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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

KRYSTYANA BRAME,

Plaintiff,

v.

SEATTLE PUBLIC SCHOOLS,

Defendant.

No.

COMPLAINT FOR DAMAGES

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I. NATURE OF THE ACTION

1. This is an action for declaratory judgment, equitable relief, and monetary damages, instituted to secure the protection of and to redress the deprivation of rights secured through the Washington Law Against Discrimination, RCW 49.60, *et seq.* ("WLAD"). Plaintiff also brings common law claims against Defendant for the tort of wrongful discharge in violation of public policy.

2. Plaintiff Krystyana Brame alleges that Defendant Seattle Public Schools harassed, discriminated against, and subjected her to a hostile work environment on the basis of her gender (female), and race (white) in violation of the aforementioned statutes, and retaliated against her for opposing and complaining about Defendant's unlawful conduct. Plaintiff also alleges she was unlawfully discharged in violation of Washington public policy.

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II. JURISDICTION AND VENUE

3. Krystyana Brame is a resident and citizen of the State of Washington.

4. At all relevant times, Defendant Seattle Public Schools was a Washington municipal corporation.

5. At all relevant times, Plaintiff Krystyana Brame was employed by Defendant Seattle Public Schools in King County, Washington.

6. At all relevant times, Defendant Seattle Public Schools was an employer within the meaning of RCW 49.60 *et seq.* Defendant had more than eight employees.

7. Plaintiff filed a Notice of Tort Claim with the City as required by RCW 4.96.020. More than sixty (60) days has elapsed since that filing.

8. This Court has personal jurisdiction over Defendant Seattle Public Schools based on Plaintiffs' employment in the State of Washington, the business conducted by Defendant in the State of Washington, and contacts made by Defendant in the State of Washington.

1 9. This Court has jurisdiction pursuant to RCW 2.08.010 because Plaintiff
2 requests legal relief exceeding \$300.00.

3 10. Venue is proper in King County, Washington.

4 **III. STATEMENT OF CLAIMS**

5 11. The preceding paragraphs 1 through 10 are re-alleged and hereby incorporated
6 by reference.

7 12. Plaintiff was employed by Defendant Seattle Public Schools from 2001 until
8 her unlawful discharge on March 30, 2016.

9 13. In 2004, Plaintiff began working for the Athletic Department of Defendant
10 Seattle Public Schools as a Program Liaison.

11 14. In approximately the end of 2010, Defendant hired Eric McCurdy.

12 15. After he was hired, McCurdy became the Executive Director of Athletics for
13 the entire Seattle Public Schools system.

14 16. Soon after McCurdy was hired by Defendant Seattle Public Schools, Defendant
15 began discriminating against and harassing Plaintiff because of her gender (female) and race
16 (white).

17 17. Because of Executive Director McCurdy's position and authority with Seattle
18 Public Schools, his actions against Plaintiff are imputed to Defendant.

19 18. Amongst other things, Defendant by and through its Executive Director Eric
20 McCurdy engaged in conduct that contributed to a sexually and racially offensive hostile
21 working environment including but not limited to the following:

22 a. Defendant's Executive Director McCurdy used offensive language in
23 the workplace in front of Plaintiff, including but not limited to stating the staff were "fucking
24 me in the ass with no Vaseline," and "left me standing there with my dick in my hands."

25 b. After Plaintiff got married, Defendant's Executive Director McCurdy
26 criticized Plaintiff for being "lazy since she got married."

1 c. Defendant's Executive Director McCurdy made sexist remarks like
2 telling Plaintiff that she needed to "feed your husband and son, put them to bed and get back
3 to work and your emails."

4 d. Defendant's Executive Director McCurdy, who is African American,
5 referred to Plaintiff as the "fat white girl."

6 e. Defendant's Executive Director McCurdy would often say he had to
7 "get in their ass" when talking about how he managed his employees.

8 f. Defendant's Executive Director McCurdy told the Assistant Director of
9 Athletics, who was also African American, that the Associate Superintendent was "not really
10 a down brother like you."

11 g. Defendant's Executive Director McCurdy referred to a donation he had
12 received from Seattle Children's Hospital as a "one inch dick donation and we need a two to
13 three inch dick donation to get a woody."

14 19. The above actions are not a complete list of the racially and sexually offensive
15 comments and conduct that Defendant and Executive Director McCurdy took during
16 Plaintiff's employment to create an intolerable, hostile work environment. They are not
17 exhaustive.

18 20. Defendant's Executive Director McCurdy targeted Plaintiff because of her race
19 and gender and denied her employment opportunities and benefits.

20 21. Defendant's Executive Director McCurdy regularly threatened Plaintiff's job,
21 telling her that her job was in jeopardy and that he was the only one saving her job, which was
22 false.

23 22. Plaintiff complained to other employees, managers and Defendant's Human
24 Resources about McCurdy's discriminatory, harassing, retaliatory and unlawful conduct
25 during her employment.
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1 23. Plaintiff filed a formal complaint with Defendant on or about November 17,
2 2015.

3 24. Defendant delayed its investigation into Plaintiff's discrimination, harassment
4 and retaliation complaints for approximately seven months and took no action to protect
5 Plaintiff from Executive Director McCurdy after she complained.

6 25. Defendant, independently and through Executive Director McCurdy, continued
7 to discriminate, harass, and retaliate after Plaintiff complained about Defendant's unlawful
8 conduct.

9 26. Defendant failed to take prompt and effective remedial actions despite
10 Plaintiff's numerous complaints.

11 27. Plaintiff was forced to end her employment with Defendant on or about March
12 30, 2016. She was constructively discharged.

13 28. Contrary to Defendant's own policies, Defendant did not complete its
14 investigation into Plaintiff's complaints until after she involuntarily left her employment over
15 four months later.

16 29. After Plaintiff's constructive discharge, Defendant's discriminatorily and
17 retaliatorily concluded that there had been no violation of policy.

18 30. Despite not longer being employed by Defendant Seattle Public Schools,
19 Plaintiff appealed the decision.

20 31. On July 28, 2016, Defendant Seattle Public Schools reversed itself and
21 concluded that it had violated its own policy regarding harassment, intimidation and bullying.

22 32. Defendant's conclusion occurred eight months after Plaintiff lodged her written
23 complaint to Defendant in November 2015.

24 33. Defendant's own investigation corroborate most if not all of Ms. Brame's
25 complaints for sexual harassment and retaliation for engaging in a protected activity.
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1 34. Defendant's unlawful conduct was motivated by Plaintiff's sex, gender, race
2 and protected activity.

3 35. The Washington Law Against Discrimination (WLAD) and its implementing
4 regulations are clear expressions of public policy that an employer cannot discriminate or
5 retaliate against an individual because of their sex, gender, race, or for engaging in protected
6 activity.

7 36. Defendant wrongfully discharged Plaintiff in violation of Washington public
8 policy.

9 37. The effect of the practices complained in the above paragraphs has been to
10 deprive Plaintiff of equal employment opportunities and otherwise adversely affect her status
11 as an employee because of her sex, gender, race and opposition to Defendant's unlawful
12 activities.

13 38. The unlawful employment practices complained of in the above paragraphs
14 were intentional.

15 39. The unlawful employment practices complained of in the above paragraphs
16 were done with malice or reckless indifference to Plaintiff's rights as protected by state law.

17 **IV. RESERVATION OF RIGHTS**

18 40. Plaintiff reserves the right to add, revise, or withdraw any claims, or add
19 additional parties during the course of the litigation as information is obtained through
20 litigation.

21 **IV. REQUEST FOR RELIEF**

22 WHEREFORE Plaintiffs pray for relief against Defendant as follows:

23 A. Grant a permanent injunction enjoining Defendant from engaging in any
24 employment practice which violates the public policy of Washington State.

1 B. Order Defendant to institute and carry out policies, practices, and programs
2 which provide equal employment opportunities for all employees, and which eradicate the
3 effects of its past and present unlawful employment practices;

4 C. Order Defendant to make Plaintiff whole by providing appropriate back pay
5 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
6 necessary to eradicate the effects of their unlawful employment practices;

7 D. Order Defendant to make Plaintiff whole by providing compensation for past
8 and future pecuniary losses resulting from the unlawful employment practices described in the
9 above paragraphs, including out-of-pocket expenses, in amounts to be determined at trial;

10 E. Order Defendant to make Plaintiff whole by providing compensation for past
11 and future non-pecuniary losses resulting from the acts complained of in the above
12 paragraphs, including without limitation, emotional pain, suffering, humiliation, distress, and
13 loss of enjoyment of life, in amounts to be determined at trial;

14 F. Order Defendant to make Plaintiff whole by providing relief under RCW 49.48
15 *et. seq.*, and RCW 49.52 *et. seq.*, or any other applicable statute, including awarding double
16 damages;

17 G. Award Plaintiff the costs of this action, including attorneys' fees, expert fees,
18 and all other costs to the fullest extent allowed by law;

19 H. Order Defendant to pay for any and all tax ramifications arising from
20 Plaintiff's recovery of damages and/or attorney's fees;

21 I. Award pre-judgment interest and post judgment interest; and

22 J. Grant any additional or further relief as provided by law, which this Court
23 finds appropriate, equitable, or just.

1 DATED this 19th day of June, 2018.

2 THE BLANKENSHIP LAW FIRM, P.S.

3
4 By: 

5 Scott C. G. Blankenship, WSBA No. 21431
6 Richard E. Goldsworthy, WSBA No. 40684
7 The Blankenship Law Firm, P.S.
8 1000 Second Avenue, Suite 3250
9 Seattle, WA 98104
10 Telephone: (206) 343-2700
11 Facsimile: (206) 343-2704
12 Email: sblankenship@blankenshiplawfirm.com
13 rgoldsworthy@blankenshiplawfirm.com
14 Attorneys for Plaintiff