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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

GERALDINE ANN GOFF,

Plaintiff,

vs.

**THE CORVALLIS CLINIC, PC, an
Oregon corporation,**

Defendant.

Case No. 16-1503

COMPLAINT

**(Age Discrimination in Employment, 29
U.S.C. § 623; ORS 659A.030)**

Demand for Jury Trial

JURISDICTION & VENUE

1.

These claims arise under the Age Discrimination in Employment Act, 29 U.S.C. § 623, and Oregon law against discrimination in employment, ORS 659A.030. This Court has jurisdiction over the federal claims under 28 U.S.C. § 1331. This Court has jurisdiction over the state law claims pursuant to the doctrine of supplemental jurisdiction, 28 U.S.C. § 1367(a).

2.

The events underlying these claims took place in Corvallis, Oregon, making venue proper in the Oregon District, Eugene Division.

PARTIES

3.

Plaintiff Geraldine Ann Goff is a resident of Albany, Oregon and a registered nurse (RN). She was born in 1938.

4.

Defendant The Corvallis Clinic, P.C. (“The Corvallis Clinic”) is an Oregon professional corporation. It provides medical services at ten locations in Corvallis, Albany, and Philomath, Oregon.

FACTS

5.

The Corvallis Clinic hired Geraldine (“Jerry”) Goff in April, 1994 to work as an RN in its Immediate Care Center (ICC).

6.

Over two decades from the time of her hire until November, 2014, Jerry Goff consistently received positive performance reviews for her work as an RN.

7.

Goff’s April, 2014 performance review stated, “Jerry is a seasoned professional RN that is well received and respected in the ICC department. . . . Jerry’s clinical evaluation is very good, scoring outstanding in many areas.” Her manager called her “kindness and compassion towards patients” her “most significant contribution,” and noted that she “always exhibits empathy and a

caring attitude.” She also rated “exceeds standards” in areas including “assist providers with procedures as directed,” “maintain asepsis,” and “performs invasive procedures for which he/she has the training and skills.”

8.

In the fall and winter of 2014, Dr. Dennis Regan was the Medical Director of The Corvallis Clinic and one of four doctors who worked in ICC. The others were Dr. Christabeth Body, Dr. Robin Lannan, and Dr. Charles Parker.

9.

On or about Saturday, November 8, 2014, Medical Director Dr. Regan and Dr. Parker worked together in ICC. Medical Director Regan said to Dr. Parker that certain ICC staff had “outlived their effectiveness” and needed to retire. He specifically brought up Jerry Goff as one who needed to retire because she had outlived her effectiveness.

10.

On Sunday, November 9, 2014, Jerry Goff and Dr. Regan both worked ICC. The unit received a call from the lab reporting that an employee had been injured and needed help. The lab staff had called 911 according to protocol. Dr. Regan and Jerry Goff went to the lab to assist while they waited for paramedics to arrive.

11.

When Dr. Regan and Goff got to the lab, the employee was nonresponsive on the floor, bleeding from one arm where it appeared she had injected herself with a medication. Goff took her oxygen saturation and pulse, and got the employee to respond to her. Goff took a blood pressure reading and worked with a lab tech, who was a phlebotomist, to get an IV started in the

other arm. Goff set up the IV bottle while the phlebotomist placed the intravenous line. Soon after that, the paramedics arrived.

12.

When Goff and Dr. Regan returned to ICC, Goff said to Dr. Regan that she would write up an incident report to document the patient care. He pointedly instructed her not to write a report and said that he would do it.

13.

Sometime the following week, Dr. Regan went to Charlene Yager, the Director of Clinical Services, and complained about Goff. He told Yager that Goff tried to avoid responding to the call from the lab, that she had been unable to start the IV line, and that she was slow in getting the blood pressure and he had to take over. None of this was true.

14.

Dr. Regan and Yager decided to conduct a “clinical skills evaluation” – something that they had never done before in immediate care. This evaluation was a pretext to terminate Goff because Medical Director Regan felt she was too old. Yager made sure to have all ICC staff evaluated so that it would not look like they were targeting Goff. Yager selected Eleanor Reynders to conduct the evaluations. Reynders was the director of nursing education. She had never evaluated ICC staff, never worked in the ICC, and was unfamiliar with the unit’s practices.

15.

On or about November 18, 2014, Reynders evaluated Goff and three other ICC staff. She observed Goff working for an hour or more and then evaluated her based on criteria that had not been communicated ahead of time and differed from the criteria under which Goff and other ICC staff were normally evaluated in their annual reviews.

16.

Reynders gave Goff a failing score on the evaluation. She rated Goff “unsatisfactory” in seven of the fifteen broad areas of evaluation. These included “assessment, planning, implementation of plan of care and reporting,” “demonstrates consistent critical thinking skills and problem solving,” “adheres to Oregon State Board of Nursing Standards of Practice,” and “improves process in home department, participates in new hire training.” Some of these were similar to areas in which The Corvallis Clinic has rated Goff as “exceed[ing] standards” in her April evaluation.

17.

Reynders did not give Goff her written evaluation, she simply read the categories and the scores. These broad, general categories gave Goff almost no information about what any specific problems might be. When Goff asked if Reynders had anything positive to say, Reynders shook her head. Reynders provided no training or coaching to improve.

18.

In late November or early December, 2014, Dr. Lannan and ICC Manager Demlock told Dr. Parker that The Corvallis Clinic was about to terminate Goff. When Parker expressed his surprise, they said that she had failed the skills evaluation. Dr. Parker asked whether she had been informed of her deficiencies and given any opportunity to improve. Demlock said no. Dr. Parker suggested that before she was fired, they should identify the deficiencies and give her the chance to improve. He also said it would be wrong to fire her right before Christmas. Demlock said they would take his suggestions under advisement.

19.

Shortly after those conversations, Goff was told that she would have a second evaluation in January.

20.

Goff asked Manager Demlock for Reynders' more detailed, written comments identifying particular practices with which she found fault, so that she could study them and work to improve. It took at least three requests before Demlock finally provided the written notes to Goff.

21.

When Goff finally received the written evaluation, she found that several of the criticisms involved unit-wide practices in the ICC, like using a disinfectant wipe that Reynders said was not adequate but had been approved by the manager. Some misconstrued things Goff had said. Some repeated the same criticism (like the disinfectant wipe) to downgrade her in more than one category.

22.

Goff protested the results. She also undertook on her own initiative to address some of the criticisms, because Reynders had not made any effort to work with her.

23.

Goff asked to have Director of Nurses Charlene Yager do the next evaluation. Yager had evaluated Goff for her annual evaluations from 2009 through 2012 and given Goff positive evaluations throughout that time. She also was familiar with the practices in the ICC.

24.

Goff was re-evaluated on January 27, 2015. Reynders performed the evaluation again. Reynders found improvements in several areas that she had rated “unsatisfactory” in the first evaluation. She did not rate Goff “unsatisfactory” in any category.

25.

Goff never received the results of that evaluation and instead she was terminated on February 10, 2015. Floor Manager Robert Demlock and Human Resources Director Sandra Speers told her that the evaluation found she engaged in unsafe nursing practices. When she asked what they were referring to, they said they were not medical people and did not know. In fact, nothing was listed as an unsafe nursing practice in her written second evaluation and no report was made to the Oregon Nursing Board about any unsafe nursing practices. Demlock and Speers suggested that she look for a new job in a nursing home.

26.

Geraldine Goff filed a verified complaint with the Oregon Bureau of Labor & Industries (BOLI) on April 27, 2015, alleging age discrimination and other claims. On April 21, 2016, BOLI found substantial evidence that The Corvallis Clinic discriminated against Goff based on her age. BOLI issued a 90-day right to sue letter on April 27, 2016.

**FIRST CLAIM FOR RELIEF
(Age Discrimination in Employment Act, 29 U.S.C. § 623)**

For her First Claim for Relief, Geraldine Goff alleges:

27.

Geraldine Goff incorporates paragraphs 1 through 26 as if fully set forth herein.

28.

By the acts described above, defendant The Corvallis Clinic targeted Geraldine Goff for termination because its Medical Director believed she had “outlived her effectiveness” and “needed to retire.” The Corvallis Clinic discharged and discriminated against Geraldine Goff because of her age in violation of 29 U.S.C. § 623.

29.

As a result of defendant’s unlawful acts, Geraldine Goff has lost compensation including wages, retirement contributions, and other benefits totaling over \$100,000 to date, plus interest. These losses are continuing to accrue.

30.

The acts of defendant described above were willful, entitling Geraldine Goff to liquidated damages of twice her economic losses and interest, pursuant to 29 U.S.C. §§ 626 and 216.

31.

As a further result of defendant’s unlawful actions, Geraldine Goff is entitled to her reasonable attorney fees and costs pursuant to 29 U.S.C. §§ 626 and 216.

**SECOND CLAIM FOR RELIEF
(Violation of ORS 659A.030)**

For her Second Claim for Relief, Geraldine Goff alleges as follows:

32.

Geraldine Goff incorporates paragraphs 1 through 31 as if fully set forth herein.

33.

By the acts described above, defendant The Corvallis Clinic targeted Geraldine Goff for termination because its Medical Director believed she had “outlived her effectiveness” and

“needed to retire.” The Corvallis Clinic discharged and discriminated against Geraldine Goff because of her age in violation of ORS 659A.030.

34.

As a result of defendant’s unlawful acts, Geraldine Goff has lost compensation including wages, retirement contributions, and other benefits totaling over \$100,000 to date, plus interest. These losses are continuing to accrue.

35.

As a further result of defendant’s unlawful acts, Geraldine Goff has suffered humiliation, anxiety, stress, worry, loss of dignity and self-esteem, sleeplessness, depression, and other emotional distress. She is shattered. Defendant’s actions have impaired her future earning capacity and tarnished her reputation. These damages are continuing. Geraldine Goff is entitled to compensatory damages in an amount to be determined by the jury at the time of trial.

36.

Defendant’s actions were taken in bad faith, maliciously or with reckless indifference to Geraldine Goff’s rights, entitling her to punitive damages in an amount to be determined by the jury at the time of trial.

37.

Geraldine Goff is entitled to recover her reasonable costs and attorney fees incurred herein pursuant to ORS § 659A.885(1).

PRAYER FOR RELIEF

WHEREFORE, plaintiff Geraldine Goff prays for judgment against defendants for the following relief:

1. For her lost wages and benefits, including future losses, in an amount to be determined by the jury at the time of trial, along with prejudgment interest thereon;
2. For liquidated damages in the amount equal to her economic losses to be determined by the jury at the time of trial, along with prejudgment interest thereon;
3. For non-economic damages in an amount to be determined by the jury at the time of trial;
4. For punitive damages in an amount to be determined by the jury at the time of trial;
5. For reasonable attorney fees and costs incurred herein; and
6. For such other relief as the Court may deem just and proper.

Respectfully submitted this 25th day of July, 2016.

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