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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

BRANDI MARIE LYNNES,	Case No.
Plaintiff,	COMPLAINT
vs.	(Employment Discrimination)
Q STREET ANIMAL HOSPITAL, INC., an Oregon corporation,	Prayer: \$225,000 Fee Authority: ORS 21.160(1)(c)
Defendant.	NOT SUBJECT TO MANDATORY ARBITRATION
	Jury Trial Requested

14 Plaintiff Brandi Marie Lynnes alleges as follows:

15 **FIRST CLAIM FOR RELIEF: VIOLATION OF ORS 659A.112**

16 1.

17 Plaintiff Brandi Marie Lynnes is a resident of the State of Oregon and was
18 employed as a veterinary assistant and patient care coordinator at Q Street Animal
19 Hospital from May 31, 2011, to March 31, 2014.

20 2.

21 Defendant Q Street Animal Hospital, Inc., is an Oregon corporation that
22 operates a veterinary clinic in Springfield, Oregon.

23 3.

24 Brandi Lynnes was diagnosed with bipolar disorder in 2005. Bipolar
25 disorder causes her to experience depressive and manic moods. When Ms. Lynnes

1 experiences a depressive or manic episode, it substantially limits her major life
2 activities, including her ability to regulate mood, concentrate, sleep, communicate,
3 and interact with others.

4 4.

5 After her diagnosis, Brandi Lynnes managed the symptoms of her
6 impairment using prescribed medication. In October 2013, Brandi Lynnes's
7 psychiatrist prescribed an adjustment to her medication. This adjustment caused
8 Ms. Lynnes to experience adverse symptoms.

9 5.

10 Neither her psychiatrist nor any other treating physician restricted Brandi
11 Lynnes from performing any of the functions of her job with or without reasonable
12 accommodation, based on her impairment of bipolar disorder, at any time while she
13 worked for Defendant Q Street Corporation.

14 6.

15 When Defendant Q Street Corporation learned of symptoms Brandi Lynnes
16 experienced, outside of work, from the adjustment to medication for bipolar
17 disorder, it refused the accommodations she requested; put her on forced medical
18 leave; disclosed confidential medical information to employees; sent a letter
19 directly to her psychiatrist, without her permission, asking for confidential medical
20 information; and ultimately fired Ms. Lynnes because of her impairment.

21 7.

22 Defendant Q Street Corporation violated ORS 659A.112 by discriminating
23 against Brandi Lynnes on the basis of her disability of bipolar disorder in one or
24 more of the following:

25

1 (a) After her psychiatrist prescribed an adjustment to her medication,
2 Brandi Lynnes requested reasonable accommodation for her bipolar
3 disorder. She asked that her hours be temporarily reduced to part-time
4 while her medication was adjusted. Defendant Q Street Corporation
5 denied this request.

6 (b) On February 7, 2014, Brandi Lynnes asked another employee to cover
7 her shift because of the symptoms she was experiencing from her
8 impairment of bipolar disorder and the prescribed change to her
9 medication. After learning of the symptoms, Defendant Q Street
10 Corporation suspended Brandi Lynnes from work.

11 (c) On February 12, 2014, Defendant Q Street Corporation, through its
12 practice manager, Beth Mitchell, told Brandi Lynnes she was being put
13 on forced “medical leave” because of the symptoms of her disability.

14 (d) On February 13, 2014, Defendant Q Street Corporation’s practice
15 manager Beth Mitchell required Brandi Lynnes to return her keys to the
16 corporation’s office and, in front of co-workers and clients told Brandi
17 Lynnes that she was lucky she was not being fired and that Defendant
18 Q Street Corporation would be sending a letter to Ms. Lynnes’s
19 psychiatrist requiring a written release for her to return to work.

20 (e) After forcing Brandi Lynnes to take “medical leave,” Defendant Q
21 Street Corporation, through its practice manager Beth Mitchell,
22 expressed discriminatory animus against Brandi Lynnes in statements
23 to employees of Defendant. These statements included speculation that
24 Ms. Lynnes would not be able to return to work because of her disability
25 and that she was disobeying her psychiatrist’s prescriptions.

1 (f) On March 11, 2014, Brandi Lynnes reported to Dr. Sean Bretschneider,
2 owner of Defendant Q Street Corporation, that Beth Mitchell disclosed
3 confidential medical information and made discriminatory comments
4 about Brandi Lynnes to co-workers. Dr. Bretschneider refused to
5 investigate and said that any problem was a misunderstanding that Ms.
6 Lynnes had brought on herself from talking about her disability.

7 (g) On March 11, 2014, Brandi Lynnes requested to return to work.
8 Defendant Q Street Corporation, through its owner, Dr. Sean
9 Bretschneider, denied this request.

10 (h) On March 31, 2014, Defendant Q Street Corporation terminated Brandi
11 Lynnes.

12 8.

13 Defendant Q Street Corporation was motivated in each of the above acts or
14 omissions by discrimination based on Brandi Lynnes's disability.

15 9.

16 Brandi Lynnes filed a verified complaint with the Oregon Bureau of Labor
17 and Industries on January 16, 2015, and she received a 90-day notice of right to sue
18 on January 15, 2016.

19 10.

20 As a result of Defendant's unlawful acts, Brandi Lynnes has lost income
21 and benefits and has incurred consequential damages including, but not limited to,
22 the costs of doctor visits and prescription medication that she was required to buy
23 without insurance. Those economic damages are to be proven to a jury at trial, but
24 do not exceed \$25,000.

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11.

As a further result of Defendant’s unlawful acts, Brandi Lynnes has suffered emotional distress including extreme shame, anxiety, sleeplessness, depression, and loss of enjoyment of life. She was unable to find employment working as a veterinary assistant, a job she loved, and was forced to seek work in another field. These damages are continuing and Brandi Lynnes is entitled to compensation in an amount to be determined by the jury at the time of trial, not to exceed \$200,000.

12.

By the acts and omissions described above, Defendant Q Street Corporation acted with reckless and outrageous indifference to Brandi Lynnes’s rights as an employee. Plaintiff intends to amend this complaint to state a claim for punitive damages to deter future conduct like that Brandi Lynnes suffered.

SECOND CLAIM FOR RELIEF: VIOLATION OF ORS 659A.109

13.

Plaintiff realleges paragraphs 1 through 12 as though fully set forth.

14.

By the acts and omissions described above, Defendant Q Street Corporation retaliated against Brandi Lynnes for opposing disability discrimination by refusing to investigate Beth Mitchell’s discriminatory remarks and instead terminating the employment of Brandi Lynnes, in violation of ORS 659A.109.

THIRD CLAIM FOR RELIEF: VIOLATION OF ORS 659A.136

15.


Plaintiff realleges paragraphs 1 through 14 as though fully set forth.

1 (d) Attorney fees as provided in ORS 659A.885.

2

3 Respectfully submitted this 13th day of April, 2016.

4 JOHNSON JOHNSON & SCHALLER, P.C.

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6 _____

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16 Of Attorneys for Plaintiff

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