

Rachel Pierce

Plaintiff,

Case Type: Employment

Court File No.: _____

Judge: _____

v.

Western Stone & Metal Corp.,
dba Shane Co.,

Defendant.

**COMPLAINT
AND DEMAND FOR A JURY TRIAL**

Plaintiff Rachel Pierce through her attorneys, Christy L. Hall and Ashlynn M. Kendzior of Gender Justice, 550 Rice Street, Suite 211, St. Paul, Minnesota 55103, for her Complaint against the above-named Defendant, states and alleges as follows:

INTRODUCTION

1. Plaintiff brings this lawsuit to remedy sex discrimination in violation of the Minnesota Human Rights Act (MHRA), Minn. Stat. §§ 363A.01, *et seq.*, as well as violations of the rights of nursing parents under the Women’s Economic Security Act (WESA)¹, Minn. Stat. § 181.939.

2. The MHRA bars sex discrimination in employment. Minn. Stat. § 363A.08.

3. WESA, in part, guarantees nursing parents who work access to “reasonable unpaid break time” in order to express breast milk each day. Minn. Stat. § 181.939(a).

¹ Despite the name, the Women’s Economic Security Act provides a multitude of legal protections to people of all genders, including parents seeking leave and parents who nurse their babies.

4. Under WESA, an employer must provide a nursing parent with adequate space in which to pump breast milk. Minn. Stat. § 181.939(b). The space, which cannot be a bathroom or toilet stall, must be “shielded from view and free from intrusion from coworkers and the public.” *Id.*

5. WESA was passed by the Minnesota legislature in 2014 and signed into law by Governor Dayton on May 11, 2014.

6. Gender Justice was part of a coalition that advocated for passage of WESA. Gender Justice client Tara Duncan testified at the legislature in support of the law, describing the difficulty she had getting adequate pumping breaks while she was working for a Minnesota employer and encouraging the legislature to improve enforcement mechanisms for the law.

7. It is essential for gender equality that employers permit their employees to take adequate pumping breaks at work. When employers make it difficult or impossible for parents to hold down a job while they are still nursing their babies, it contributes to a culture of unequal pay and reduced opportunities for parents who are their children’s primary caregivers.

8. If a nursing parent cannot get adequate break time at work for pumping, the nursing parent may have to choose between their job and their baby—a choice with impossible pressures for parents whose families rely on their income. On the other hand, when an employer is flexible and supportive, a working parent can continue to nurse their baby by pumping at work.

9. Minnesota courts must enforce laws such as WESA and the MHRA vigorously to ensure equality in the workplace. As Chief Justice Rehnquist said of the federal Family Medical Leave Act, these laws are “targeted at the fault line between work and family—precisely where sex-based overgeneralization has been and remains strongest.” *Nev. Dep’t of Human Res. v. Hibbs*, 538 U.S. 721, 738 (2003).

PARTIES, JURISDICTION & VENUE

10. Plaintiff Rachel Pierce is a resident and citizen of the state of Minnesota.

11. Defendant Western Stone & Metal Corp. is a corporation with its principal place of business in Colorado, doing business as Shane Co. Shane Co. has retail locations in Woodbury, MN, and Minnetonka, MN.

12. At all relevant times, Shane Co. was Pierce’s employer, as defined in both the Minnesota Human Rights Act (MHRA), Minn. Stat. § 363A.03 subd. 15, and the Women’s Economic Security Act (WESA), Minn. Stat. § 181.939(c).

13. Pierce was employed at the Minnetonka, MN location with an address at 11300 Wayzata Blvd., Suite A, Minnetonka, MN 55305.

14. This Court has jurisdiction over Plaintiff’s claims in this Complaint pursuant to Minn. Stat. § 484.01, the MHRA, Minn. Stat. § 363A.33 subd. 6, and WESA, Minn. Stat. § 181.944.

15. Venue is proper in this Court under Minn. Stat. § 363A.33 subd 6. because the unlawful actions occurred in Hennepin County.

NURSING AND PUMPING AT WORK

16. Many parents decide to nurse their babies. It is a healthy choice that when possible, is often doctor-recommended for parents and babies. AM. ACAD. OF PEDIATRICS, *Benefits of Breastfeeding*, <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/Breastfeeding/Pages/Benefits-of-Breastfeeding.aspx>.

17. For working parents, nursing their babies directly is often not a possibility. As a result, many parents choose to pump milk and store it for later use.

18. According to the International Lactation Consultant Association's ("ILCA") blog, Lactation Matters, a nursing parent returning to work before their child is six months old should express milk every three hours that they are separated from their child. Wendy Wright, *Pumping Strategies for the Working Mother*, LACTATION MATTERS (May 17, 2012), <https://lactationmatters.org/2012/05/17/pumping-strategies-for-the-working-mother/>. "Each session should empty the breast." *Id.* This may take approximately 15 minutes, and does not include the time needed to set up or clean any equipment used and safely store milk. *Id.*

19. However, the time and frequency of pumping required will differ from person to person depending on factors such as storage capacity of their breast or chest.

20. To start milk flowing during a pumping session, first the nursing parent must stimulate the letdown reflex, which is more difficult when experiencing stress. Lactation experts recommend relaxing by looking at a photo or video of the baby. Laura Laing, *Balancing Work & Breastfeeding*, PARENTS (last accessed November 16, 2018),

<https://www.parents.com/baby/breastfeeding/breast-pumping/balancing-work-breastfeeding/>.

21. Failing to completely empty the breast or chest during pumping sessions or delaying pumping sessions can lead to health consequences for the parent. *Women Who Delay Pumping Risk Painful Breast Engorgement*, NPR (May 26, 2016, 1:53PM), <https://www.npr.org/sections/health-shots/2016/05/26/479288270/women-who-have-to-delay-pumping-risk-painful-breast-engorgement/>. For example, it can cause painful breast engorgement, which in turn can cause further issues. *Id.*

22. Mastitis is a painful “inflammation of breast tissue that sometimes involves infection”. *Mastitis*, MAYO CLINIC (July 19, 2018), <https://www.mayoclinic.org/diseases-conditions/mastitis/symptoms-causes/syc-20374829>. This can also be caused by breast engorgement. *Women Who Delay Pumping Risk Painful Breast Engorgement*, NPR (May 26, 2016, 1:53PM), <https://www.npr.org/sections/health-shots/2016/05/26/479288270/women-who-have-to-delay-pumping-risk-painful-breast-engorgement/>

23. Engorgement can also lead to a reduced milk supply, which can have adverse health impacts on babies. *Id.* “As few as four consecutive days of inadequate pumping breaks can reduce a mother’s milk supply.” *Id.* It takes significantly longer for the milk supply to recover, and in some cases it never does. *Id.*

FACTS

24. Plaintiff Rachel Pierce was first hired by Defendant Shane Co. on May 2, 2016. Pierce was hired to work at the company’s Minnetonka location as a full-time Sales Associate.

25. Pierce's primary responsibility as a Sales Associate was to greet and actively engage customers while they were shopping.

26. At the time she was initially hired by Defendant, Pierce was pregnant with her first child. Pierce's initial due date was October 4, 2016.

27. Pierce informed one of her managers, Zakir Bagha, that she was pregnant.

28. Bagha told her that in order to have time off to give birth and care for her child, she would need to quit. According to Defendant's Human Resources ("HR"), this was because Pierce would not have worked at the company long enough to qualify for medical leave under the Family Medical Leave Act by her due date.

29. Pierce was told that if she left her job on good terms, she would be rehired when she was ready to return to her position.

30. Pierce was determined to leave her job in good standing in order to guarantee employment after caring for her daughter. She worked hard to be a successful and integral part of Defendant's sales team.

31. On September 28, 2016, Pierce received a Documentation of Event ("DOE") describing an extremely positive review from a customer. Her managers thanked her for her work.

32. In the September DOE, her managers stated that "Customer service and creating the best customer experience are what make our team the best, and Rachel continually shows this type of dedication to her customers".

33. Pierce resigned on October 7, 2016, after her initial due date passed, in order to take time off to deliver and care for her child.

34. On October 10, 2016, Pierce gave birth to a healthy daughter.

35. Pierce was committed to breastfeeding her daughter. Although she faced some of the common struggles as she began breastfeeding, she was successful. Pierce was able to produce enough milk to sustain her daughter, and her daughter continued to grow and develop during this time.

36. Pierce's daughter had a negative reaction to and refused to take formula, even formula mixed with breast milk, so Pierce was committed to pumping when she returned to work so that she could provide enough nourishment for her baby.

37. Pierce knew that it would be difficult to pump enough at work to keep up her supply without using added formula. Her fiancé's mother had had one baby who similarly couldn't take formula. Pierce took comfort from the fact that her fiancé's mother had successfully returned to work as a teacher while still nursing. Her fiancé's mother was able to take frequent and consistent pumping breaks from her teaching job and had produced enough milk for her child.

38. On January 23, 2017, after taking several months off to care for her daughter, Pierce was formally re-hired and started working at Defendant Shane Co.

39. Shane Co. had other Sales Associates who were students working part-time. As she transitioned back to work, Pierce requested a part-time schedule as well as she worked to get child care in place. Her managers at Shane Co. initially refused but eventually relented.

40. Pierce asked her managers about taking pumping breaks. Manager Erin Haessig informed Pierce that, according to Defendant's employee handbook, she would be allowed one 15-minute pumping break for every four hours she worked.

41. Pierce knew that it usually took her approximately 20-25 minutes to complete pumping, which was more than the allotted time. She notified Kelly Connelly, another one of her managers, about her situation. Connelly asked Pierce to reduce her pumping time to 15 minutes to conform with Defendant's policy.

42. In addition to Haessig and Connelly, managers Eric Feld and Lydia Wiley confirmed at different times that they expected Pierce to pump in 15 minutes.

43. At the time, Pierce did not know if pumping in 15 minutes was reasonable or possible for her. Even so, she told her managers that she would attempt to do so.

44. Pierce tried, but soon realized that a 15-minute pumping break was insufficient for her to adequately express and store breast milk and clean all necessary equipment.

45. Pierce also struggled to get her managers to give her break time to pump when she needed. She commuted to work approximately 30-45 minutes one way. To pump enough milk for her baby and to keep up her milk supply, she needed to pump approximately two and a half hours into her shift, and every three hours after that for the duration of her shift. Her shifts varied in length from five hours up to ten hours, so she needed two to three pumping breaks each shift.

46. Pierce was not able to simply take a break when she needed to pump. Instead, she had to request permission from a manager when she needed the break.

47. Her managers frequently told her to wait when she requested a break, delaying her breaks for long stretches of time. Sometimes the managers refused to let her take a break at all.

48. Pierce's managers grumbled about her requests for breaks, or they left the sales floor when she needed to take a break so that she couldn't ask.

49. The significant delays in her pumping schedule from missed or late breaks caused Pierce severe pain and contributed to a reduced milk supply.

50. In addition to adequate time to pump, Pierce also needed a space to pump while at work.

51. The room that Shane Co. had designated for pumping was a large conference room. It had a lock and key for privacy purposes. However, all of Defendant's employees at this location had a key to the room and could enter at their leisure.

52. Pierce put a sign on the door to inform her coworkers and managers when she was pumping, but they often ignored the sign. Coworkers and managers frequently walked in on her while she was pumping.

53. Because using a privacy cover would have added time to her pumping set-up, Pierce did not use a cover.

54. On one occasion, a coworker ignored the pumping sign and threw the door open wide to walk in on her. Pierce's breasts were exposed to not only the intruding coworker, but also coworkers in the hall and in the break room opposite to the conference room where she pumped. After this, Pierce set up her pump at the farthest end of the conference room away from the door.

55. Pierce's sister also had a daughter a little older than Pierce's daughter. On one occasion, Pierce's sister brought both babies to Shane Co. so that Pierce could nurse instead of pumping. While they were both breastfeeding, Pierce's coworkers walked in the room. Pierce's sister was shocked when Pierce told her that "this happens all the time."

56. In addition to walking in while Pierce was pumping, coworkers and managers also knocked on the door and slid notes under the door asking her to return to work because they needed assistance.

57. After many requests from Pierce over several months, at some point between mid-April and May Shane Co. finally installed a deadbolt.

58. During the first few months of 2017, Pierce tried several different strategies to make the situation better for herself and her daughter.

59. She tried to educate her managers about the basics of pumping and nursing so that they would be more understanding of her needs. Pierce explained that she experienced severe pain if she went too long without expressing breast milk. She told her managers how important it was to take breaks at consistent intervals so she would be able to produce enough milk to feed her daughter.

60. Even after Pierce explained why she needed frequent and longer pumping breaks, managers failed to grant her such breaks.

61. Pierce also tried to compensate for her reduced milk supply from infrequent pumping breaks by changing her routine at home.

62. On several occasions, Pierce asked her sister to breastfeed Pierce's daughter in an effort to conserve Pierce's breast milk.

63. On her days off from work, Pierce nursed her baby constantly, often doing weighted feedings all day.

64. She tried many different kinds of supplements that were supposed to increase breast milk production.

65. Despite all of these efforts, Pierce still had a reduced milk supply and struggled to produce enough milk for her baby.

66. Around May of 2017, Pierce realized that the pumping situation at work was not going to improve without intervention. She started tracking times when her managers denied or delayed her breaks.

67. As an example of the typical problems she experienced, on May 2, 2017, Pierce requested pumping breaks three separate times a half hour apart. Each time her managers told her she could not have a break. Finally, at 7:58PM, two minutes before her shift was scheduled to end, her managers permitted her to pump.

68. Pierce tried to contact Defendant's HR department starting in mid-May. She left voice messages on May 15 and 17, 2017. In the voice messages, Pierce specifically requested a return call to her personal cell phone and not to the store number, to avoid angering her managers.

69. Pierce waited for a return call for several weeks. During this time, she was still being denied adequate pumping breaks.

70. On May 23, 2017, Pierce was scheduled to work until 8:00PM. She asked for a pumping break during her shift, but was not allowed to take one until 8:10PM, after her shift

was supposed to be over. That night she stayed after her shift and pumped because she was in so much pain that she could not drive home.

71. On May 27, 2017, Pierce was allowed a single pumping break. She asked her managers twice for a second break, but on both occasions they refused.

72. On June 2, 2017, Pierce requested a pumping break on three separate occasions. All three requests were denied, despite Pierce explaining to her managers that she desperately needed to pump.

73. That night, Pierce left work without pumping. She was in considerable pain and wanted to get home as quickly as possible after her shift to nurse her daughter. Instead of letting her leave, her manager started talking to her about layaways, keeping her off the clock while she was in severe pain.

74. On another occasion, Pierce needed to pump after work because she had been denied a break during her shift. She pumped after her shift ended, while others were carrying out store closing duties. When her coworkers were done closing, they left the store, locking Pierce inside. When she was done pumping, Pierce had to call a manager and wait approximately 30 minutes for the manager to come back and let her out of the store.

75. Several weeks after Pierce first tried to contact HR, an HR representative tried to call her back. HR ignored her request to call her cell phone and instead called the main store number when she wasn't working. When Pierce next came in to work, multiple coworkers told her that HR had called for her.

76. On June 5, 2017, Pierce was finally able to speak to Elsie Powell, Defendant's HR manager. Pierce explained that she wasn't getting enough breaks and wasn't able to pump long enough.

77. Powell told Pierce that she was permitted to take pumping breaks longer than 15 minutes, but that she would need to clock out so that the breaks were unpaid.

78. That wasn't a problem for Pierce. However, when she spoke to her managers they added a stipulation that if she needed to pump for more than 15 minutes she would need to clock out for her full 30 minute unpaid lunch break, regardless of how long she actually needed to pump.

79. As an example, on July 22, 2017, when Pierce requested a nursing break her manager told her that she needed to clock out for a full 30-minute unpaid lunch break, even though she was only scheduled for five hours that day.

80. Pierce's managers also continued to deny her pumping breaks when she asked. The main thing that changed after she contacted HR was that her managers seemed to be angry with her.

81. Pierce had conversations with two of her managers to discuss increasing her work hours on July 24 and 29, 2017.

82. During one of these conversations, manager Connelly informed Pierce that she couldn't increase her hours because she hadn't "prove[n] herself." Pierce understood this to be a reference to her need for consistent nursing breaks.

83. Pierce also spoke with Feld, the head manager, about her hours. Feld contradicted what Connelly said, saying that he wanted Pierce to work more hours, but that it was not happening because Pierce kept “changing her schedule”.

84. In reality, Pierce’s availability had been consistent ever since she returned to work in January. Her actual work schedule was inconsistent, but this was due to managers scheduling her at different times each week.

85. Pierce’s inconsistent work schedule made it difficult for her to arrange child care. Her coworkers who were students were given consistent schedules but she was not.

86. These conversations and others with her managers led Pierce to believe that she was being retaliated against for insisting on adequate nursing breaks.

87. Pierce noticed that managers rolled their eyes or audibly sighed when she asked for nursing breaks.

88. Other employees informed Pierce that managers were gossiping about her when she was not present. They specifically complained about her nursing and pumping needs.

89. At one point, the top store manager, Feld, told Pierce that he did not see the value of keeping her on as an employee.

90. The lack of consistent access to pumping breaks and adequate facilities caused serious health consequences for both Pierce and her daughter.

91. Pierce experienced repeated clogged milk ducts that may have been mastitis. Mastitis can be caused by inadequate pumping breaks.

92. Pierce also suffered emotionally because she was not able to provide sufficient nourishment for her daughter. The inconsistent breaks caused her milk production to be irregular, impacting the amount of milk she supplied for her daughter.

93. Pierce's daughter suffered considerably. When her daughter was born she was in the 25.7th weight percentile, which is small but in a normal range for a full-term baby. But after several months of inconsistent nursing breaks, Pierce's daughter dropped to the 1.7th weight percentile.

94. Pierce and her baby's pediatricians were worried that the baby wasn't gaining enough weight.

95. Due to the pain and stress she experienced from not being able to pump consistently and the resulting health consequences for her daughter, Pierce felt she had no alternative but to quit. She was upset because her family needed her income, but with her daughter's health on the line she didn't have a choice.

96. Pierce tried one last attempt to contact Powell in the HR department again to explain the situation.

97. While on the phone, Pierce again described her situation to Powell, including the retaliation she faced when she requested pumping breaks. Powell did not ask for the names of individuals involved or for any additional information but told Pierce she would "handle the situation" the next day when Pierce was not at work.

98. Pierce informed Powell that she felt like she needed to quit. Powell asked her to reconsider for one week. Powell said she'd have another store manager contact her to see if she could transfer to a different location.

99. Pierce felt like she had given Shane Co. plenty of time to fix the problem already. She was astonished that Shane Co. would try to transfer her instead of just making the store managers follow the law.

100. However, Pierce's family needed the income and she decided to give Shane Co. one more opportunity to fix things. Pierce waited for the other store manager to contact her.

101. The other store manager never contacted her. On August 10, 2017, Pierce informed Feld that she was resigning "due to the lack of being allowed to pump at work" and the consequences it had for her daughter. She gave two weeks of notice, offering to continue working until August 24.

102. Since leaving Shane Co., Pierce has been able to consistently nurse her daughter. Her daughter is now growing and gaining weight at a healthy rate.

103. Pierce loves caring for her daughter and plans to have more children with her fiancé, now her husband. She enjoyed working in retail sales, but her experience at Shane Co. has made her afraid to try to work in that environment while she is still nursing children.

COUNT 1
GENDER DISCRIMINATION IN VIOLATION OF THE MHRA

Plaintiff realleges each and every paragraph of this Complaint.

104. Defendant denied Plaintiff adequate and reasonable pumping breaks.

105. Defendant's failure discriminates against Plaintiff based on her sex with respect to the terms, conditions, facilities, or privileges of employment in violation of the MHRA, Minn. Stat. § 363A.08, subd. 2 (3).

106. Plaintiff was forced to quit her job because of Defendant's discrimination and other illegal actions and as a result incurred lost wages.

107. As a result of Defendant's discriminatory conduct, Plaintiff's daughter's health suffered, causing Plaintiff immense stress.

108. As a result of Defendant's discriminatory conduct, Plaintiff experienced emotional distress and health issues related to the inadequate nursing breaks.

109. As a result of Defendant's discriminatory conduct, Plaintiff incurred expenses including her reasonable attorneys' fees and the costs of this lawsuit.

COUNT 2
PREGNANCY DISCRIMINATION IN VIOLATION OF THE MHRA

Plaintiff realleges each and every paragraph of this Complaint.

110. Defendant denied Plaintiff adequate and reasonable pumping breaks.

111. Defendant's failure treated Plaintiff differently than similarly situated employees who were not affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth in violation of the MHRA, Minn. Stat. § 363A.08, subd. 5.

112. Plaintiff was forced to quit her job because of Defendant's discrimination and other illegal actions and as a result incurred lost wages.

113. As a result of Defendant's discriminatory conduct, Plaintiff's daughter's health suffered, causing Plaintiff immense stress.

114. As a result of Defendant's discriminatory conduct, Plaintiff experienced emotional distress and health issues related to the inadequate nursing breaks.

115. As a result of Defendant's discriminatory conduct, Plaintiff incurred expenses including her reasonable attorneys' fees and the costs of this lawsuit.

COUNT 3
**LACK OF ADEQUATE NURSING BREAKS IN VIOLATION OF THE
WOMEN'S ECONOMIC SECURITY ACT**

Plaintiff realleges each and every paragraph of this Complaint.

116. Defendants denied Plaintiff adequate and reasonable pumping breaks.

117. Defendant's failure violated Plaintiff's right to sufficient time and a suitable private location in which to pump in violation of WESA, Minn. Stat. § 181.939(a) and (b).

118. Plaintiff was forced to quit her job because of Defendant's illegal conduct and other illegal actions and as a result incurred lost wages.

119. As a result of Defendant's illegal conduct, Plaintiff daughter's health suffered, causing Plaintiff immense stress.

120. As a result of Defendant's illegal conduct, Plaintiff experienced emotional distress and health issues related to the inadequate nursing breaks.

121. As a result of Defendant's illegal conduct, Plaintiff incurred expenses including her reasonable attorneys' fees and the costs of this lawsuit.

COUNT 4
REPRISAL IN VIOLATION OF THE MHRA

Plaintiff realleges each and every paragraph of this Complaint.

122. Because she sought to secure her rights under the MHRA, Defendant retaliated against Plaintiff by permitting managers to complain about her to other employees and evaluate her work unfairly, in violation of the MHRA, Minn. Stat. § 363A.15.

123. Plaintiff was forced to quit her job because of Defendant's reprisal and other illegal actions and as a result incurred lost wages.

124. As a result of Defendant's reprisal, Plaintiff daughter's health suffered, causing Plaintiff immense stress.

125. As a result of Defendant's reprisal, Plaintiff experienced emotional distress and health issues related to the inadequate nursing breaks.

126. As a result of Defendant's reprisal, Plaintiff incurred expenses including her reasonable attorneys' fees and the costs of this lawsuit.

COUNT 5
RETALIATION IN VIOLATION OF WESA

Plaintiff realleges each and every paragraph of this Complaint.

127. Because she sought to secure her rights under WESA, Defendant retaliated against Plaintiff by permitting managers to complain about her to other employees and evaluate her work unfairly, in violation of the WESA, Minn. Stat. § 181.939, subd. d.

128. Plaintiff was forced to quit her job because of Defendant's retaliation and other illegal actions and as a result incurred lost wages.

129. As a result of Defendant's retaliation, Plaintiff daughter's health suffered, causing Plaintiff immense stress.

130. As a result of Defendant's retaliation, Plaintiff experienced emotional distress and health issues related to the inadequate nursing breaks

131. As a result of Defendant's retaliation, Plaintiff incurred expenses including her reasonable attorneys' fees and the costs of this lawsuit.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays:

- A. That the practices of Defendant complained of here be declared to be in violation of the rights secured to Plaintiff under applicable state laws.
- B. That a permanent injunction be issued requiring that Defendant adopt practices in conformity with the MHRA and WESA and prohibiting Defendant from engaging in actions detailed in this Complaint that violate those those laws.
- C. That Plaintiff be awarded compensatory damages in an amount to be determined at trial. Defendant is here notified that these damages are greater than \$50,000.
- D. That Plaintiff be awarded punitive damages pursuant to the MHRA.
- E. That the Court order Defendant to pay Plaintiff's reasonable attorneys' fees and the costs and expenses of this action
- F. That the Court grant such other and further relief as it deems fair and equitable.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS.

Dated: November 19, 2018

GENDER JUSTICE

/s/ Christy L. Hall

Christy L. Hall, MN No. 392627

Ashlynn M. Kendzior, MN No. 400136

550 Rice Street

St. Paul, MN 55103

Tel. 651-789-2090

Fax 651-789-2093

christy.hall@genderjustice.us

ashlynn.kendzior@genderjustice.us

ATTORNEYS FOR PLAINTIFF

STATE OF MINNESOTA

FOURTH JUDICIAL DISTRICT

COUNTY OF HENNEPIN

CIVIL DIVISION

Rachel Pierce,

Plaintiff,

Court File No.: _____

Judge: _____

Case Type: Employment

v.

Western Stone & Metal Corp.,
dba Shane Co.,

Defendants.

CIVIL COVER SHEET

Date Case Filed: November 19, 2018

GENDER JUSTICE

Christy L. Hall (MN No. 392627)
Ashlynn M. Kendzior (MN No. 400136)
550 Rice St., Suite 105
St. Paul, MN 55103
Phone: (651) 789-2090
Fax: (651) 789-2093
christy.hall@genderjustice.us
ashlynn.kendzior@genderjustice.us

Counsel for Plaintiff

McDERMOTT WILL & EMERY

Ashley Kirkwood
Rachel Cowen
444 West Lake Street
Chicago, IL 60606

Counsel for Defendant

1. Provide a concise statement of the case including facts and legal basis:

Plaintiff Rachel Pierce brings claims under the Minnesota Human Rights Act and the Women's Economic Security Act, alleging that Defendant discriminated against her because of her sex and violated her rights as a nursing parent. Plaintiff was a new mother and needed to pump at work in order to feed her baby and for her own breast health. Plaintiff was regularly denied pumping breaks and given pumping breaks of insufficient length to complete the pumping process. This caused recurring mastitis and negative health consequences for her child, who did not have enough to eat. In addition, she was not given a private space to pump and her coworkers continually walked in on her, ignoring the sign she hung on the door.

2. Date Complaint was served: November 19, 2018

3. For Expedited Litigation Track (ELT) Pilot Courts only: N/A

a. the parties jointly and voluntarily agree that this case shall be governed by the Special Rules for ELT Pilot. Date of agreement: _____

b. The court is requested to consider excluding this case from ELT for the following reasons: _____

Note: ELT is mandatory in certain cases, and where mandatory, exclusion may also be sought by timely motion under the Special Rules for ELT Pilot.

c. Anticipated number of trial witnesses: _____

d. Amount of medical expenses to date: _____

e. Amount of lost wages to date: _____

f. Identify any known subrogation interests: _____

4. Estimated discovery completion within 14 months from the date of this form.

5. Disclosure / discovery of electronically stored information discussed with other party?

No Yes, date of discussion: _____

If Yes, list agreements, plans, and disputes: _____

6. Proposed trial start date: December 2019

7. Estimated trial time: 3 days.

8. Jury trial is:

waived by consent of _____ pursuant to Minn. R. Civ. P.

38.02. (specify party)

requested by Plaintiff Rachel Pierce (NOTE: Applicable fee must be enclosed)

9. Physical/mental/blood examination pursuant to Minn. R. Civ. P. 35 is requested:

Yes No

10. Identify any party or witness who will require interpreter services, and describe the services needed (specifying language, and if known, particular dialect): N/A

11. Issues in dispute: Fact issues

12. Case Type / Category: Employment (NOTE: select case type from Form 23, Subject Matter Index for Civil Cases, appended to the Minnesota Rules of Civil Procedure).

13. Recommended Alternative Dispute Resolution (ADR) mechanism: Mediation

(See list of ADR processes set forth in Minn. Gen. R. Prac. 114.02(a))

Recommended ADR provider (known as a “neutral”): To be selected by parties

Recommended ADR completion date: Pre-Trial

If applicable, reasons why ADR not appropriate for this case: N/A

By signing below, the attorney or party submitting this form certifies that the above information is true and correct.

Date: November 19, 2018

GENDER JUSTICE

s/ Christy L. Hall
Christy L. Hall (No. 392627)
Ashlynn M. Kendzior (No. 400136)
550 Rice Street, Suite 105
St. Paul, Minnesota 55103
christy.hall@genderjustice.us
ashlynn.kendzior@genderjustice.us
Phone: (651) 789-2090

ATTORNEYS FOR PLAINTIFF