

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

JENELLE ALVERSON
2848 Markbreit Ave.
Cincinnati, Ohio 45209

Plaintiff,

V.

THE AKRON ART MUSEUM
1 South High Street
Akron, Ohio 44311

-and-

MARK MASUOKA
2307 Lancaster Road
Akron, Ohio 44313

Defendants.

CASE NO.

JUDGE

COMPLAINT

(Type of Case: Discrimination)

(Jury Demand Endorsed Hereon)

INTRODUCTION

1. Plaintiff Jenelle Alverson is a United States Citizen and Hamilton County, Ohio resident.
2. Alverson is a former employee of Akron Art Museum.
3. The Akron Art Museum is a domestic corporation with a place of business at 1 South High Street, Akron, Ohio 44311.
4. At all times material herein, The Akron Art Museum was Alverson's "employer" within the meaning of Ohio Rev. Code § 4112.
5. At all times material herein, Defendant Mark Masuoka was an employee of The Akron Art Museum in a supervisory capacity over Alverson and was acting in the interest of The Akron Art Museum.

6. At all times material herein, Masuoka was Alverson's "employer" within the meaning of Ohio Rev. Code § 4112.
7. The conduct and injuries giving rise to the claims below arose in Summit County.
8. Personal jurisdiction is proper over the Defendants pursuant to Ohio Rev. Code §2307.382(A)(1).
9. Venue is proper pursuant to Civ.R. 3(B)(3).
10. This Court is a court of general jurisdiction over all subject matters of this Complaint and the claims presented herein.

FACTUAL ALLEGATIONS

11. Alverson incorporates by reference the allegations from the preceding paragraphs as if fully realleged herein.
12. At all times herein, Mark Masuoka was the executive director of The Akron Art Museum.
13. Under Masuoka's leadership there was rampant sexism, racism, and bullying at The Akron Art Museum.
14. Masuoka "created and promoted a pervasive culture of race and gender discrimination and bullying which have resulted in a dysfunctional work environment and severely unhealthy turnover rate."
15. In or around July 2013 Alverson was hired by The Akron Art Museum as a part-time security guard.
16. Alverson holds a bachelor's degree in fine arts, and upon her hiring was pursuing a career as an art handler.
17. Michael Murphy was Alverson's supervisor in the security department.

18. In 2014 Murphy began acting inappropriately towards Alverson by engaging in unwelcome flirtations.
19. Murphy's actions violated The Akron Art Museum's sexual harassment policy.
20. On one occasion Murphy slowly walked in a circle around Alverson and slowly looked her up and down.
21. Murphy claimed that his leering was merely a visual inspection to ensure that Alverson did not have a cell phone on her.
22. Murphy called Alverson "baby", and expected her to respond to this "nickname" for her.
23. In 2014 Alverson had a meeting with Sherry Streb, chief financial officer, and Dawn Sawyer, human resources coordinator, during which Alverson reported Murphy's violations of The Akron Art Museum's sexual harassment policy.
24. Alverson informed Streb and Sawyer that Murphy's actions were making her extremely uncomfortable.
25. Streb and Sawyer concluded the meeting by promising to look into Alverson's complaints.
26. Upon information and belief Masuoka was aware of Alverson's complaints of sexual harassment by Murphy.
27. Masuoka did not exercise reasonable care to prevent and correct properly any sexually harassing behavior.
28. In or around August 2014, Alverson was promoted to part-time art handler while keeping her part-time security position.
29. Chris Ross supervised the art handlers.

30. In or around September 2014, Murphy once again acted inappropriately towards Alverson, trapping her behind her desk and interrogating her about her body, her workout routines, and her love life.
31. Alverson reported the September 2014 incident to Ross.
32. In response to Alverson's report, Ross set up a meeting with Alverson, Streb, and Sawyer.
33. Instead of reprimanding Murphy, Streb chastised Alverson for reporting Murphy's behavior to her supervisor.
34. Ross treated the female art handlers less favorably than their male counterparts.
35. The male art handlers were scheduled more frequently than female art handlers.
36. The male art handlers were given the premier installations.
37. This disparate treatment included an incident in April 2016 when, ironically, all of the male art handlers were assigned a premier sculpture installation titled "Women and the World."
38. No female art handler was assigned to participate in the "Women and the World" art installation.
39. In response to Ross' disparate treatment, in April 2016 Alverson wrote a letter to the Director of Design, Joe Walton, informing him that the women art handlers were not receiving the same opportunities as their male counterparts.
40. Walton pulled Alverson aside, and Alverson detailed the gender discrimination the female art handlers were experiencing under Ross' leadership.
41. Upon information and belief Masuoka was aware of Alverson's complaints of gender discrimination.
42. Masuoka did not exercise reasonable care to prevent and correct properly any gender discrimination.

43. Almost immediately after Alverson complained to Walton, Ross began retaliating against Alverson.
44. Ross' demeanor towards Alverson changed, and he began treating her with obvious disdain.
45. Ross also began scheduling Alverson for fewer art installations, which resulted in a reduction of her hours and overall compensation.
46. Ross even went so far as to schedule all other art handlers for installations, excluding only Alverson.
47. Upon information and belief Masuoka was aware of Ross' retaliation against Alverson's for making complaints of gender discrimination.
48. Masuoka did not exercise reasonable care to prevent and correct properly any retaliation.
49. On or about June 23, 2019 a group of employees of The Akron Art Museum transmitted a letter to the Board of trustees in which they outlined a series of claims of mismanagement, hostile work environment, sexual and racial harassment, under Masuoka's leadership.
50. Alverson's complaints were recounted in the June 23, 2019 letter.
51. On or about June 26, 2019 those employees, including Alverson, were notified by the law firm of Kastner Westman & Wilkins, LLC ("KWW") that it had been engaged by the board of The Akron Art Museum to investigate the claims set forth in the June 23, 2019 letter and the investigation would be conducted by attorneys John W. McKenzie and Tom Green.
52. Alverson and the other complaining employees were given written and verbal assurances that no retaliatory actions would be taken against them by The Akron Art Museum for their June 23rd letter, and requested that they submit to interviews by KWW with the promise that they would not be punished or otherwise be retaliated against by The Akron Art Museum for their participation in such interviews.

53. Alverson was interviewed by KWW in conjunction with their investigation.
54. During Alverson's interview, Alverson told McKenzie that she had reached her limit with the treatment at The Akron Art Museum, to which McKenzie replied "you don't want to sacrifice your mental health for it."
55. Understanding that to mean that nothing was going to change at The Akron Art Museum, Alverson had no choice but to resign in August 2019.
56. KWW found the majority of the 27 complaints in the June 23, 2019 letter to have merit.
57. Upon information and belief, Masuoka was aware that Alverson was one of the complaining employees that participated in drafting and transmitting the June 23, 2019 letter.
58. Masuoka failed to remedy the sexual harassment, gender discrimination, and retaliation Alverson outlined in the June 23, 2019 letter.

FIRST CAUSE OF ACTION
(Gender Discrimination)

59. Alverson incorporates by reference the allegations from the preceding paragraphs as if fully realleged herein.
60. Defendants treated Alverson, a woman, differently than male employees in the same position.
61. Defendants discriminated against Alverson in respect to the terms and conditions of her employment, on the basis of gender.
62. Defendants' discrimination against Alverson was in contravention of Ohio Rev. Code § 4112.
63. As a result of Defendants' unlawful conduct, Alverson has suffered, and will continue to suffer, pecuniary damages, and emotional harm.

SECOND CAUSE OF ACTION
(Hostile Work Environment)

64. Alverson incorporates by reference the allegations from the preceding paragraphs as if fully realleged herein.
65. As a female, Alverson is a member of a protected class under Ohio Rev. Code § 4112.02.
66. During her employment, Alverson was subjected to unwelcome sexual harassment in the form of unwelcome sexual comments, unwelcome advances, and unwanted physical contact by her supervisor, Murphy.
67. Defendants created and sustained an environment of severe and pervasive sexual harassment in the form of unwelcome sexual comments, unwelcome advances, and unwanted physical contact.
68. As a result of Defendants' unlawful conduct, Alverson has suffered, and will continue to suffer, pecuniary damages, and emotional harm.

THIRD CAUSE OF ACTION
(Retaliation)

69. Alverson incorporates by reference the allegations from the preceding paragraphs as if fully realleged herein.
70. Alverson's complaints of sexual harassment and gender discrimination were protected activity under Ohio Rev. Code § 4112.
71. Defendants reduced Alverson's hours in retaliation for Alverson's engagement in activity protected by Ohio Rev. Code § 4112.
72. Defendants' retaliation towards Alverson was in contravention of Ohio Rev. Code § 4112.

73. As a result of Defendants' unlawful conduct, Alverson has suffered, and will continue to suffer, pecuniary damages, and emotional harm.

FOURTH CAUSE OF ACTION
(Constructive Discharge)

74. Alverson incorporates by reference the allegations from the preceding paragraphs as if fully realleged herein.

75. Defendants forced Alverson to resign when, after KWW investigated Alverson's claims of harassment and discrimination, KWW told Alverson that "sometimes you just have to leave and move on."

76. Alverson, like any reasonable person would be, was unable to endure any further harassment, discrimination, and retaliation and was in fear of further retaliation.

77. Alverson's working conditions had become so intolerable that a reasonable person would find no alternative but to resign.

78. Defendants constructively discharged Alverson, as the end result of a pattern of harassment, discrimination, and retaliation in contravention of Ohio Rev. Code § 4112.02.

79. As a result of Defendants' unlawful conduct, Alverson has suffered, and will continue to suffer, pecuniary damages, and emotional harm.

CONCLUSION

Plaintiff Janelle Alverson seeks judgment against each Defendant, for each count, in an amount in excess of \$25,000 to fully, fairly, and justly compensate her for injury, damage, and loss, and respectfully prays that this Court enter judgment in her favor and award her past and future economic and non-economic compensatory damages, fringe benefits, consequential damages, incidental damages, punitive damages, interest, all reasonable attorney's fees, costs and expenses, and any additional legal or equitable relief available under law.

Respectfully Submitted,

/s/ Claire I. Wade-Kilts

Claire I. Wade-Kilts

Bar Number0093174

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JURY DEMAND

Plaintiff Janelle Alverson demands a trial by jury by the maximum number of jurors permitted.

/s/ Claire I. Wade-Kilts
Claire I. Wade-Kilts (0093174)

Attorney for Plaintiff