

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

DANIEL M. HARRIGAN
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SUMMIT COUNTY
CLERK OF COURTS

ANNE B. KAZUKA)	CASE NO. CV-2011-10-6026
)	
Plaintiff,)	JUDGE PATRICIA A. COSGROVE
)	
v.)	
)	
REIMER ARNOVITZ CHERNEK &)	<u>PLAINTIFF'S FIRST PRETRIAL</u>
JEFFREY CO., LPA, et al.)	<u>STATEMENT</u>
)	
Defendants)	
)	
)	

Now comes Plaintiff Anne B. Kazuka, by and through undersigned counsel, and for her first pretrial statement, states as follows:

I. BRIEF STATEMENT OF THE FACTS

Plaintiff was terminated from her employment as a paralegal with Defendant Reimer on April 28, 2011, ostensibly for poor performance. Plaintiff had undergone treatment and a leave of absence for leukemia in October 2009 until May 2010 when she returned to work initially on a part-time basis. In the succeeding year until her termination, Plaintiff was criticized for her performance with written warnings, but without any follow-up or assistance concerning areas and ways of correcting her performance. Also, the management team, Defendants Beverly Taylor, William Throndyke and Renee Richardson, wrongfully accused Plaintiff of failing to follow-up on various files that were not part of her job responsibilities. Additionally, the foreclosure coordinator, Beverly Taylor, was unduly critical of Plaintiff, and in effect made Plaintiff's job more difficult in not giving her the opportunities of having direct access to

court dockets through the e-filing system and court runners. The foreclosure manager, William Thorndyke, in turn failed to acknowledge Plaintiff's request for accommodation in assisting her in handling the untenable relationship with Beverly Taylor. While an accommodation was requested by Plaintiff to either provide additional breaks during the day due to the fatigue factor of her disability illness, or provide a "work at home" option, the management team of the employer failed in that regard. Instead, Plaintiff was retaliated against for making these requests by Defendants Taylor, Thorndyke and Richardson in their actions to terminate her.

Plaintiff was subject to disparate treatment by the Defendants compared with other employees who were similarly situated, based on her disability as well as her protected age status of age 59 at the time of termination. The Defendants maintained a pattern of discriminatory behavior against older employees, in that individuals such as Linda McClintock, a lead paralegal, who at age 59 was demoted; another employee, Janine Veits also age 59 was demoted and replaced by a young woman in her twenties, Christy Mercer; and in April 2010 employee Barbara Rhinehart, age 67, was terminated.

II. THE ISSUES OF FACT AND LAW

- Whether the Defendants discriminated against Plaintiff on the basis of her protected age status and/or disability;
- Whether Defendants discriminated against Plaintiff by retaliating against her because of her disability and/or age;
- Whether Defendants treated Plaintiff in a disparate fashion based on her age or based on her disability, compared with other comparably situated employees;

- Whether Defendants maintained a pattern of discriminatory practice against employees who are in a protected age status or against those who had disabilities;
- Whether Defendants discriminated against Plaintiff in its failure to provide an accommodation to Plaintiff so that she would be able to continue the essential functions of her job; and
- In view of their managerial capacity, whether Defendants Thorndyke, Richardson and Taylor are personally liable for the wrongful discriminatory actions against Plaintiff.

III. ITEMIZATION OF EXPENSES, LOSS OF INCOME AND OTHER SPECIAL DAMAGES

Plaintiff was earning \$22.01 at the time of her termination, and continues to be unemployed despite diligent efforts to become reemployed on a full-time basis. Consequently, she is claiming past and future wage loss and loss of benefits; compensatory damages for emotional distress, the expenses incurred in seeking employment, attorney fees and punitive damages.

IV. REQUESTS FOR MEDICAL EXAMINATION OF ADVERSE PARTY

No requests have been made, and Plaintiff will have no such request.

V. IDENTIFICATION OF WITNESSES TO BE DEPOSED

The following individuals may be deposed, but no dates have yet been set: Dennis Reimer, Beverly Taylor; William Thorndyke; Renee Richardson; Linda McClintock; Janine Veits; and Barbara Rhinehart.

VI. IDENTIFICATION OF EXPERT WITNESSES

No such expert witnesses have yet been identified.

VII. AN ESTIMATE NUMBER OF LAY WITNESSES TO BE CALLED BY THE PARTIES

There will be an estimated 7 witnesses called by Plaintiff.

Respectfully submitted,



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Attorney for Plaintiff Anne B. Kazuka

CERTIFICATE OF SERVICE

A copy of the foregoing *Plaintiff's First Pretrial Statement* was mailed via regular U.S. Mail on this 11th day of January, 2012 to the following:

Vincent J. Tersigni
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