

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**SANTOS ALBERT;
JOHN GUTHRIE**

Plaintiff,

v.

**ALLEGHENY HEALTH NETWORK;
DIANE ALLEN**

Defendants.

Civil Action No. 2:21-cv-01625-MRH

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Plaintiffs, Santos Albert and John Guthrie, by and through their undersigned counsel, The Lacy Employment Law Firm LLC, hereby file this Second Amended Complaint against Defendants and states as follows:

INTRODUCTION

The facts alleged in Plaintiffs' Amended Complaint are reminiscent of oppression in times past. Unfortunately, some of these historically pervasive attitudes have yet to be fully eradicated. Mr. Albert, for years, was forced to endure racial discrimination at the hands of his supervisor, Diane Allen.

The remarks that Ms. Allen made over the years are not garden-variety microaggressions. Rather, they are the type of remarks where the only plausible inference available is that she held racist beliefs. Comments like, "keep your monkeys in line, there are black people and n*ggers, and calling a Middle Eastern man a "sand n*gger" is abhorrent.

Upon information and belief, these remarks led to Ms. Allen's termination. The problem, however, is that Mr. Albert himself had to lead the charge. He first complained in March 2019 about Ms. Allen's behavior, which had persisted for some time up until that point. Luckily, another white supervisor, John Guthrie, came to his aid and did the same. It was not until Mr. Albert made another complaint, in May 2019, that AHN finally brought in an investigator to, upon information and belief, find that Ms. Allen's behavior warranted dismissal. Mr. Albert was forced to work under the very same woman – for two months – who created the most hostile of work environments. The pertinent question, however, is why AHN allowed Ms. Allen to discriminate against black employees for years when she openly made these comments in front of numerous people during his tenure at AHN?

After finding the courage to mount this stand against workplace racism, both Mr. Guthrie and Mr. Albert now find themselves unemployed. Mr. Albert's ceiling was not made of glass during his time at AHN, it was made of concrete.

PROCEDURAL AND ADMINISTRATIVE REMEDIES

1. All the allegations contained in the foregoing paragraphs of this Complaint are incorporated by reference as if set forth herein at length.
2. Venue is proper in the District Court under 28 U.S.C. §1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred within this District.
3. On or about August 14, 2020, Plaintiff Santos Albert dual-filed a charge with the Philadelphia office of the Equal Employment Opportunity Commission ("EEOC") and the Pennsylvania Human Relations Commission alleging racial discrimination and retaliation. *See* EEOC Charge of Discrimination, attached as Exhibit 1.

4. The EEOC issued a Right to Sue letter (“Right to Sue”) and Plaintiff timely filed the above-captioned action on or before 90 days from receipt of the Right to Sue that the EEOC issued. *Id.*

5. Over one year has passed since Mr. Albert dual-filed his charge with the PHRC.

6. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

PARTIES

7. Plaintiff Santos Albert is a black man that was previously employed by Allegheny Health Network. He resides at 103 North Meadowcroft Ave Pittsburgh Pa 15216.

8. Plaintiff John Guthrie is a white male who was previously employed by Allegheny Health Network. He resides at 5375 Fieldcrest Drive, Pittsburgh PA 15236.

9. Defendant Allegheny Health Network (“AHN”), upon information and belief, is located at 20 5th Avenue Suite 2900 Pittsburgh, PA 15222, and Mr. Albert worked at 4 Allegheny Center, Pittsburgh, PA 15212.

10. Defendant Diane Allen was formerly Plaintiffs’ supervisor at AHN. As referenced herein, she intentionally discriminated against Plaintiffs and created a hostile work environment.

FACTUAL BACKGROUND

Santos Albert

11. AHN hired Mr. Albert in or around January 30, 2017, as a Care Connect Elite Supervisor. He was promised that he would become an Operations Manager within 60-90 days.

12. AHN expressed that they wanted Mr. Albert to acclimate to the Care Connect culture before he received this promotion.

13. AHN also promised Mr. Albert an 8:00 a.m. to 4:30 p.m. work schedule and complete training and onboarding. This never happened. AHN pulled Mr. Albert out of training during his first week and told him that he needed to get to work immediately. He was then put on an 11:00 a.m. to 8:00 p.m. shift, which was not what AHN promised. AHN, however, gave a white woman, Kim Stoyanoff, Mr. Albert's promised shift.

14. Mr. Albert asked his superior and Vice President, Diane Allen, about this disparate treatment. Mr. Albert's supervisor, however, responded that if Mr. Albert did not like it, he could leave. This set the tone of Mr. Albert's employment that would continue until his termination.

15. Ms. Allen would continue to discriminate against Mr. Albert. In or around March 2017 to December 2017, Ms. Allen would constantly ask John Guthrie, another of Mr. Albert's superiors, about Mr. Albert's whereabouts, stating that he never came to work. Yet Mr. Albert religiously came to work on time.

16. Further, in or around March 2017, Ms. Allen made the first racist remark that Mr. Albert witnessed. She picked up a picture of an employee's husband – who happened to be black – and said “look at this garbage, I thought she was a nice girl.” Mr. Albert asked Ms. Allen what she was referring to and replied: “You see this? He's going to bring her down.” Another agent, Rhonda Ali, witnessed this shocking behavior.

17. On another occasion, Mr. Albert asked if there had been any movement concerning posting for the role of Operations Manager. In a typical fashion, Ms. Allen responded that “what [Mr. Albert] needs to focus on is getting those ‘monkeys in line.’” She went on to state that this “is not my circus, not my monkeys; they're your monkeys.”

18. Mr. Albert responded by stating that “no one is a monkey.”

19. Further, Ms. Allen went on to attempt to involve Mr. Albert in her discrimination. Ms. Allen, in referring to a black employee, asked Mr. Albert how was his “boy.” Calling a black person “boy” is derogatory. This verbiage was used during slavery and Jim Crow to suggest that black people are like children who are incapable of thinking and taking care of themselves. And that, without their masters, they would not survive.

20. Ms. Allen mastered the art of levying racial slurs. Mr. Guthrie confided in Mr. Albert that she often used them. He informed Mr. Albert that Ms. Allen called the Steelers running back, Le'Veon Bell, a n*gger because he did not report to the Steelers’ training camp in 2018.

21. On another trip with Mr. Guthrie, Ms. Allen sang the lyrics to the song “Gold Digger.” Famously, the rapper Kanye West rhymes gold digger with a racial epithet that is used in the black community to reclaim the word and take power away from the white slave owners that inhumanely used that word to describe black people. It is a vestige of American slavery. Rather than skip over the word like most caucasian people, Ms. Allen proceeded to emphasize the work with a hard “er.”

22. Ms. Allen would also ridicule Mr. Albert for shopping at K-mart and Walmart. She said that shopping at these places is “ghetto.”

23. During Mr. Albert’s time at AHN, he was the only manager given performance goals. No other manager had metrics to rate their performance. Mr. Guthrie confronted Ms. Allen about this practice. Then, Ms. Allen foisted metrics upon him too.

24. In or around April 2018, Ms. Allen selected almost all of the black employees to lay off. Mr. Guthrie, again, spoke up and said this is not right that all the folks being laid off are

black. He also questioned why Ms. Allen had Mr. Albert escort the black employees out of the building, saying “the optics look terrible.”

25. In or around October 2018, Ms. Allen granted Mr. Albert paid time off (PTO). Prior to this, Ms. Allen denied each and every request for PTO. Ms. Allen would often note that the only person that could take time off was herself. For Mr. Albert to receive this time off, Mr. Guthrie had to take a stand and complain.

26. In or around October 2018, Ms. Allen told Mr. Albert that she would tie him up by his balls and hang him if he could not get a certain vendor on board with the company. She would habitually use this phrase with Mr. Albert.

27. In or around December 2018, Ms. Allen gave two white employees, John Guthrie and Janet Constantine, upon information and belief, an end-of-year bonus. She did not, however, give Mr. Albert a bonus. In fact, he never received a bonus during the entire time that he worked at AHN.

28. In 2019, Ms. Allen forced Mr. Albert to attend 6:00 a.m. meetings at the hospital with the orthopedic group. Oftentimes, he was the only one required, out of his group of peers, to attend this meeting. Mr. Albert was never given any formal clinical training. This assignment was meant to punish Mr. Albert and provide a potential pretext for his termination. If he failed, Ms. Allen would have terminated him. Further, he was forced to wake up at the crack of dawn to attend these mandatory sessions while similarly-situated white workers did not have to.

29. In the winter of 2019, Ms. Allen ridiculed Mr. Albert in a meeting for being late. There had been a substantial snowstorm that began the night before or the early hours of the morning. Thus, the majority of the department came in late that day. Ms. Allen did not ridicule

any other team member for being late. To the contrary, these late arrivals were completely excused because of the storm.

30. Around this time, Ms. Allen called Lisa Sowards, a Project Manager, a fat pig. Mr. Albert neither laughed at this insult nor took part in this behavior. Ms. Allen construed this body-shaming insult as a joke. After it became apparent that Mr. Albert would not participate in what Ms. Allen contended was a joke, Ms. Allen told him that he needed to get with the program or he would be out.

31. Ms. Allen would also curse Mr. Albert out for assisting a recruiting director, Katie Poshel, with hiring. Mr. Albert was told by another employee that she knew this would happen to him. But he should not get in the way because it will blow over. And that he should make sure to get with the program.

32. In addition to Ms. Allen, Janet Constantine, also displayed discriminatory behavior. She would often refuse to drive white employees to the hospital. Further, she would watch Mr. Albert from the company's parking lot for one hour each evening. Mr. Albert brought this concern to Mr. Guthrie who stated that "I do not know what you said, but she is not a fan, and I do not know why." Ms. Allen also participated in this practice.

33. In or around 2019, Ms. Allen directed Jeff Fielder to create a survey in which all employees, including leadership, had to rate Mr. Albert's performance. This survey specifically targeted Mr. Albert. Mr. Albert's peers expressed to him that this survey made them uncomfortable.

34. Some of his supervisors told him that they would make sure to give him positive reviews to combat this obviously prejudicial survey. The data, however, did not bear this out. It

showed that Mr. Albert had received all negative reviews. Mr. Albert asked Ms. Allen whether he had received any positive reviews. Ms. Allen said that he had not.

35. Mr. Guthrie asked Mr. Fielder to search the data. He admitted that the results from the survey were tainted.

36. In or around March 2019, Mr. Albert and Mr. Guthrie formally complained that Ms. Allen engaged in discriminatory behavior. AHN eventually terminated both Mr. Guthrie and Mr. Albert.

37. Around this time, Ms. Allen also commented that a soda bottle had more brains than Mr. Albert.

38. In or around April 2019, Ms. Allen, in front of Mr. Albert, said that Senior Operations manager Waleed Almugahid, was a sand n*gger. Mr. Almuahid is of Middle Eastern descent. This term is degrading for both black people and brown people. First, it insinuates that people of African descent are the lowest of the low. That is, by mere comparison to them, you are levying an insult. It is also obviously a racist remark against people of Middle Eastern descent.

39. In or around April 2019, Ms. Allen then went on to comment that he and another employee, Tarran Prince, are good blacks, not n*ggers. This statement is appalling. Expounding on it is unnecessary.

40. In or around May 2019, Ms. Allen commented that one of her managers had nappy hair and asked why she could not just comb through it.

41. In or around May 2019, Mr. Albert and Mr. Guthrie made another complaint after learning of Ms. Allen's latest racial remarks.

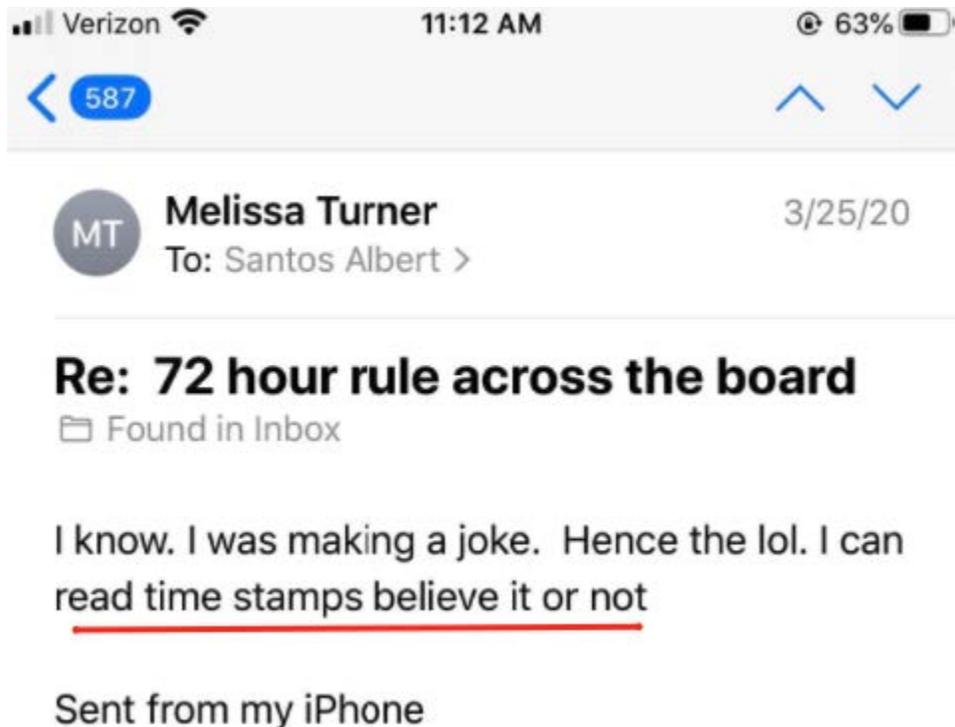
42. Only after two complaints were made did a third-party investigator question AHN employees and request written statements. Mr. Albert had to work with Ms. Allen for over two months after making his first complaint and for years while she made racial remarks that other AHN employees and supervisors heard.

43. The environment that Mr. Albert had to endure was severe and pervasive. And Ms. Allen's conduct would alter any reasonable black man's work environment.

44. On or around May 30, 2019, AHN terminated Ms. Allen due to creating a hostile work environment and her use of racial slurs at work.

45. In November 2019, AHN hired Melissa Turner to replace Diane Allen.

46. In or around March 2020, Jessie Pfalzgraf informed Mr. Albert that she received an anonymous complaint about Melissa Turner making racist remarks. She often displayed hostile behavior with respect to Mr. Albert.



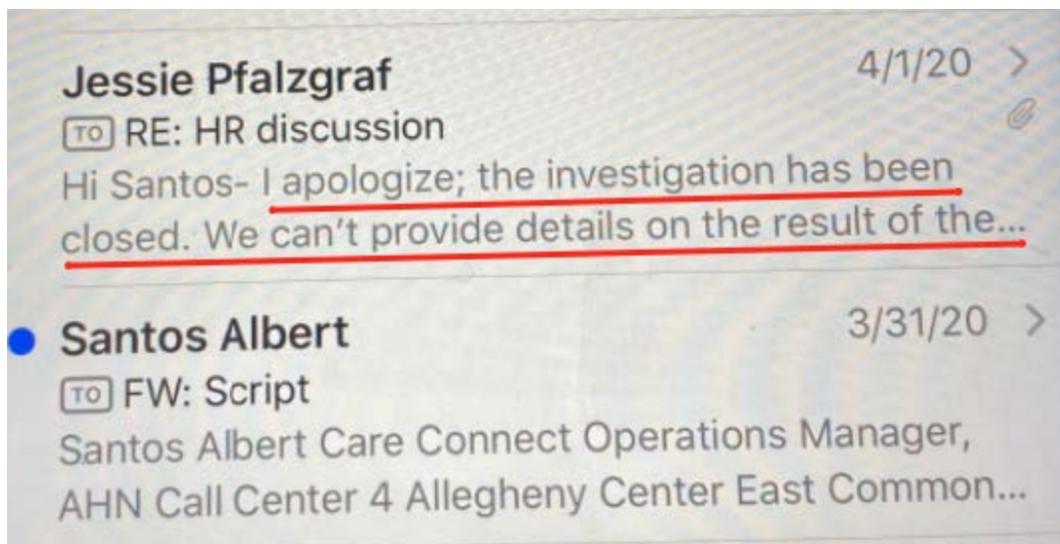
47. In or around February 2020, Melissa Turner placed Mr. Albert on a performance improvement plan. Ms. Turner told Mr. Albert that he does not care if anyone else underperforms, she expects perfection from Mr. Albert.

48. In or around March 2020, Mr. Albert's new supervisor, Melissa Turner, made a comment during a phone call that Mr. Albert was a diversity hire.

49. On or about March 29, 2020, Ms. Turner canceled all meetings between Mr. Albert and Ms. Turner.

50. Around this time, Brianne Parazino told Mr. Albert that she overheard a conversation in which Ms. Turner made disparaging remarks regarding Mr. Albert. Further, another coworker shared that during a conversation between her and Melissa, Melissa made disparaging comments about Mr. Albert. While making these remarks against Mr. Albert to Ms. Parazino and her coworker, Ms. Turner explained that "us girls have to stick together".

51. Human resources closed the investigation into Ms. Turner without taking any corrective action or divulging the details of the investigation with Mr. Albert. As such, he was being disciplined by the same supervisor who AHN investigated. He was given no reassurances that the investigation was fair or that his adverse employment action was justified.



52. In or around April 2020, AHN terminated Mr. Albert.

53. The first purportedly legitimate business excuse that AHN provided was the need to downsize. Upon information and belief, other employees that were terminated due to downsizing received severance packages and/or two-months advanced notice of the lay off. Mr. Albert, however, did not.

54. Mr. Albert was told that he was not rehireable as a candidate for AHN. Upon information and belief, however, Ms. Allen remains a rehireable candidate for AHN.

55. Based on the discrimination that Mr. Albert faced, he has suffered from insomnia and anxiety.

John Guthrie

56. AHN hired Mr. Guthrie in or around July 2015.

57. Mr. Guthrie's last position with AHN was director of operations, which made him responsible for all aspects of operations, including hiring, training, performance management, including the growth of two internal sites and one vendor.

58. Mr. Guthrie worked closely with Mr. Albert. They maintained a close work relationship at all times during their employment. They also worked in the same department. Due to his association with Mr. Albert, Mr. Guthrie was singled out by Ms. Allen and others, including Melissa Turner.

59. During Mr. Guthrie's employment, he witnessed Diane Allen make numerous racially-charged comments as well as other comments based on sex and disability.

60. Examples of Ms. Allen's discriminatory comments/behavior include:

- "Who hired the pregnant woman";
- "I know she's only using FMLA for her food stamps and welfare";
- Calling Melissa Kovtun "a whore" who used the "casting couch to work her way up in the company";
- "If you cross me you'll never work in this industry again";
- Telling Mr. Guthrie to "get [his] boy in line" referring to Mr. Albert's attendance, despite the facts that Mr. Albert was not a boy, nor did he have attendance issues;
- Ripping up resumes of black women with the same experience as the white women she passed along to second interviews;
- Asking who hired the "bag ladies, homeless-looking person, and fat old lazy people";
- "There's a difference between blacks and niggers and LeVeon Bell ain't nothing but a no-good n-word";
- Commenting on Lisa Sowards vagina odor;
- Calling Waleed "Habeeb, Hamad, Ahmad, or whatever his terrorist name is".

61. Mr. Guthrie witnessed many more comments/behaviors during his time at AHN that could only be characterized as abhorrent.

62. Rather than stay silent, Mr. Guthrie, on numerous occasions, requested that AHN's human resources department hold Ms. Allen accountable. Colleen Chmiel and Kenyokee Crowell stymied AHN from taking corrective action against Ms. Allen. They would often state that there were no issues, despite numerous employee complaints regarding Ms. Allen's conduct.

63. During Mr. Guthrie's employment, Ms. Allen would force Mr. Guthrie to spend thousands of dollars on gifts for employees. Neither Ms. Allen nor AHN ever compensated Mr. Guthrie for these expenditures.

64. Mr. Guthrie also witnessed Ms. Allen shred the resume of an older black woman in front of him while keeping the resume of another older white woman for consideration. Both employees had similar qualifications.

65. Mr. Guthrie witnessed, on a trip to Erie, Diane Allen say that Le'Veon Bell ain't nothing but an "n-word." She expounded that she meant it. "There is a difference between blacks and niggers and LeVeon Bell ain't nothing but a n-word."

66. During Mr. Guthrie's employment, HR gave him a list of black individuals who were going to be let go for layoffs. Mr. Guthrie reviewed the list and asked HR where they got the list from. HR, of course, responded Diane Allen. Mr. Guthrie refused to fire people based on their race. Instead, he reran the report to recommend terminations based on people with the most attendance points to make sure that the layoffs were done fairly.

67. Ms. Allen would also instruct Mr. Guthrie to fire other employees for arbitrary reasons.

68. Mr. Guthrie eventually became aware, from another employee, that Ms. Allen would make anonymous complaints against Plaintiffs that were false.

69. Mr. Guthrie witnessed Mr. Albert being admonished for being late, by Ms. Allen,

during a snowstorm when another similarly-situated white employee was not admonished for the same act.

70. During a meeting in which Ms. Allen received poor survey results, Ms. Allen stated that she could “have each and every one of you fired.”

71. The above-mentioned behavior spanned well over four years and into 2019, when AHN finally terminated Ms. Allen following the Plaintiffs’ complaints.

72. Like Mr. Albert, Melissa Turner and AHN also set their sights on terminating Mr. Guthrie following Ms. Allen’s termination.

73. Mr. Guthrie signed a no retaliation document following his participation in protected activity.

74. After AHN hired Melissa Turner, she would conduct meetings with supervisors, asking them to report on Plaintiffs. Ms. Turner often implied that Plaintiffs were not doing their respective jobs, their model did not work, and they were going to get rid of the Ibex mentality.

75. Ms. Turner asked Mr. Guthrie to handle Santos as he was a reflection of Mr. Guthrie’s leadership.

76. Ms. Turner terminated those who opposed Ms. Allen, which included Mr. Guthrie. As stated above, Plaintiffs came forward and made formal complaints to human resources, which were initially ignored.

77. In March of 2020, Mr. Guthrie was called into Ms. Turner’s office. He was asked if he wrote Mr. Albert up. Mr. Guthrie responded that he had not. Mr. Guthrie stated that he could not write Mr. Albert up based on lies. Ms. Turner yelled at Mr. Guthrie exclaiming, “Oh this is my fault, is this my fault?” Mr. Guthrie responded that it was and that he felt that he was being retaliated against by AHN leadership. Mr. Guthrie was immediately suspended pending

investigation.

78. A few days later, Mr. Guthrie was terminated. When he asked for cause, he was told that he broke the value of trust. Mr. Guthrie asked for this in writing and never received it.

79. Based on his association with Mr. Albert, and the culture of racism that Ms. Allen created, Mr. Guthrie felt that he could not object to the racist behavior to which he did not believe in or prescribe. This behavior was more than unwelcome. It was wholly rejected. Yet Mr. Guthrie believed that he would be retaliated against if he spoke up. In fact, he was retaliated against when he did.

COUNT I
Section 1981
Race Discrimination, Hostile Work Environment, and Retaliation
(AHN and Diane Allen)

80. Plaintiffs hereby incorporate all allegations contained in the above-mentioned paragraphs fully as if they were set forth at length.

81. Defendants' discriminatory and retaliatory actions, as set forth herein, deprived Plaintiff of the rights guaranteed under 42 U.S.C. § 1981; as such, its remedies are implicated.

82. Plaintiffs had the right to make and enforce contracts, to sue, and to receive the full and equal benefit of all laws.

83. Plaintiffs were at-will employees, which implicates their right to make and enforce contracts.

84. Defendants abridged Plaintiffs' rights to make and enforce contracts by their discriminatory conduct toward Plaintiffs.

85. As a result of Defendants' actions, Defendants have denied Plaintiffs the right to the same terms, conditions, privileges and benefits of his employment with Defendants.

86. AHN, by and through its supervisors, intentionally discriminated against Plaintiffs on the basis of race.

87. Mr. Albert was a member of a protected class and was qualified for the position that Plaintiff held.

88. Mr. Guthrie, a white male, was discriminated against on the basis of his association with Mr. Albert. He made numerous complaints regarding Ms. Allen's treatment of Mr. Albert, and others in protected classes. As such, Mr. Guthrie became closely associated with the protected classes that Ms. Allen routinely discriminated against. This resulted in Mr. Guthrie writing a formal complaint that ultimately led to Ms. Allen's termination.

89. Defendants' actions altered Plaintiffs' work environment.

90. The discrimination that Plaintiffs faced detrimentally affected Plaintiffs. And this discrimination would detrimentally affect reasonable persons in like circumstances.

91. This severe and pervasive environment continued throughout Plaintiffs' employment.

92. Defendants are liable for their supervisors under respondeat superior.

93. Plaintiffs participated in protected conduct. AHN retaliated against Plaintiffs because they participated in protected activities. There is a causal connection between Plaintiffs' participation in protected activities and the adverse employment action from which Plaintiffs suffered.

94. As a direct and proximate result of Defendants' acts and conduct, Plaintiffs have suffered and will suffer those injuries, damages, and losses alleged herein and have incurred and will incur attorneys' fees.

95. The wrongful acts and conduct of Defendants was done with deliberate indifference to the statutory and constitutional rights of Plaintiffs.

96. Plaintiffs suffered adverse employment consequences, specifically, AHN retaliated against Plaintiffs and Plaintiffs were both terminated because they made complaints against Diane Allen.

97. Plaintiffs were terminated as a result of Defendants' discriminatory conduct.

98. It is recognized that, under Section 1981, Defendants may be liable for the hostile work environment they create, based on race, to other employees that do not belong to the same race as the person discriminated against.

99. With respect to Mr. Guthrie, for the above reasons, AHN's work environment was severe or pervasive. Mr. Guthrie witnessed racist statements, was forced to keep quiet for fear of losing his job, and such behavior was unwelcome and would have altered any reasonable person's work environment.

100. Further, the Third Circuit has recognized that where an employee reasonably believed that Ms. Allen's behavior violated Section 1981 when he complained about it, he was bringing a good faith complaint about conduct he reasonably believed to be unlawful under Section 1981.

101. Without question, Mr. Guthrie, based on his witnessing of the n-word, epithets of others in protected classes, and the overall culture of bullying and intimidation, certainly held a reasonable belief that he was bringing a good faith complaint about conduct that he reasonably believed to be unlawful.

102. The Third Circuit has recognized that non-familial relationships, such as the relationship between Mr. Guthrie and Mr. Albert, are protected.

103. Plaintiffs are now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory and retaliatory acts unless and until the Court grants the relief requested.

COUNT II
Violations of Title VII of the Civil Rights Act of 1964 ("Title VII")
(Race Discrimination; Retaliation; Hostile Work Environment)
(Albert v. AHN)

104. Plaintiffs hereby incorporate all allegations contained in the above-mentioned paragraphs fully as if they were set forth at length.

105. AHN's discriminatory and retaliatory actions, as set forth herein, deprived Mr. Albert of the rights guaranteed under Title VII.

106. AHN is a covered employer under Title VII and employs more than 15 employees.

107. As a result of AHN's actions, AHN has denied Plaintiff Santos Albert the right to the same terms, conditions, privileges and benefits of his employment with AHN.

108. AHN, by and through its supervisors, intentionally discriminated against Mr. Albert on the basis of race.

109. Mr. Albert was a member of a protected class and was qualified for the position that Plaintiff held.

110. AHN's actions altered Mr. Albert's work environment.

111. The discrimination that Mr. Albert faced detrimentally affected Mr. Albert. And this discrimination would detrimentally affect a reasonable person in like circumstances.

112. This severe and pervasive environment continued throughout Mr. Albert's employment.

113. AHN is liable for their supervisors under respondeat superior.

114. Mr. Albert participated in protected conduct. AHN retaliated against Mr. Albert because of his participation in protected activities. There is a causal connection between Mr. Albert's participation in protected activities and the adverse employment action from which Mr. Albert suffered.

115. As a direct and proximate result of AHN's acts and conduct, Mr. Albert has suffered and will suffer those injuries, damages, and losses alleged herein and has incurred and will incur attorneys' fees.

116. The wrongful acts and conduct of AHN were done with deliberate indifference to the statutory and constitutional rights of Mr. Albert.

117. Mr. Albert suffered adverse employment consequences, specifically, AHN retaliated against Mr. Albert.

118. Mr. Albert was terminated as a result of AHN's discriminatory conduct.

119. Mr. Albert is now suffering and will continue to suffer irreparable injury and monetary damages as a result of AHN's discriminatory and retaliatory acts unless and until the Court grants the relief requested.

COUNT III
Violations of PHRA
(Race Discrimination; Retaliation; Hostile Work Environment)
(Albert v. AHN)

120. Plaintiffs hereby incorporate all allegations contained in the above-mentioned paragraphs fully as if they were set forth at length.

121. AHN's discriminatory and retaliatory actions, as set forth herein, deprived Mr. Albert of the rights guaranteed under the PHRA.

122. AHN is a covered employer under PHRA.

123. As a result of AHN's actions, AHN has denied Plaintiff Santos Albert the right to the same terms, conditions, privileges and benefits of his employment with AHN.

124. AHN, by and through its supervisors, intentionally discriminated against Mr. Albert on the basis of race.

125. Mr. Albert was a member of a protected class and was qualified for the position that Plaintiff held.

126. AHN's actions altered Mr. Albert's work environment.

127. The discrimination that Mr. Albert faced detrimentally affected Mr. Albert. And this discrimination would detrimentally affect a reasonable person in like circumstances.

128. This severe and pervasive environment continued throughout Mr. Albert's employment.

129. AHN is liable for their supervisors under respondeat superior.

130. Mr. Albert participated in protected conduct. AHN retaliated against Mr. Albert because of his participation in protected activities. There is a causal connection between Mr. Albert's participation in protected activities and the adverse employment action from which Mr. Albert suffered.

131. As a direct and proximate result of AHN's acts and conduct, Mr. Albert has suffered and will suffer those injuries, damages, and losses alleged herein and has incurred and will incur attorneys' fees.

132. The wrongful acts and conduct of AHN were done with deliberate indifference to the statutory and constitutional rights of Mr. Albert.

133. Mr. Albert suffered adverse employment consequences, specifically, AHN retaliated against Mr. Albert.

134. Mr. Albert was terminated as a result of AHN's discriminatory conduct.

135. Mr. Albert is now suffering and will continue to suffer irreparable injury and monetary damages as a result of AHN's discriminatory and retaliatory acts unless and until the Court grants the relief requested.

PRAYER FOR RELIEF
RELIEF

WHEREFORE, Plaintiffs seeks damages and legal and equitable relief in connection with Defendants' improper conduct, and specifically prays that the Court grant the following relief to Plaintiffs by:

- a) Declaring the acts and practices complained of herein to be in violation of Section 1981, PHRA, and Title VII;
- b) Enjoining and permanently restraining the violations alleged herein;
- c) Entering judgment against the Defendants and in favor of the Plaintiffs in an amount to be determined;
- d) Awarding compensatory damages to make Plaintiffs whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiffs have suffered or may suffer as a result of Defendants' improper conduct;
- e) Awarding compensatory damages to Plaintiffs for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasure, which Plaintiffs have suffered or may suffer as a result of Defendants' improper conduct;

- f) Awarding punitive damages to Plaintiffs;
- g) Awarding Plaintiffs such other damages as are appropriate under Title VII, PHRA, and Section 1981;
- h) Awarding Plaintiffs the costs of suit, expert fees and other disbursements, and reasonable attorney's fees; and,
- i) Granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

Dated: July 15, 2022

/s/ Andrew Lacy, Jr.
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CERTIFICATE OF SERVICE

Plaintiffs certify that the foregoing was filed with the Court and served upon counsel listed via electronic mail:

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Dated: July 15, 2022

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