schedule in the morning, left the building, got in her car, drove around the block, and vomited before going home.
15. Mrs. Stastny continued to vomit at work; cried before, during and after work; felt depressed, felt her skin "crawl" in Dr. Hassan's presence, became unable to perform her work as well as she had previously, became unable to sleep, felt agitated, experienced tension headaches, experienced uncontrollable shaking, lost her appetite, and otherwise became physically and mentally ill. Mrs. Stastny began planning escapes from work in case Dr. Hassan's behavior made it impossible for her to stay.
16. Mrs. Stastny obtained treatment for the effects of MMA's treatment of her.
17. The physical and mental illness affected Mrs. Stastny outside of work as well as at work.
18. On June 20, 2002, Mrs. Stastny brought a chart to Dr. Hassan so that he could speak with a patient. Dr. Hassan took his left arm, put it under Mrs. Stastny's right breast, and lifted up her breast. Mrs. Stastny walked away and vomited.
19. In addition to this unwelcome touching, Dr. Hassan told Mrs. Stastny about his sexual activities with his girlfriend. This information was unwelcome.
20. Later on June 20, 2002, Mrs. Stastny reported Dr. Hassan's unwelcome touching to her supervisor, who in turn reported it to the office manager.
21. On June 24, 2002, Mrs. Stastny met with the office manager to describe what Dr. Hassan had done.
22. On June 25, 2002, Mrs. Stastny met with MMA's CEO and described what Dr. Hassan had done. The CEO said that Dr. Hassan had done things like that before, and that he would investigate her allegations. The CEO also spoke with an employee who verified that she had seen Dr. Hassan behave inappropriately toward Mrs. Stastny.
23. Mrs. Stastny asked MMA's CEO to tell Dr. Hassan that he could not reach out and touch her.

24. Although MMA was familiar with its legal obligation to conduct a prompt and thorough investigation of complaints of sexual harassment, MMA never notified Dr. Hassan of the allegations that Mrs. Stastny had made against him. Nor did MMA demand that Dr. Hassan stop touching Mrs. Stastny or otherwise leave her alone.
25. The CEO left for vacation without telling Dr. Hassan to stop touching Mrs. Stastny.
26. Mrs. Stastny notified the office manager that she felt angry, tortured, betrayed and misled by the CEO's failure to take action against Dr. Hassan before he left on vacation.
27. Mrs. Stastny felt ill when she was with, around, or was assigned to work with Dr. Hassan.
28. On July 8, 2002, Dr. Hassan came up behind Mrs. Stastny, rubbed her back, and stood behind her chair so that she was unable to move away. After Dr. Hassan left, Mrs. Stastny was shaking. She gathered her personal possessions, and intended not to return to work.
29. On July 9, 2002, Mrs. Stastny signed a Charge of Discrimination which was sent to the EEOC and MMA's attorney via facsimile.
30. On July 10, 2002, Dr. Hassan came up behind Mrs. Stastny, and was so close to her that she could feel his breath on her neck, and could see what was in her desk drawer.
31. Mrs. Stastny repeatedly notified MMA that Dr. Hassan's touching her had the purpose or effect of making her physically and mentally ill, interfering with her relationships with people inside and outside of work, and rendering her unable to perform her job as well as she had been able to perform it before June 3, 2002.
32. Dr. Hassan stopped working for MMA. The CEO told Mrs. Stastny that Dr. Hassan's departure had nothing to do with her complaint of discrimination.
33. Later, the CEO told Mrs. Stastny that Dr. Hassan's complaint of discrimination was only one of the factors leading to Dr. Hassan's departure from MMA.
34. Mrs. Stastny's co-workers learned of her complaint of discrimination, and retaliated against her. For example, some nurses stopped speaking with Mrs. Stastny after Dr. Hassan stopped working for the practice. At least one employee left the room when Mrs. Stastny entered the room, and would refuse to speak with

Mrs. Stastny unless absolutely necessary. Some employees talked about Mrs. Stastny behind her back. Some employees held Mrs. Stastny responsible for the reduction of their house. Someone moved a picture including Dr. Hassan from a place where Mrs. Stastny was unlikely to see it to a place where Mrs. Stastny was likely to see it frequently.

35. Mrs. Stastny reported acts of retaliation to her supervisor and/or the office manager.
36. MMA did not investigate the acts of retaliation by Mrs. Stastny's co-workers. Nor did MMA take action reasonably calculated to stop the retaliation.
37. After Mrs. Stastny complained of sexual harassment by Dr. Hassan, the job of lead receptionist became vacant.
38. Although Mrs. Stastny was the most senior receptionist at MMA, had the most experience as a receptionist among MMA's receptionists, had the most medical experience of MMA's receptionists, and was able to fulfill the duties of a lead receptionist, MMA promoted a woman who had worked for MMA for approximately six months, had no prior medical experience, and who was not able to fulfill the duties as lead receptionist.
39. MMA did not choose Mrs. Stastny to be the lead receptionist out of retaliation for her complaints of sexual harassment.
40. On August 30, 2002, Mrs. Stastny signed a revised Charge of Discrimination which included acts of retaliation as well as sexual harassment.
41. The EEOC assigned charge number 170A300066 to that charge of discrimination, and cross-filed the charge with the Pennsylvania Human Relations Commission ("PHRC").
42. The PHRC assigned number 200207014 to the charge of discrimination.
43. On September 22, 2003, the EEOC mailed a "right to sue letter" to Mrs. Stastny. A copy is attached.
44. On September 30, 2003, the EEOC filed a lawsuit against MMA on behalf of Mrs. Stastny and other members of her class.
45. On October 6, 2003, the PHRC sent Mrs. Stastny a letter saying that it had been one year since she filed her complaint with that agency, and that she had a right to file a complaint in court.

46. As a result of the sexual harassment by Dr. Hassan at MMA, and the retaliation by MMA, Mrs. Stastny suffered lost wages and benefits (back and front), suffered emotional pain and suffering, was forced to incur expenses, and was otherwise damaged.

VI. CLAIMS

FIRST COUNT

(Violation of Title VII of the Civil Rights Act of 1964)

47. Paragraphs 1 through 46 are incorporated by reference.
48. Mrs. Stastny was discriminated against on the basis of sex when she was sexually harassed by Dr. Hassan
49. MMA knew or should of known of Dr. Hassan's sexual harassment of female employees.
50. As a direct result of MMA's discriminating against Mrs. Stastny on the basis of her sex, Mrs. Stastny has suffered and continues to suffer harm, including but not limited to loss of income and loss of other employment benefits, front pay, medical expenses, physical suffering, humiliation, embarrassment, and damage to her reputation.

WHEREFORE Mrs. Stastny prays for compensatory damages (*e.g.*, pecuniary losses, physical and emotional pain, suffering, inconvenience, mental anguish, and other nonpecuniary losses), punitive damages, attorney's fees, costs, and such other and further relief as are permitted by law or equity.

SECOND COUNT

(Violation of Title VII of the Civil Rights Act of 1964 (Retaliation))

51. Paragraphs 1 through 46 are incorporated by reference.
52. MMA discriminated (retaliated) against Mrs. Stastny when it failed to promote her to the position of lead receptionist.
53. MMA's employees discriminated (retaliated) against Mrs. Stastny when they harassed her as a result of her complaints of discrimination against Dr. Hassan.

54. MMA and its employees knew that Mrs. Stastny opposed practices forbidden by Title VII of the Civil Rights Act of 1964 (sexual harassment) and/or that she had filed a charge of discrimination against MMA with the EEOC.
55. As a direct result of MMA's discriminating (retaliating) against Mrs. Stastny, Mrs. Stastny has suffered and continues to suffer harm, including but not limited to loss of income and loss of other employment benefits, front pay, medical expenses, physical suffering, humiliation, embarrassment, and damage to her reputation.

WHEREFORE Mrs. Stastny prays for compensatory damages (*e.g.*, pecuniary losses, physical and emotional pain, suffering, inconvenience, mental anguish, and other nonpecuniary losses), punitive damages, attorney's fees, costs, and such other and further relief as are permitted by law or equity.

THIRD COUNT

**(Violation of Pennsylvania Human Relations Act,
43 P.S. §951 *et seq.*)**

56. Paragraphs 1 through 46 are incorporated by reference.
57. Mrs. Stastny was discriminated against on the basis of sex when she was sexually harassed by Dr. Hassan
58. MMA knew or should of known of Dr. Hassan's sexual harassment of female employees.
59. As a direct result of MMA's discriminating against Mrs. Stastny on the basis of her sex, Mrs. Stastny has suffered and continues to suffer harm, including but not limited to loss of income and loss of other employment benefits, front pay, medical expenses, physical suffering, humiliation, embarrassment, and damage to her reputation.

WHEREFORE Mrs. Stastny prays for compensatory damages (*e.g.*, pecuniary losses, physical and emotional pain, suffering, inconvenience, mental anguish, and other nonpecuniary losses), punitive damages, attorney's fees, costs, and such other and further relief as are permitted by law or equity.

FOURTH COUNT

**(Violation of Pennsylvania Human Relations Act,
43 P.S. §951 *et seq.*)**

60. Paragraphs 1 through 46 are incorporated by reference.
61. MMA discriminated (retaliated) against Mrs. Stastny when it failed to promote her to the position of lead receptionist.
62. MMA's employees discriminated (retaliated) against Mrs. Stastny when they harassed her as a result of her complaints of discrimination against Dr. Hassan.
63. MMA and its employees knew that Mrs. Stastny opposed practices forbidden by Title VII of the Civil Rights Act of 1964 (sexual harassment) and/or that she had filed a charge of discrimination against MMA with the EEOC.
64. As a direct result of MMA's discriminating (retaliating) against Mrs. Stastny, Mrs. Stastny has suffered and continues to suffer harm, including but not limited to loss of income and loss of other employment benefits, front pay, medical expenses, physical suffering, humiliation, embarrassment, and damage to her reputation.

WHEREFORE Mrs. Stastny prays for compensatory damages (*e.g.*, pecuniary losses, physical and emotional pain, suffering, inconvenience, mental anguish, and other nonpecuniary losses), punitive damages, attorney's fees, costs, and such other and further relief as are permitted by law or equity.

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JURY TRIAL DEMAND

Mrs. Stastny demands a trial by jury as to all issues.

Jana R. Barnett, Esquire
Attorney for Plaintiff