

EXHIBIT 1

CJ-2021-4262

Timmons



FILED IN DISTRICT COURT
IN THE DISTRICT COURT OF OKLAHOMA COUNTY OKLAHOMA COUNTY
STATE OF OKLAHOMA

OCT - 8 2021

RICK WARREN
COURT CLERK

127 _____

JO A. STAINSBY,
LEKENYA ANTWINE, and
CATINA BAKER,)

Plaintiffs,)

v.)

THE STATE OF OKLAHOMA, ex rel the
OKLAHOMA HEALTH CARE AUTHORITY)

Defendant.)

CJ-2021-4262

Gender, age and race claims

JURY TRIAL DEMANDED

PETITION

COME NOW THE PLAINTIFFS, and for their causes of action, show this Court as follows:

PARTIES

1. The Plaintiffs are:
 - A. Jo A. Stainsby, an adult female,
 - B. LeKenya Antwine, an adult female, and
 - C. Catina Baker, an adult female.
2. The Defendant is the State of Oklahoma operating through the Oklahoma Health Care Authority, which is hereafter referred to as OHCA.

JURISDICTION AND VENUE

3. This is a cause of action for discrimination based on a combination of gender and age and, in one case, race, as prohibited by Title VII and Oklahoma's Anti-Discrimination Act (OADA). Jurisdiction over the federal claims is vested pursuant to 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1331. The state law claims arise out of the same core of facts.
4. Plaintiffs Antwine and Baker reside in Oklahoma County, Plaintiff Stainsby

resides in Cleveland County, and the Defendant is a governmental entity with its principal office in Oklahoma County. Accordingly, venue is proper in this Court pursuant to 42 U.S.C. § 2000e-5(f)(3) and 12 O.S. § 133(Second).

STATEMENT OF FACTS PERTAINING TO ALL PLAINTIFFS

5. Each of the Plaintiffs is a female who was over forty (40) years of age at the time of her termination, and each was terminated by the Defendant during the month of September, 2019.
6. Ms. Stainsby was terminated from her position as Public Information Director on or about September 3, 2019.
7. Ms. Antwine was terminated from her position as Director of Quality Assurance and Community Living Services on or about September 26, 2019.
8. Ms. Baker was terminated from her position as a Senior Research Analyst on or about September 12, 2019.
9. In August 2019, Kevin Corbett, male, was selected as the new CEO for the OHCA.
10. Within the period of August through September following Mr. Corbett's appointment, a series of persons (approximately 11 or 12) were terminated. All of these persons were females over forty (40) years of age except for one female under age forty (40).
11. To the information and belief of the Plaintiffs, all of the persons terminated were replaced by persons under age (40) and about half of the replacements were by males.

FACTS PERTAINING TO MS. STAINSBY

12. After the first round of terminations in August, and about a week prior to Ms. Stainsby's termination, the CEO announced that the agency was finished with

its terminations and that for the next two or three months they would be evaluating where everyone would best fit in the agency.

13. On September 3, 2019, Ms. Stainsby was terminated.
14. Ms. Stainsby asked why she was being terminated, and was only told that the OHCA was going in a different direction.
15. Ms. Stainsby asked if she could transfer to any other position, and was told that was not an option.
16. Ms. Stainsby's recent performance appraisal evaluated her as meeting all job requirements.
17. To Ms. Stainsby's knowledge, her job and/or job duties continued to exist and were performed by younger persons.
18. The real reason for Ms. Stainsby's termination was her gender and/or the combination of her gender and her age, which is a violation of Title VII and the OADA.
19. As the direct result of her wrongful termination, Ms. Stainsby has suffered lost earnings past, present, and future, together with dignitary harms including emotional distress.

FACTS PERTAINING TO MS. ANTWINE

20. Around August, 2019, Ms. Antwine's supervisor (female) was terminated and Plaintiff was advised by Becky Ikard that Ms. Antwine would be interviewed by the Chief of Staff and the new CEO who would determine Plaintiff's position.
21. The promised interview never took place.
22. On or about September 5, 2019, Ms. Antwine met with the HR director, who advised her that she was being moved to Ms. Melody Anthony's unit.

23. After working in Ms. Anthony's unit for approximately three weeks, Ms. Antwine was terminated.
24. Ms. Antwine's recent performance appraisals showed her as meeting all job requirements.
25. The only explanation given for Ms. Antwine's termination was that the OHCA was moving in a new direction.
26. To Ms. Antwine's knowledge, her job and/or job duties continued to exist and were performed by younger persons.
27. The real reason for Ms. Antwine's termination was her gender and/or the combination of her gender and her age, which is a violation of Title VII and the OADA.
28. As the direct result of her wrongful termination, Ms. Antwine has suffered lost earnings past, present, and future, together with dignitary harms including emotional distress.

FACTS PERTAINING TO MS. BAKER

29. In addition to being a female over age forty (40), Ms. Baker is African-American.
30. In Ms. Baker's work group, there were four research analysts, three of whom were female, and one of whom was a younger male. The two persons in Ms. Baker's group who were terminated were older females.
31. Ms. Baker's supervisor (female) was a younger female whose approximate age was from her late 20's to 30's.
32. Ms. Baker's recent performance appraisal evaluated her as meeting all job requirements.
33. There were three African American women (Ms. Baker, Gloria Lafitte, Trudy

Johnson) working under Kasie McCarty (white).

34. Ms. McCarty has terminated all three of these African American women.
35. To Ms. Baker's knowledge, her job and/or job duties continued to exist and were performed by younger persons.
36. The real reason for Ms. Baker's termination was her gender and/or the combination of her gender and/or age and/or race, which is a violation of Title VII and the OADA.
37. As the direct result of her wrongful termination, Ms. Baker has suffered lost earnings past, present, and future, together with dignitary harms including emotional distress.

FACTS SHOWING ADMINISTRATIVE EXHAUSTION

38. Discrimination based on gender, the combination of gender and age, race, and age are prohibited by the provisions of Title VII of the Civil Rights Act of 1964 and by the OADA.
39. Each Plaintiff has complied with all administrative requirements to file her claim. In particular:
 - A. Ms. Stainsby filed her Charge of Discrimination with the EEOC on or about October 23, 2019, which was less than one hundred eighty (180) days from the date of her termination. Ms. Stainsby received her Right to Sue authorization from the U.S. Department of Justice on or about September 3, 2021, and her action is timely filed within less than ninety (90) days from receipt of such authorization.
 - B. Ms. Antwine filed her Charge of Discrimination with the EEOC on or about November 22, 2019, which was less than one hundred eighty

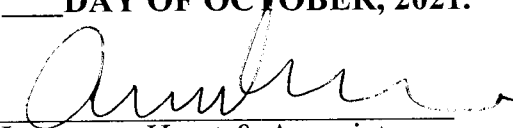
(180) days from the date of her termination. Ms. Antwine received her Right to Sue authorization from the U.S. Department of Justice on or about September 3, 2021, and her action is timely filed within less than ninety (90) days from receipt of such authorization.

- C. Ms. Baker filed her Charge of Discrimination with the EEOC on or about November 22, 2019, which was less than one hundred eighty (180) days from the date of her termination. Ms. Baker received her Right to Sue authorization from the U.S. Department of Justice on or about September 3, 2021, and her action is timely filed within less than ninety (90) days from receipt of such authorization.

PRAYER

Each Plaintiff prays that she be awarded her actual damages together with costs, interest and attorney's fees.

RESPECTFULLY SUBMITTED THIS 8th DAY OF OCTOBER, 2021.


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JURY TRIAL DEMANDED