

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

JULIA SCHULTZ,
Plaintiff

v.

C.A. No.: PC-2022

DEBORAH A. BELLAMY-GOSLIN
d/b/a Merry Maids of Rhode Island;
GARY LEITER;
LEITER ENTERPRISES, LLC; and
JOHN DOE COMPANY, alias,
Defendants.

COMPLAINT

Plaintiff Julia Schultz hereby sets forth this Complaint for discrimination in employment based on sex (pregnancy) and disability and alleges the following:

THE PARTIES

1. Plaintiff JULIA SCHULTZ (“Schultz”) is an individual, female person of legal age, and a resident of the State of Rhode Island who, at all times relevant to this action, was an employee of or applicant for employment by a residential cleaning business operating under the trade names “Merry Maids” and “Merry Maids of Rhode Island” (collectively referred hereinafter to as “Merry Maids”). Plaintiff is a “person” within the meaning of R.I. Gen. Laws § 42-112-1 et. seq.

2. Defendant DEBORAH A. BELLAMY-GOSLIN (“Defendant Bellamy-Goslin”) is an individual person of legal age and a resident of the State of Rhode Island. At all times relevant to this action, and upon information and belief, Defendant Bellamy-Goslin owned, managed, maintained, operated, and controlled a residential cleaning franchise trading under the name “Merry Maids” located at 35 Agnes Street, Suite 2, East Providence, RI 02914, where Schultz applied for employment and/or was employed. At all times relevant to this action, Defendant Bellamy-Goslin controlled the terms and conditions of Schultz’s hiring and/or employment and acted as her employer within the meaning of the law.

3. Defendant GARY LEITER (“Defendant Leiter”) is an individual person of legal age and a resident of the State of Rhode Island. At all times relevant to this action, and upon information and belief, Leiter owned a residential cleaning franchise trading under the name “Merry Maids” located at 35 Agnes Street, Suite 2, East Providence, RI 02914, where Schultz applied for employment and/or was employed. At all times relevant to this action, Defendant Leiter controlled the terms and conditions of Schultz’s hiring and/or employment and acted as her employer within the meaning of the law.

4. Defendant LEITER ENTERPRISES, LLC (“Defendant Leiter Enterprises”) is a limited liability company organized under the laws of the State of Rhode Island and is authorized by the state of Rhode Island Secretary of State to conduct business in the state. At all times relevant to this action, Defendant Leiter Enterprises owned, managed, maintained, operated, and controlled the business located at 35 Agnes Street, Suite 2, East Providence, RI 02914, where Schultz applied for employment and/or was employed. At all times relevant to this action, Defendant Leiter Enterprises controlled the terms and conditions of Schultz’s hiring and/or employment and acted as her employer within the meaning of the law.

5. Defendant JOHN DOE COMPANY, alias, is, upon information and belief, a legal entity subject to jurisdiction within the state of Rhode Island with respect to the matters complained of herein, whose proper legal name is not presently known and will be determined through discovery. At all times relevant to this action, Defendant John Doe Company served as the franchisor to the Merry Maids franchise located at 35 Agnes Street, Suite 2, East Providence, RI 02914 and exercised control over the operations of its franchisees including whether or not its franchisees actively complied with the state’s anti-discrimination laws. Upon information and belief, Defendant John Doe Company failed to properly train and supervise its franchisee and failed to ensure that its franchisee actively complied with the state’s anti-discrimination laws and, therefore, it is jointly and severally liable to Plaintiff for the damages alleged herein.

JURISDICTION AND VENUE

6. The jurisdiction of this Court is invoked pursuant to R.I. Gen. Laws § 42-112-1 et seq.

7. Venue is proper because the actions complained of herein occurred in East Providence, Providence County, Rhode Island.

8. Personal jurisdiction exists over all Defendants in that they maintain sufficient minimal contacts in the State of Rhode Island. Specifically, Defendants engage in systematic and continuous activity in the State of Rhode Island. Moreover, the actions complained of herein occurred in the State of Rhode Island.

FACTUAL ALLEGATIONS

9. On or about April 30, 2021, Schultz applied online for a house cleaner position to the Merry Maids franchise business located at 35 Agnes Street, Suite 2, East Providence, RI 02914.

10. Schultz attended an in-person interview the same day and met with Defendant Deborah A. Bellamy-Goslin (“Bellamy-Goslin”) at the East Providence, Rhode Island location.

11. At the time of the interview, Schultz was pregnant at 16 weeks.

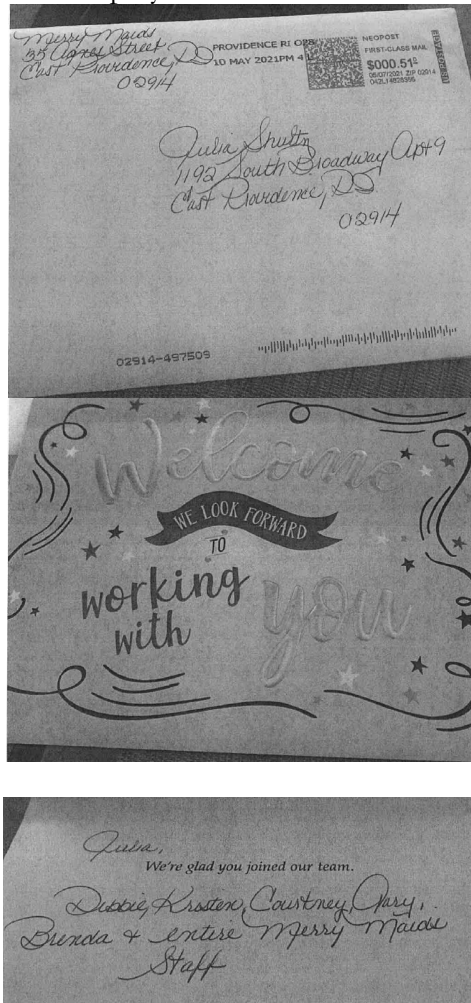
12. Schultz wore a baggy dress to the interview in order to conceal the fact that she was pregnant.

13. At the conclusion of the interview, Bellamy-Goslin told Schultz to think it over, and call her if she was interested in the position.

14. On May 3, 2021, Schultz called Bellamy-Goslin and told her she was interested in the position.

15. On May 5, 2021, Bellamy-Goslin called Schultz and told her: “I am very excited to add you to the team!”

16. Shortly thereafter, Defendants sent Schultz through the mail the card below welcoming her to the team as a new employee.



17. Bellamy-Goslin invited Schultz to attend an orientation program for new hires on May 10, 2021 and recommended that she wear a T-shirt and sneakers because they would be doing cleaning work (the “orientation program”).

18. On May 10, 2021, Schultz attended the orientation program and wore a T-shirt and sneakers as recommended.

19. Schultz was the first person to show up at the orientation program.

20. At the orientation program, there was a stack of packets on a table that included documents that are typically filled out by new hires such as W-2 forms.

21. When Schultz arrived, Bellamy-Goslin had a secretary take Schultz to the break room while Bellamy-Goslin made some phone calls.

22. When Bellamy-Goslin returned, she said to Schultz: **“Honey, I need to ask if you are pregnant”** or words to that effect.

23. Schultz informed Bellamy-Goslin that she was, in fact, pregnant.

24. Bellamy-Goslin further stated to Schultz: **“I’m not going to be able to offer you the job because of the physical demands. You should be at home taking care of that special gift from God”** or words to that effect.

25. Bellamy-Goslin also told Schultz: **“If after your baby is born, you are still interested, you can re-apply”** or words to that effect.

26. Schultz was greatly humiliated and embarrassed upon hearing Bellamy-Goslin’s chilling and discriminatory comments, so she immediately left the building.

27. Defendants’ refusal to honor the offer or commitment to employ Schultz constituted a termination of employment, or, in the alternative, a refusal to hire Schultz and is hereinafter referred to as a “discharge” or “termination” of employment.

28. Defendants’ termination of employment was based upon stereotypical, outmoded and/or unlawful perceptions of Schultz’s ability or qualifications to perform the functions of the position and constituted unlawful discrimination based upon sex (pregnancy) and a perception that she was disabled.

29. Defendants’ actionable conduct complained of herein proximately caused Schultz to suffer grave and substantial compensatory damages, including personal emotional pain, personal suffering, personal inconvenience, mental anguish, extreme and severe emotional distress with resulting physical and emotional manifestations, loss of enjoyment of life, humiliation, embarrassment, anguish, frustration, fear and discomfort triggered by a loss of income, and damage to her reputation and to her career.

30. Defendants’ actionable conduct complained of herein proximately caused Schultz to suffer grave and substantial pecuniary damages, including lost wages, bonuses, commissions, fringe benefits, vacation pay, attorneys’ fees, the costs of this action, as well as other pecuniary damages, now, and in the future.

31. Defendants’ conduct warrants the imposition of punitive or exemplary damages, because the Defendants intentionally and maliciously and without justification or excuse terminated Schultz’s employment because of her sex, thereby demonstrating the Defendants reckless and callous indifference to Schultz’s right to work in an environment free from unlawful sex and disability discrimination, and demonstrating the Defendants’ malice or ill will.

COUNT I
VIOLATION OF THE RHODE ISLAND CIVIL RIGHTS ACT OF 1990 (“RICRA”),
R.I. GEN. LAWS § 42-112-1 ET SEQ.
DISCRIMINATORY DISCHARGE BASED ON SEX (PREGNANCY)

32. Plaintiff hereby incorporates by reference paragraphs 1-31 of this Complaint as though fully set forth herein.

33. Despite Plaintiff’s readiness, willingness, and ability to perform her assigned duties, because of her sex, or because of or on the basis of pregnancy, childbirth, or related medical conditions, or because she was affected by pregnancy, childbirth, or related medical conditions, Defendants unlawfully terminated Plaintiff’s valuable employment in violation of R.I. Gen. Laws § 42-112-1 et seq., and as a direct and proximate result of such illegal conduct, Plaintiff has suffered grave and substantial damages, wherefore the Defendants stand jointly and severally liable to Plaintiff for the damages more fully alleged in paragraphs 29-31 above.

WHEREFORE, Plaintiff prays for the relief hereinafter set forth.

COUNT II
VIOLATION OF THE RHODE ISLAND CIVIL RIGHTS ACT OF 1990 (“RICRA”),
R.I. GEN. LAWS § 42-112-1 ET SEQ.
DISCRIMINATORY DISCHARGE BASED ON DISABILITY

34. Plaintiff hereby incorporates by reference paragraphs 1-33 of this Complaint as though fully set forth herein.

35. Despite Plaintiff’s readiness, willingness, and ability to perform her assigned duties, because Defendants regarded her as being disabled, Defendants unlawfully terminated Plaintiff’s valuable employment in violation of R.I. Gen. Laws § 42-112-1 et seq., and as a direct and proximate result of such illegal conduct, Plaintiff has suffered grave and substantial damages, wherefore the Defendants stand jointly and severally liable to Plaintiff for the damages more fully alleged in paragraphs 29-31 above.

WHEREFORE, Plaintiff prays for the relief hereinafter set forth.

PRAYER FOR RELIEF

WHEREFORE, Schultz prays that the Court grant the following relief:

1. An order directing each of the Defendants to place Schultz in the position Schultz would have occupied but for Defendants’ discriminatory treatment of Schultz, and make Schultz whole for all earnings and benefits Schultz would have received but for Defendants’ discriminatory treatment, including, but not limited to, wages, employment benefits, and an order requiring that the Defendants reinstate Schultz to an appropriate position without further discrimination;

2. A finding that the Defendants stand jointly and severally liable to make Schultz whole for all damages suffered as a result of the wrongful acts and omissions alleged in each Count herein, including inter alia damages for personal physical injuries, damages for personal physical sickness, back pay, front pay, and the value of lost fringe benefits;
3. A finding that the Defendants stand jointly and severally liable to Schultz for the imposition of statutory exemplary damages, because Defendants intentionally and maliciously and without justification or excuse subjected Schultz to discriminatory terms and conditions of employment, because of her sex (pregnancy) and a perception that she was disabled, thereby demonstrating each Defendant's reckless and callous indifference to Schultz's right to work in an environment free from unlawful discrimination, and demonstrating each Defendant's malice or ill will;
4. An order declaring that the acts and practices complained of herein are in violation of the Rhode Island Civil Rights Act of 1990, R.I. Gen. Laws § 42-112-1 et seq.
5. A permanent injunction against each of the Defendants prohibiting future acts of discrimination and retaliation against Schultz and similarly-situated disabled and female employees;
6. An order enjoining and permanently restraining each of the Defendants from further violations of the Rhode Island Civil Rights Act of 1990, R.I. Gen. Laws § 42-112-1 et seq.
7. An order directing each of the Defendants to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect Schultz's employment opportunities;
8. A finding that the Defendants stand jointly and severally liable to Schultz for an award of her reasonable attorneys' fees, litigation costs and other costs of this action, together with a post-trial hearing to determine the amount of Schultz's reasonable attorneys' fees taxable to the Defendants, along with a determination of Schultz's litigation costs and expenses taxable to the Defendants;
9. An appropriate award of pre-judgment interest pursuant to R.I. Gen. Laws § 9-21-10 on all sums recovered;
10. Such other and further relief as this Court deems just and proper.

Plaintiff
JULIA SCHULTZ
By Her Attorney,

/s/Mark P. Gagliardi
Mark P. Gagliardi (#6819)

LAW OFFICE OF MARK P. GAGLIARDI
201 Wayland Avenue, Suite 8
Providence, RI 02906
(401) 277-2030 (office)
(401) 487-6666 (mobile)
(401) 277-2021 (fax)
mark@markgagliardilaw.net
Cooperating counsel,
American Civil Liberties Foundation of Rhode Island

Dated: July 11, 2022