

DANIEL M. HERRIGAN

2011 OCT 25 AM 11:44  
THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

SUMMIT COUNTY  
CLERK OF COURTS  
ANNE B. KAZUKA  
1586 WATERBURY ROAD  
LAKEWOOD, OHIO 44107

Plaintiff,

v.

REIMER ARNOVITZ CHERNEK &  
JEFFREY CO., LPA  
2450 EDISON BLVD.  
TWINSBURG, OHIO 44070

and

WILLIAM THORNDYKE  
2450 EDISON BLVD.  
TWINSBURG, OHIO 44070

and

RENEE RICHARDSON  
2450 EDISON BLVD.  
TWINSBURG, OHIO 44070

and

BEVERLY TAYLOR  
2450 EDISON BLVD.  
TWINSBURG, OHIO 44070

Defendants.

) CASE NO.

2011. 10 6026

) JUDGE

ASSIGNED TO JUDGE COSGROVE

) COMPLAINT

) (Jury Demand Endorsed Hereon)

Now comes Plaintiff, Anne B. Kazuka (hereinafter "Plaintiff"), by and through undersigned counsel, and for her Complaint against Defendants Reimer Arnovitz Cherek & Jeffrey Co., LPA, William Throndyke, Renee Richardson and Beverly Taylor (hereinafter "Defendants"), hereby states and avers as follows:

1. Plaintiff was employed by Defendant Reimer Arnovitz Chernek & Jeffrey Co., LPA as a paralegal from April 23, 2003 until April 28, 2011.

2. Defendant Reimer Arnovitz Chernek & Jeffrey Co., LPA is a legal professional association headquartered in Twinsburg, Ohio, and provides legal services, including but not limited to foreclosure and other collections services.

3. At all times mentioned herein, Plaintiff was in the employ of Defendant Reimer Arnovitz Chernek & Jeffrey Co. LPA.

4. At all times mentioned, Defendant William Thorndyke was the immediate supervisor of Plaintiff at Reimer Arnovitz Chernek & Jeffrey Co. LPA.

5. At all times mentioned herein, Defendant Renee Richardson was a Human Resources Director of Reimer Arnovitz Chernek & Jeffrey Co. LPA.

6. At all times mentioned herein, Defendant Beverly Taylor was the foreclosure coordinator for Reimer Arnovitz Chernek & Jeffrey Co. LPA.

7. All defendants named herein participated and acted in concert in all actions alleged, as well as in the decision making process to terminate Plaintiff from her employment at Reimer Arnovitz Chernek & Jeffrey Co. LPA.

8. At the time of her termination, Plaintiff was age 59 (DOB 4/11/52), and in a class protected from unlawful discriminatory employment practices according to ORC §4112.02(A).

9. Also at the time of her termination, Plaintiff was disabled, and by reason thereof, also in a class protected from unlawful discriminatory practice under ORC §4112.02(A).

10. Plaintiff was disabled by virtue of her serious health condition of leukemia, which was diagnosed in October 2009, and for which Plaintiff continued to be monitored by healthcare professionals.

11. Notwithstanding, Plaintiff's serious health condition, she was qualified to perform her job duties, including the essential functions of her job as a paralegal.

12. Despite requests, Defendants, individually and collectively, failed to make accommodation to Plaintiff for her disability and/or serious health condition, so that she would be able to continue to perform the essential functions of her job.

13. Defendants, individually and collectively, maintained a practice of discriminatory disparate treatment of older workers, in that in the past two years, two employees were either terminated and/or subjected to adverse employment actions, i.e. Janine Veits, age 60, who was demoted and replaced by an individual not in an age protected class; and Barbara Rhinehart, age 67, who was terminated.

14. Plaintiff was provided with permanent improvement plans in the past, but following the permanent improvement plan submitted by Defendants, individually and collectively, on or about March 18, 2011, Plaintiff provided a rebuttal of the underlying basis for this permanent improvement plan.

15. Included within Plaintiff's rebuttal, dated March 25, 2011, was a request for assistance with her work load, an accommodation for her serious health condition, and relief from the harassment of Defendant Beverly Taylor; none of Plaintiff's requests were met by Defendants.

**COUNT ONE**  
**(Age Discrimination, ORC §4112.02(A)- Disparate Treatment)**

16. Plaintiff realleges and reavers each and every statement made in Paragraphs 1-15 as if fully rewritten herein.

17. Defendants, individually and collectively, have discriminated against Plaintiff with respect to the terms conditions and privileges of employment, in discharging her without cause, which discharge was a pretext for age discrimination.

18. When Defendants terminated Plaintiff's employment without just cause, Plaintiff was over 40 years of age.

19. At all times Plaintiff was qualified for her position.

20. Defendants treated similarly situated employees who were under the age of 40 better than Plaintiff was treated.

21. Defendants, and in particular Defendant Thorndyke, maintained a practice and pattern of conduct which unduly favored younger workers, in that he made adverse employment decisions against one or more individuals in a protected age class because he believed younger workers could handle the stress of the job better than older workers.

22. Said conduct is declared unlawful pursuant to Section 4112.02(A) of the Ohio Revised Code.

23. As a direct and proximate result of said conduct, Plaintiff has sustained lost wages, lost benefits and emotional distress, and have incurred expenses in seeking employment, and have sustained damage to her good reputation, and is reasonably certain to sustain such damages in the future.

**COUNT TWO**  
**(Age Discrimination, OR.C. § 4112.02(A)- Retaliation)**

24. Plaintiff realleges and reavers each and every statement made in paragraphs 1-23 as if full rewritten herein.

25. Defendants, individually and collectively, have discriminated against Plaintiff with respect to the term, conditions and privileges of employment, in discharging her without cause, which discharge was a pretext for age discrimination.

26. Defendants, individually and collectively, retaliated against Plaintiff because of her protected age class in terminating her approximately one month after she attempted to rebut through her email response of March 25, 2011 the criticism leveled upon her by Defendants in the permanent improvement plan presented to her.

27. Said conduct is declared unlawful pursuant to Section 4112.02(A) of the Ohio Revised Code.

28. As a direct and proximate result of said conduct, Plaintiff has sustained lost wages, lost benefits and emotional distress, and have incurred expenses in seeking employment, and have sustained damage to her good reputation, and is reasonably certain to sustain such damages in the future.

**COUNT THREE**  
**(Disability Discrimination, ORC §4112.02(A)- Disparate Treatment)**

29. Plaintiff realleges and reavers each and every statement made in Paragraphs 1-28 as if fully rewritten herein.

30. Defendants, individually and collectively, have discriminated against Plaintiff with respect to the terms conditions and privileges of employment, in discharging her without cause, which discharge was a pretext for disability discrimination.

31. When Defendants terminated Plaintiff's employment without just cause, Plaintiff was disabled, with a serious health condition which was diagnosed as leukemia and this condition was known to Defendants.

32. Defendants failed to make an accommodation to Plaintiff in order to allow her to perform the essential functions of her job.

33. Said conduct is declared unlawful pursuant to Section 4112.02(A) of the Ohio Revised Code.

34. As a direct and proximate result of said conduct, Plaintiff has sustained lost wages, lost benefits and emotional distress, and have incurred expenses in seeking employment, and have sustained damage to her good reputation, and is reasonably certain to sustain such damages in the future.

**COUNT FOUR**  
**(Disability Discrimination, ORC §4112.02(A)-Retaliation)**

35. Plaintiff realleges and reavers each and every statement made in Paragraphs 1-34 as if fully rewritten herein.

36. Defendants, individually and collectively, have discriminated against Plaintiff with respect to the terms conditions and privileges of employment, in discharging her without cause, which discharge was a pretext for disability discrimination.

37. When Defendants terminated Plaintiff's employment without just cause, Plaintiff was disabled, with a serious health condition which was diagnosed as leukemia and this condition was known to Defendants

38. Defendants, individually and collectively, retaliated against Plaintiff because of her protected disability class in terminating her approximately one month after she attempted to rebut through her email response of March 25, 2011 the criticism leveled upon her by Defendants in the permanent improvement plan presented to her.

39. Said conduct is declared unlawful pursuant to Section 4112.02(A) of the Ohio Revised Code.

40. As a direct and proximate result of said conduct, Plaintiff has sustained lost wages, lost benefits and emotional distress, and have incurred expenses in seeking employment, and have sustained damage to her good reputation, and is reasonably certain to sustain such damages in the future.

**COUNT FIVE**  
**(Personal Liability)**

41. Plaintiff realleges and reavers each and every statement made in paragraphs 1-40 as if full rewritten herein.

42. Defendants Thorndyke, Richardson and Taylor, each of whom was in supervisory positions directing Plaintiff's work, and who also were decision makers in her termination process, personally committed the wrongful discriminatory actions referenced hereinabove.

43. As a result thereof, each is personally liable to Plaintiff.

**COUNT SIX**  
**(Punitive Damages)**

44. Plaintiff realleges and reavers each and every statement made in paragraphs 1-43 as if full rewritten herein.

45. Defendants, individually and collectively, engaged in the aforementioned pattern and course of unlawful discriminatory conduct, and engaged in the unlawful and wrongful discharge of employees including Plaintiff, intentionally, maliciously and/or in willful and wanton disregard of the rights of Plaintiff.

46. As a direct and proximate result of said conduct, Plaintiff sustained lost wages, lost benefits and emotional distress, and have incurred expenses in seeking employment, and have sustained damage to her good reputation, and is reasonably certain to sustain such damages in the future.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Anne B. Kazuka prays for the following relief:

- 1) Judgment against Defendants Reimer Arnovitz Chernek & Jeffrey Co., LPA, William Throndyke, Renee Richardson and Beverly Taylor, individually and collectively, and further;
- 2) An award of compensatory damages to Plaintiff, in an amount in excess of \$25,000 each, for past and future lost wages, past and future lost benefits, for past and future emotional distress, for past and future expenses incurred in seeking employment, and for past and future damage to her good reputation, pursuant to R.C. § 4112.02, and for such other relief as may be afforded pursuant to R.C. § 4112.99;
- 3) An award of punitive damages to Plaintiff in the amount of \$1,000,000 dollars;
- 4) An award of reasonable attorney fees and expenses to Plaintiff;
- 5) An award of costs; and
- 6) Such other relief as this Honorable Court may deem just and equitable.

Respectfully submitted,



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Attorneys for Plaintiff Anne B. Kazuka



**JURY DEMAND**

A trial by jury is hereby demanded on all claims so triable.



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Andrew D. Berner (#0015281)