

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

KELLY ANN SEDGWICK )  
21579 Carolina School Road )  
Jamestown, MO 65046 )

Plaintiff, )

v. )

Case No.:

STATE OF MISSOURI, )  
Serve Chlora Lindley-Myers )  
Director Commerce & )  
Insurance )  
301 West High Street )  
Room 530 )  
Jefferson City, MO 65101 )

Defendant. )

**PETITION**

Plaintiff Kelly Sedgwick states as follows for her causes of action against Defendant State of Missouri.

1. Plaintiff Kelly Sedgwick is a female resident of the Jamestown, Missouri, who is former employee of defendant.

2. Defendant State of Missouri operates the Division of Professional Registration in the Department of Commerce & Insurance. Defendant may be served at the address listed above.

3. This case arises under the Missouri Public Employee Whistleblower Act, R.S.Mo. § 105.055, *et seq.*, and the Missouri Human Rights Act, R.S.Mo. § 213.010, *et seq.*, making jurisdiction appropriate in this court.

4. Defendant subjected Plaintiff to discrimination because of her sex and retaliated against her for her complaints of sex discrimination and in retaliation for her complaints about illegal activity, when it terminated her employment.

5. At all times relevant to this action, Defendant has employed six or more employees and is therefore an employer as defined in the MHRA.

6. Defendant committed the tortious actions described herein in Jefferson City, Cole County, Missouri, such that venue is proper in this court.

7. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) and the MCHR against Defendant within 180 days of the unlawful employment practices complained of herein.

8. Plaintiff a received a Notice of Right to Sue from the MCHR on her charge of discrimination against Defendant and this action is timely filed within 90 days from the receipt of that Notice. Plaintiff timely complied with all administrative prerequisites prior to filing this lawsuit.

9. Plaintiff was employed by Defendant as an Investigator. Plaintiff performed her job to the best of her ability and satisfactorily met the legitimate job expectations of defendant.

**COUNT I – MHRA –**  
**SEX DISCRIMINATION**

10. Plaintiff incorporates by reference the preceding paragraphs of this petition.

11. During her employment, after Sheila Solon took over as the Acting Director of Professional Registration, plaintiff was subjected to unfair criticism of her job performance, abusive statements and action her supervisors and unequal pay to similarly situated male employees.

12. On October 18, 2021, defendant terminated plaintiff's employment.

13. The reasons given for the termination are unclear and pretextual.

14. Upon information and belief, male employees with worse performance were not fired.

15. But for plaintiff's sex she would not have been subjected to these actions; in other words, plaintiff's sex was a motivating factor in the employment decisions.

16. Defendant treated other female employees less favorably than males as well.

17. Defendant's actions constitute sex discrimination in violation of the MHRA..

18. As a direct and proximate result of Defendant's unlawful employment practices described herein, Plaintiff sustained damages in the form of lost salary and emotional pain, suffering, inconvenience, loss of

enjoyment of life and mental anguish.

19. Defendant's conduct was outrageous because of evil motive or reckless indifference to the rights of others, entitling Plaintiff to an additional amount as punitive damages in such sum that will serve to punish Defendant and to deter Defendant and others from like conduct.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, punitive damages, attorney's fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

**COUNT II – MHRA –  
RETALIATION**

20. Plaintiff incorporates by reference the preceding paragraphs of this petition.

21. Plaintiff reported sex discrimination and sex harassment to her supervisor and to Ms. Solon repeatedly through the Spring and summer of 2021.

22. Plaintiff filed Grievances in July and August complaining of, among other things, sex discrimination and unfair treatment based on sex. Defendant conducted an investigation which concluded on August 30, 2021.

23. On October 18, 2021, defendant terminated plaintiff's employment. The reasons given for the termination are unclear and pretextual.

24. But for plaintiff's complaints of discrimination and harassment she would not have been subjected to these actions; in other words, plaintiff's complaints was a motivating factor in the employment decisions.

25. Defendant's actions constitute retaliation in violation of the MHRA.

26. As a direct and proximate result of Defendant's unlawful employment practices described herein, Plaintiff sustained damages in the form of lost salary and emotional pain, suffering, inconvenience, loss of enjoyment of life and mental anguish.

27. Defendant's conduct was outrageous because of evil motive or reckless indifference to the rights of others, entitling Plaintiff to an additional amount as punitive damages in such sum that will serve to punish Defendant and to deter Defendant and others from like conduct.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, punitive damages, attorney's fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

**COUNT III –**  
**WHISTLEBLOWER RETALIATION**

28. Plaintiff incorporates by reference the preceding paragraphs of this petition.

29. Defendant terminated Plaintiff's employment because of her opposition to various acts that constitute mismanagement, violations of the law, and abuse of power under § 105.055.

30. Plaintiff performed her job to the best of her ability and satisfactorily met the legitimate job expectations of defendant.

31. Beginning in January 2021, when Ms. Solon became acting director, the Division engaged in a number of acts and practices in violation of Missouri law governing the State Board of Embalmers and Funeral Directors.

32. Starting at least as early as, plaintiff complained of, reported, and opposed various practices and conditions in the including removing investigations from the State Board of Embalmers and Funeral Directors s, transferring plaintiff without legal authority, instructing the Board how to investigate, and the unfair treatment and termination of others who complained about these unlawful actions.

33. These complaints were made in writing directly to her supervisor, and to Ms. Solon.

34. The practices of which plaintiff complained constituted reports of mismanagement, violations of policy, abuse of authority and violations of the laws governing State Board of Embalmers and Funeral Directors in the state of Missouri as described below.

35. Missouri law sets forth the statutory authority of the State Board

of Embalmers and Funeral Directors.

36. In 2021, plaintiff and at least one employee who had either reported illegal activity and/or objected to violations of policy, mismanagement and abuse of power, were terminated by Ms Solon.

37. Plaintiff reported illegal activity and objected to violations of policy, mismanagement and abuse of power.

38. Specifically, plaintiff's complaints reports established that defendant violated the law by usurping the Board's statutory authority.

39. Plaintiff's reports and complaints were motivating factors in the termination. Defendant's actions constitute violations of the Public Employee Whistleblower Act.

40. The reasons given for the termination are pretextual and not believable.

41. Prior to the termination, Governor Parson appointed four new member of the Board, at least two of which lacked the qualifications for the position. These Board members terminated plaintiff's supervisor and terminated plaintiff.

42. Months later, these new Board members were replaced when it was determined they were not properly appointed.

43. As a direct and proximate result of Defendant's unlawful employment practices described herein, Plaintiff sustained damages in the

form of lost salary, emotional pain, suffering, inconvenience, loss of enjoyment of life and mental anguish.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, attorney's fees, and costs incurred herein, and for such other relief as the court deems just and proper. Plaintiff further seeks equitable relief including reinstatement.

**THORNBERRY BROWN, LLC**

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