

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EMMA TODD,

Plaintiff,

V.

JB FOR GOVERNOR, an Illinois
not-for-profit corporation,

Defendant.

Jury Trial Demanded

COMPLAINT

Plaintiff, Ms. Emma Todd, by and through the undersigned counsel, for her complaint against JB for Governor, states as follows:

PRELIMINARY STATEMENT

1. This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. Plaintiff, Ms. Emma Todd, was terminated because of her sex by Defendant JB for Governor, as set forth below.

PARTIES

3. Defendant JB for Governor, an Illinois not-for-profit corporation with a principal office address at 200 West Adams Street, Suite 1175, Chicago, Illinois has continuously been doing business in the State of Illinois and has employed at least fifteen (15) employees.

4. Plaintiff resides in the State of Illinois.

PROCEDURAL HISTORY

5. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC” or “Commission”) alleging violation of Title VII for discrimination based on sex by defendant on or about September 22, 2018.

6. Upon information and belief, the EEOC provided Defendant with notice of the charges of discrimination.

7. Plaintiff received a Notice of Right to Sue from the EEOC notifying her of her right to bring suit, and she has filed suit within 90 days of receipt of the notice.

8. Plaintiff took all necessary steps to fulfill all conditions precedent to the commencement of this lawsuit.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because the action is based on Title VII of the Civil Rights Act.

10. Venue is proper in the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. §§ 1391(b)(2) because that is a district in which the campaign resides.

11. Venue is proper pursuant to 42 U.S.C. § 2000e-5(f)(3) because the Northern District is a district in the State in which the unlawful employment practice is alleged to have been committed, and it is the judicial district in which the employment records relevant to such practice are maintained and administered, and it is the judicial district in which the Defendant has its principal office.

FACTS

12. Plaintiff, Ms. Emma Todd is a female citizen of the United States

13. Ms. Todd has a female gender identity.

14. Ms. Todd has a feminine gender expression.

15. Ms. Todd is a woman who is transgender.

Sex, Gender, Gender Expression, and Gender Identity

16. *Sex* is a term that includes gender, gender expression, and gender identity within its meaning.

17. *Sex stereotyping* refers to the application by an employer of stereotypes related to sex to restrict, disparage, or discriminate on the basis of an employee's gender expression or identity.

18. *Gender* refers to cultural expectations specific to the sexes.

19. *Gender expression* refers to a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's sex assigned at birth.

20. *Gender identity* refers to a person's internal sense of sex, being male, female, or other.

21. Gender identity is intractably rooted at a very early age and cannot be changed.

22. *Transgender individuals* are people who have a gender identity that does not match the sex they were assigned at birth.

23. *Gender transition*. Transgender individuals often seek out legal, social, and medical means of aligning external manifestations of their sex and gender with their gender identity. This process is colloquially known as gender transition or transition.

24. Discrimination against transgender people for being transgender is discrimination based on their sex, sex stereotyping, gender, gender expression, gender identity, or gender transition.

25. It is appropriate to refer to a transgender woman who has transitioned with female titles, honorifics (e.g., Miss, Ms., or Mrs.), and pronouns (e.g., her, hers, and she).

Employment with JB for Governor

26. In or about August 2017, Plaintiff Ms. Emma Todd was hired by JB for Governor as a Field Organizer.

27. Ms. Todd was qualified to perform the duties of her position, and discharged her duties in a satisfactory manner.

28. From the commencement of her position to about the end of January 2018, Ms. Todd received good evaluations and feedback on her work performance.

29. There was nothing in Plaintiff's employment file to indicate that she had performance problems on the job.

30. In or about February 2018, Ms. Raynal Sands was hired by Defendant as Ms. Todd's supervisor.

31. Ms. Sands viewed transgender identity as a sexual fetish, asked about transgender sexual habits in a prurient manner, and stated that Ms. Todd was "the reason people don't like transgender people."

32. Ms. Sands had expressed animus against transgender women.

33. Ms. Todd was treated differently from other employees by Ms. Sands.

34. Ms. Sands highly scrutinized and criticized Ms. Todd's work performance.

35. In or about early March 2018, Ms. Sands told other employees that she was going to fire Ms. Todd.

36. Ms. Sands did not use the Defendant's corrective action process, as set forth in the Employee Handbook, at any time with Ms. Todd.

37. Ms. Sands did not take steps to address any performance concerns regarding Ms. Todd by engaging in formal counseling and feedback, written and/or final warning, or suspension without pay, as set forth in Defendant's corrective action process.

38. Ms. Todd's work performance was not the type of performance that merited serious correction or criticism that would subject her to termination, but for illegal discrimination and/or unless illegal discrimination were a motivating factor.

39. Ms. Sands, on behalf of Defendant, terminated Ms. Todd for reasons other than her job performance.

40. Ms. Sands illegally terminated Plaintiff because of her sex and/or gender.

41. Ms. Todd's work performance and behavior was similar to that of other, similarly-situated, non-transgender employees, who were not terminated.

42. Ms. Sands, on behalf of the Defendant, made the decision to terminate Ms. Todd.

43. Ms. Sands, on behalf of the Defendant, terminated Ms. Todd on or about March 25, 2018.

44. After Ms. Todd was terminated, Defendant publicly disseminated a job posting seeking applicant's for Ms. Todd's position title.

45. Ms. Todd would not have been terminated but for illegal discrimination and/or unless illegal discrimination were a motivating factor.

CAUSES OF ACTION

COUNT III

42 U.S.C. § 2000e, et seq. Termination Because of Sex

46. Plaintiff realleges all previous paragraphs if full set forth herein.

47. Defendant JB for Governor terminated Ms. Todd because of sex, sex stereotyping, gender, gender expression, gender identity and/or gender transition.

48. As a direct and proximate result of Defendant JB for Governor's illegal discharge of Ms. Todd, Ms. Todd has incurred damages including but not limited to lost wages, humiliation, loss of enjoyment of life, damage to professional reputation, and other pecuniary and non-pecuniary losses.

49. By engaging in the conduct described above, Defendant JB for Governor intentionally terminated Ms. Todd with malice or reckless indifference to Ms. Todd's federally protected rights to oppose practices that are prohibited by Title VII, for which Plaintiff seeks punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ms. Emma Todd respectfully requests that this Court:

- A. Declare that the acts, practices, and omissions complained of herein are unlawful and violate Title VII;
- B. Permanently enjoin Defendant JB for Governor, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them from engaging in the unlawful conduct of discriminating against employees who are transgender and/or who have undergone or are undergoing a gender transition, or who are associated with employees who are transgender and/or have undergone or are undergoing a gender transition;

- C. Order Defendant JB for Governor to institute and carry out policies, practices, programs, and training which provide equal employment opportunities for employees who are transgender, have undergone a gender transition, or are undergoing a gender transition, and which eradicate the effects of Defendant JB for Governor's past and present unlawful employment practices;
- D. Order other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices;
- E. Direct Defendant JB for Governor to pay Ms. Todd for past and future pecuniary losses resulting from the unlawful practices complained of in the foregoing paragraphs;
- F. Direct Defendant JB for Governor to pay Ms. Todd for past and future non-pecuniary losses resulting from the unlawful practices complained of in the foregoing paragraphs, including humiliation, loss of enjoyment of life, damage to her professional reputation, and other non-pecuniary losses in an amount to be determined at trial;
- G. Direct Defendant JB for Governor to pay Ms. Todd punitive and special damages for its malicious or reckless conduct described in the foregoing paragraphs, in an amount to be determined at trial;
- H. Award Ms. Todd attorneys' fees, costs and disbursements as provided by law; and
- I. Award such additional relief as justice may require.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues raised herein.

Dated: November 29, 2018

Respectfully submitted,

EMMA TODD

/s/ Joanie Rae Wimmer

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