

19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

NUMBER C916381 DIVISION "A"

**SEC. 22**

ELLEN WYDRA

VERSUS

STATE OF LOUISIANA THROUGH LOUISIANA  
EDUCATIONAL TELEVISION AUTHORITY

COST OK Amt. 470  
5/5/2010  
BY CLERK OF COURT

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PETITION

The Petition of Ellen Wyndra, a resident of the full age of majority of East Baton Rouge Parish, Louisiana, respectfully represents:

1.

Made defendant herein is the State of Louisiana through the Louisiana Educational Television Authority (hereinafter "LETA"), which is justly and truly indebted unto Petitioner for all sums as are reasonable under the premises, attorney's fees, all costs of these proceedings, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity.

2.

The LETA is a public body created under the executive department of the State of Louisiana by the legislature pursuant to LA. R.S. 17:2503.

3.

On or about April 21, 2003, Petitioner was employed by defendant as Director of Educational Television and Technology. Her job duties included, but were not limited to, supervising support staff who provided educational services to Pre-k-12th grade students and GED/work skills training to citizens of Louisiana. Petitioner served as the educational technology department representative for Louisiana Public Broadcasting and was the department representative at LETA board meetings and other outside agency and/or committee meetings.

4.

At all pertinent times, Petitioner was an employee of defendant within the meaning and intent of Federal and Louisiana law. At all pertinent times, defendant was Petitioner's employer within the meaning and intent of Federal and Louisiana law and employed greater than 1000 individuals.

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5.

At all times pertinent hereto, Beth Courtney, CEO, and Steve Graziano, COO, were “agents” of defendant and were Petitioner’s supervisors with immediate and successively higher authority over her employment with LETA.

6.

Following Petitioner’s hire, and throughout her employment until 2008, Petitioner enjoyed exemplary performance evaluations and work record.

7.

Petitioner is disabled with Reflex Sympathetic Dystrophy Syndrome (hereinafter “RSD”). RSD is a chronic neurological syndrome characterized by severe burning pain, pathological changes in bone and skin, tissue swelling, tenderness, and extreme sensitivity to touch. At all times pertinent hereto, Petitioner was a “qualified individual with a disability” within the meaning and intent of the ADA and Louisiana’s anti-discrimination laws. Petitioner has a record of a disability, was regarded as disabled, and is substantially limited in her ability to lift, hold/carry objects, type, write, sleep, and concentrate.

8.

In 2007, Petitioner received a performance rating of 4.8 out of 5.0. On October 21, 2008, Petitioner’s work performance was rated by Steve Graziano as a 2.4 out of 5.0, i.e. “Needs Improvement”. Beth Courtney told Petitioner that her poor performance rating was because she had taken too much leave “because of her illness”. Courtney also stated that if Petitioner thought her rating should be a 5.0, then she was “delusional”. However, Steve Graziano, Petitioner’s immediate supervisor, approved all of Petitioner’s leave. In addition, prior to said performance rating, defendant knew about Petitioner’s illness. Petitioner’s personnel record at LETA indicated that she has RSD.

9.

On or about October 31, 2008, Petitioner’s treating physician submitted a letter to defendant regarding Petitioner’s disability and requested that workplace stress be minimized because it affected her disability. This request for accommodation was made to Beth Courtney, CEO, Steve Graziano, COO, and Dot Efferson, Human Resources Director. However, defendant failed to minimize Petitioner’s workplace stress.

10.

On or about February 18, 2009, Petitioner appealed her "poor" performance rating to Civil Service after Courtney refused to conduct an internal agency review. Petitioner also complained to the HR Director, Dot Efferson, about Courtney's statement that her rating was based on taking too much leave because of her illness. Efferson told Petitioner that she had no doubt that it was wrong, but Courtney was "too powerful" and she "wouldn't win against her".

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11.

On or about March 10, 2009, Petitioner also submitted a complaint to the Director of Civil Service regarding Courtney's harassment and her performance rating. Petitioner also complained repeatedly to the Efferson regarding the harassment she received from Courtney to no avail. Efferson simply replied that there was "nothing that could be done about it".

12.

In July of 2009, Civil Service ordered that Petitioner's October, 2008 performance rating be changed to 3.0, i.e. "Meets Requirements".

13.

Following her request for reasonable accommodation and/or her request for a review of her performance rating, and continuing thereafter on virtually a daily basis, Petitioner was subjected to unwelcome harassment on account of her disability, consisting of, but not limited to:

1. Being excluded from board meetings and/or meeting agendas/minutes;
2. Being stripped of her supervisory duties, replaced as department representative at the LETA Board meetings as well as other meetings, and replaced as lead on the EDCAR (Educational Reporting) station pilot;
3. Being constantly chastised with regards to her department reports, department meetings, and educational activities without reasonable justification;
4. Being subjected to the defendant pressuring her to take disability retirement;
5. Being hit on the head with rolled up paper from behind by Beth Courtney, CEO;
6. Being denied her request to attend the annual National Educational Television and Technology conference, despite the fact that she had attended ever year that she was employed as Education Director;
7. Being subjected to harassing comments about her disability after taking medical leave and providing actual medical excuses including, but not limited to, Ms.

Efferson stating that her assistant had a “true disability”;

8. Being given a “poor” performance rating in October of 2009 and accused of insubordination; and
8. Such other disability-based behavior as will be more fully shown at trial of this matter.

14.

At all times pertinent hereto, Petitioner protested the disability-based harassment in her working environment, to no avail. In addition, Petitioner complained about and reported the disability-based harassment to Human Resources and Civil Service.

15.

Following Petitioner’s initial report of disability-based harassment in the workplace, defendant, through its agents, began a campaign of intensifying its harassment of Petitioner, which resulted in aggravating Petitioner’s disability and medical condition.

16.

Petitioner contends that she was harassed and discriminated against on account of her disability. She additionally contends that defendant failed to reasonably accommodate her disability, and that she was retaliated against for reporting the disability-based harassment and discrimination in the workplace.

17.

At no time did defendant have in full force and effect an effective policy regarding disability-based harassment/discrimination, retaliation and/or reprisal. At no time did defendant take any steps to remedy the situation in Petitioner’s work environment.

18.

As a result of the actions and deliberate inaction of defendant, Petitioner sustained damages which include, but are not limited to, extreme emotional distress, humiliation, embarrassment, lost wages and benefits, past and future medical expenses, physical and emotional pain and suffering, loss of earning capacity, loss of enjoyment of life, and all such other damages as will be more fully shown at trial of this matter.

19.

The actions of defendant constituted disability discrimination/harassment within the meaning

and intent of the Americans with Disabilities Act, 42 U.S.C. §12101, *et seq.*, and Louisiana's anti-discrimination law, La. R.S. 23:301, *et seq.*

20.

The actions of defendant constitute retaliation within the meaning and intent of Federal law.

21.

Petitioner timely filed a Charge of Discrimination with the EEOC and LCHR on or about May 18, 2009. She has not yet received her Notice of Right to Sue.

22.

Petitioner is entitled to and desires an award of attorney's fees pursuant to Federal and Louisiana law.

23.

Petitioner is entitled to and desires an award of all such relief to which she is entitled at law or in equity.


24.

Petitioner is entitled to and desires trial by jury of this matter.

WHEREFORE, Petitioner, Ellen Wydra, prays for trial by jury and after due proceedings are had that there be judgment herein in her favor and against defendant, State of Louisiana, through the Louisiana Educational Television Authority, for all sums as are reasonable under the premises, attorney's fees, all costs of these proceedings, legal interest thereon from the date of demand until paid, and all such other relief to which she is entitled at law or in equity.

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 CLERK OF COURT  
 EAST BATON ROUGE PARISH  
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 DOUG WELBORN  
 CLERK OF COURT, E.B.R. PARISH

Respectfully submitted,

By:   
 Jill L. Craft, T.A., #20922  
 Crystal LaFleur, #27490  
 Jill L. Craft, Attorney at Law, LLC  
 721 North Street  
 Baton Rouge, Louisiana 70802  
 (225) 663-2612

**PLEASE SERVE:**

Board of the Louisiana Educational Television Authority  
 through its Chairperson  
 Barbara DeCuir  
 7733 Perkins Rd.  
 Baton Rouge, LA 70810

- CIVIL**
- 01-DAMAGES
  - 02-CONTRACT
  - 03-PRISONER SUIT
  - 04-EXECUTORY PROCESS
  - 05-SUIT ON NOTES
  - 06-EVICT.
  - 07-WORKMEN'S COMPENSATION
  - 08-JUDICIAL REVIEW
  - 09-PROPERTY RIGHTS
  - 10-INJUNCTION MANDAMUS
  - 11-COMM. PROP. PARTITIONS
  - 12-PUBLIC SERV. COMM.
  - 13-OTHER PARTITIONS
  - 14-OTHER
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