

RICHARD B. DICKERSON
PO BOX 9006
SHAWNEE MISSION, KANSAS 66201
913-775-1309



**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

RICHARD B. DICKERSON
PLAINTIFF

V

02 - 0941 - CV - W - HFS
Case#

HEALTH MIDWEST, A MISSOURI CORPORATION
MID-STATES FINANCIAL SERVICES INC.,
A DIVISION OF HEALTH MIDWEST
JOHN M. CLAY, AN INDIVIDUAL
BEA WEAVER, AN INDIVIDUAL
DEFENDANTS

COMPLAINT

I

JURISDICTION

1. The Jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1333, 1334, Title VII of the 1964 Civil Rights Act 42 U.S.C. 2000 (e) et seq. 42 U.S.C. 1981, Missouri Human Rights Act Mo. Ann. 213.055- 213.070 et seq.
2. The Jurisdiction of this Court is invoked to secure protections and redress for deprivation of Rights under the above Statutes for Hostile work environment, employment discrimination, employment retaliation, wrongful termination, racial discrimination, vicarious liability, and conspiracy to discriminate.
3. On July 20,2002 Plaintiff filed his Complaint which was verified under 28 U.S.C.

1746 (2) with the EEOC.

4. On July 25, 2002 Plaintiff received his Right to Sue Letter from the EEOC.
5. On August 29, 2002, Plaintiff's Complaint was processed by the Missouri Commission on Human Rights.
6. Plaintiff has brought this action prior to the expiration of the 90 days of receipt of the said Notice of Right to Sue.

II

PARTIES

7. Plaintiff, Richard B. Dickerson, (hereinafter Dickerson), is an African American male who was employed by Mid-States Financial Services Inc. as a Large Balance Collector until his termination on May 20, 2002.
8. Defendant Health Midwest , (hereinafter HM), is a Missouri Corporation which owns Mid-States Financial Services Inc.
9. Defendant Mid-States Financial Services Inc., (hereinafter MF), is a subsidiary at all times relevant herein of Defendant (HM).
10. Defendant John M. Clay, (hereinafter Clay), is the President of Mid-States Financial Services Inc. and is responsible for the Policy and Procedures of (MF), and was involved in all of the conspiratorial efforts on behalf of (MF) and others.
11. Defendant Bea Weaver, (hereinafter Weaver), is a Supervisor at (MF) and is responsible for Policy and procedures of (MF) and was involved in all the conspiratorial efforts of (MF) and (Clay).

III

NATURE OF CLAIMS

12. Plaintiff brings this Complaint to challenge a practice of racial discrimination committed by Defendants (MF), (HM), (Clay), and (Weaver) against (Dickerson) an African American. The violation of racial discrimination is systemic in nature and constitutes a pattern and practice of conduct that for years has permeated , and continues to permeate, (MF) and (HM). The employment policies and practices of (MF) and (HM) have the effect of , and have been undertaken for the purpose of racial discrimination against African American employees in Violation of 42 U.S.C. 1981 and 42 U.S.C. 2000 (e), and the Civil Rights Act of 1991 42 U.S.C. 1981 (a).

13. Plaintiff brings this Complaint to challenge a practice of creating a hostile work environment committed by (Clay), and (Weaver), in conspiracy with (MF), and (HM), against (Dickerson), an African American. The hostile work environment is systemic in nature, and constitutes a pattern and practice of conduct that has permeated and continues to permeate (MF) (HM), and is undertaken for the express purpose of racially discriminating and keeping under submission African American employees. Defendants (Clay) and (Weaver) as President and Supervisor, in a conspiracy with (MF) and (HM), carried out the policies and procedures to create the hostile work environment in Violation of 42 U.S.C. 2000 (e) and Missouri Human Rights Act Mo. Rev. Stat. 213.010-213.137 and the Civil Rights Act of 1964 701 et. Seq.

14. Plaintiff brings this Complaint to Challenge a practice of Employment Discrimination committed by Defendants (MF), (HM), (Clay), and (Weaver) in conspiracy together against (Dickerson), an African American. The Violation of

employment discrimination is systemic in nature and constitutes a pattern and practice of conduct that permeated and continues to permeate (MF) and (HM). The employment discriminations were taken for the express purpose of racially discriminating against African American employees.

15. Plaintiff brings this Complaint to challenge a wrongful termination committed by (MF), (Weaver) (Clay) and (HM) in conspiracy together against (Dickerson) , an African American. All the Defendants carried out the policy and procedures of (MF) and (HM) that allowed for wrongful termination which was wholly based on racial discrimination and because of (Dickerson's) complaints to Upper Management and OSHA.

16. Plaintiff brings this Complaint to challenge employment retaliation by (MF) and (HM) in conspiracy with (Clay) and (Weaver) against (Dickerson) an African American, and that (MF) is permeated with an ongoing pattern of retaliatory behavior to silence the African American employees into submission.

IV

COUNT I

17. Paragraphs 1 through 16 are incorporated herein by reference as though fully alleged herein.

18. Upon the hiring of Plaintiff on November 5, 1977, he was told by Bob Quigley, that a position of supervisor would be available in less than (60) days because Supervisor Gary Kloiber was leaving to return to college. (Dickerson) was led to believe that he would get the position.

19. When the position became available (Clay) place Mary Jackson in the

Supervisor's position. Mary Jackson is a White female who had no collection experience. (Dickerson) was passed over based upon his race of African American.

20. (MF) and (HM) have a written policy and procedure that evaluations are performed after 45 days of employment and again 90 days after hire. (Dickerson) had no evaluation from November 5, 1997 until 2000 when **EVERY** collector was given one. However, (Weaver) who was hired before (Dickerson), had quit, reapplied, was re-hired and had all of her evaluations performed. (Weaver) is a White female. In a conspiracy to racially discriminate against (Dickerson), (Clay) promoted (Weaver) to Supervisor.

21. (Weaver) has had numerous Complaints to Human Resources concerning her foul language on the Collection floor, and as of May 20, 2002, to the best of my knowledge, because of her race, she had not been reprimanded by (Clay) (MF) or (HM).

22. (Dickerson) was not allowed any overtime hours as an African American employee, however, (Weaver) as a White female was allowed 10-20 hours per pay period of overtime.

23. (Weaver) enforced the Rules with African Americans, such as Ivan Morris, who was terminated for failure to go have an evaluation for alcoholism. But (Weaver) would take employee Natalie Phillips, a White female, to the hospital when she became ill due to the numerous medications that she was taking, and failed to follow company policy and procedures in a discriminatory effort, on at least 3 occasions.

24. (Weaver) and (Clay), in a discriminatory effort, allowed a White female, Deborah Alvarez, to come to work and fall asleep at her desk on numerous occasions, and have numerous no-call, no-shows, without terminating her pursuant to policy, but enforced the policy against (Dickerson), an African American.

25. (Dickerson) brought to the attention of (Clay) during an employee meeting that a certain employee, Tom Rothrock, a White male, was only working on average about 2-3 days per week. The employee finally quit, but without giving the required 2 weeks notice pursuant to Policy, and then re-applied, was re-hired, but was a no-call no show even on the first day. He was given a second chance to come back and was re-hired for a second time, but was a no-call no show for that also, again against company policy.

26. A white male was alleged to have been taking confidential information off of collection accounts and was prosecuted. After approximately (6) months, he was re-hired by (Weaver), (Clay), (MF), and (HM), and allowed to alter his schedule so that he could report to his Probation Officer, while (Dickerson) was unable to alter his schedule, or be re-hired as he is an African American.

COUNT II

27. Paragraphs 1 through 26 are incorporated herein by reference as though fully alleged herein.

28. (Weaver) at all times relevant herein, while as a Supervisor, created a Hostile Work Environment by using foul language and profane language throughout the office with impunity. With statement such as “ Fuck you John Clay”, “Bite me John Clay”, “Eat me John Clay”, “Lick this John Clay”, and “Come on Ho’ let’s go to break”.

29. (Clay) called (Dickerson) into his office to discuss his “lack of productivity”. At that time he moved (Dickerson) to the “Front of the Office so that he could KEEP AN EYE ON ME”. (Dickerson) as an African American, was put on display in front of the whole office and subjected to humiliation and ridicule.

COUNT III

30. Paragraphs 1 through 29 are incorporated herein by reference as though fully alleged herein.

31. A fellow employee, an African American Female, was injured in the office and filed a complaint with OSHA. When the investigator came, she interviewed the injured party, and co-incidentally, Tom Rothrock, and Bea Weaver as to the conditions in the office. As she was leaving I approached her and asked her if anyone had told her about the “brown water” coming out of the faucets, the torn carpet, the smoking that is being allowed in the non-smoking Medical Building. She sates no. I asked her if she would send me a copy of her report once it was completed, and she assured me that she would, but I never received it. Some time later, after someone was caught smoking in the ladies restroom, (Clay) announced that ANYONE caught smoking in the restroom would be fired.

32. An employee by the name of Randy Brooks asked me to help him carry a box to his car at lunch time, which I did out the front door of the office. Some time later, (Clay) called me into his office and inquired as to what had transpired. I told him, and was given a (2) day suspension, because he said, Randy Brooks had stolen the tiles, which were in the box. On many, many, occasions, I had assisted (Clay) carry boxes, computers, files, etc. to his car without question, and I do not know that he was not STEALING them. Randy Brooks is an African American, as is the Plaintiff.

33. (Dickerson) complained to the (HM) Corporate Integrity Committee about the interest that is paid on accounts once they were referred to the attorney office. The practice was to not pay the Collectors on the interest that is earned. The response was

sent to (MF) addressed to (Dickerson) marked PERSONAL AND CONFIDENTIAL.

Hannah Purdy, a White Female, the then Bookkeeping Supervisor, brought it to me opened, and stated that “it was an accident that it was opened, and read”.

34. General Counsel for (HM) Lisa Hoebelheinrich answered (Dickerson’s) complaint about the interest that was collected on the legal accounts and it not reflecting in his commissions, or in the computer system. Her response was, “it was none of my business how they handled their accounting practices”. Shortly thereafter, after 17 years as the Legal Counsel, she was no longer employed. (Dickerson) brought this to the attention of the higher ups and the Ethics Committee only to be ignored.

35. (Dickerson) was asked, and accepted responsibility for collecting on the Parklane Medical Center accounts. After Parklane Medical Center closed down, (Dickerson) continued to collect on the accounts, but was not given the commissions on all of the accounts as he was promised. (Dickerson) wrote a letter to (Clay) complaining of the practice, and was told that the office would get a pizza party because of the amount of money that was collected in the overall office. Close to, if not more than, \$1,000,000 was collected from the Parklane accounts total. The Supervisors, and (Clay) received a bonus based on the collections.

36. Several African American employees were on welfare according to (Weaver) and they had to take time off work to go to the AFDC office occasionally. All the Defendants in a rude discriminatory manner used these statements against African Americans.

COUNT IV

37. Paragraphs 1 through 36 are incorporated herein by reference as though fully

alleged herein.

38. (Dickerson) as an African American, has complained to (Clay) OSHA, EEOC, and Management above (Clay). As a result, (Weaver), (Clay), (MF), and (HM), in a conspiracy, removed from (Dickerson's) desk, his time-off request slip that showed his absence on May, 16, 2002 was approved. Then in a ruse, all the Defendants, in retaliation, fired (Dickerson) on the pretense that he did not follow policy.

39. (Dickerson) had a protected right under Corporate policy, and Corporate Integrity to provide the Defendants with information concerning the lack of interest showing anywhere on the computer system as this could be construed as fraud.

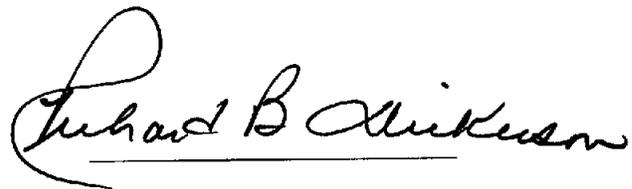
40. (Dickerson) had not been provided with an employee manual outlining the (HM) policies on no-call, no-shows. The use of the invisible policy was in retaliation for his complaints to OSHA, Management and others concerning the working conditions at (MF).

CONCLUSION

41. All the above were done by employees of (MF) and (HM) thereby invoking vicarious liability. The actions taken were done with conscious intent to maliciously discriminate against (Dickerson) with respect to the terms of his employment, based upon him being an African American.

PRAYER FOR RELIEF

1. Trial by jury is hereby demanded
 2. Award Plaintiff the costs of this action together with Reasonable attorney fees pursuant to 42 U.S.C. 1988
 3. Declare that the practice described in this Complaint exists at Mid-States Financial Services, Inc. and Health Midwest and that they are unlawful.
 4. Award back pay and benefits to make the Plaintiff whole.
 5. Award punitive damages of \$100,000.00
 6. Vicarious Liability against Mid-States Financial \$100,000.00
Vicarious Liability against Health Midwest \$100,000.00
 7. Damages for Racial Discrimination \$100,000.00
 8. Damages for Retaliatory Discharge \$100,000.00
 9. Damages for Hostile Work Environment \$100,000.00
- Any other relief the Court deems proper.



RICHARD B. DICKERSON
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913-775-1309

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings of other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS RICHARD B. DICKERSON

(b) County of Residence of First Listed Plaintiff LEAVENWORTH
(EXCEPT IN U.S. PLAINTIFF CASES) KANSAS

(c) Attorney's (Firm Name, Address, and Telephone Number)
RICHARD B. DICKERSON 913-775-1309
PO BOX 9006
SHAWNEE MISSION KS 66201 PRO-SE

DEFENDANTS HEALTH MIDWEST
MID-STATES FINANCIAL
JOHN H. CLAY BEAWEAVER

County of Residence of First Listed JACKSON COUNTY
(IN U.S. PLAINTIFF CASES ONLY) MISSOURI

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
02-0941-CV-W - HFS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 10-2-02 SIGNATURE OF ATTORNEY OF RECORD Richard B Dickerson

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____