

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BARBARA BECKLEY
1414 Cory Drive
Dayton, OH 45406,

Plaintiff,

vs.

Classic Healthcare Systems, LLC *d/b/a*
Franklin Ridge Healthcare Center
Two Berea Commons, Suite 1
Berea, OH 44017

Defendant.

) CASE NO.:

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) JUDGE:

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**NOTICE OF REMOVAL OF CIVIL
ACTION**

To: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

Defendant Classic Healthcare Systems, LLC *d/b/a* Franklin Ridge Healthcare Center (“Defendant”), by and through the undersigned counsel, hereby give notice of the removal of this civil action from the Common Pleas Court, Warren County Ohio, to the United States District Court for the Southern District of Ohio, Western Division, and respectfully submit to this Honorable Court:

1. The Plaintiff Barbara Beckley commenced an action against Defendant, entitled *Barbara Beckley v. Classic Healthcare Systems, LLC d/b/a Franklin Ridge Healthcare Center*, which is now pending in the Warren County Court of Common Pleas, Civil Division, Warren County, Ohio, and bears the case No. 18CV091589.

2. Plaintiff filed the above-referenced action on October 18, 2018, which was served upon Defendant on October 22, 2018. Copies of the Complaint and Summons are attached hereto as “Exhibit A.” No other pleadings have been filed in this matter.

3. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446, as it was filed within 30 days of the receipt of the Complaint by Defendant.

4. This is a civil action wherein the Plaintiff seeks to recover damages arising from her employment with Defendant.

5. Plaintiff alleges, *inter alia*, that her action is brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e (“Title VII”). (*See* Complaint at ¶1.) Plaintiff further alleges that Defendant unlawfully retaliated against her for complaining about alleged racial discrimination. Such alleged conduct, if true, would constitute a violation of Title VII. Thus, this claim is governed by federal law and this Court has original jurisdiction over this claim without regard to the amount in controversy or the citizenship of the parties pursuant to 28 U.S.C. §1331. *See, e.g., Franchise Tax Board of California v. Construction Laborer’s Vacation Trust for Southern California*, 463 U.S. 1, 23 (1983); *DeCoe v. General Motors Corp.*, 32 F.3d 212, 216 (6th Cir. 1994).

6. Accordingly, this case is removable because Plaintiff’s allegations present substantial questions of federal law as set forth above, over which this Court has original jurisdiction. Therefore, this action is subject to removal under 28 U.S.C. §§1331, 1441, and 1446.

7. As required by 28 U.S.C. Section 1446(d), Defendants have provided written notice of the filing of this Notice of Removal to Plaintiff and have filed a copy of this Notice of Removal with the Clerk of Courts for the Warren County Court of Common Pleas. A copy of the *Notice*

of Filing Notice of Removal to United States District Court for the Southern District of Ohio
which was filed in the Warren County Court is attached hereto as “Exhibit B.”

WHEREFORE, pursuant to 28 U.S.C. §§1331, 1441, and 1446, Defendant respectfully removes the above-captioned case from the Warren County Court of Common Pleas to this Court.

Respectfully submitted,

s/ Robert C. Pivonka

Robert C. Pivonka (OH 0067311)

Joseph F. Petros (OH 0088363)

ROLF GOFFMAN MARTIN LANG LLP

30100 Chagrin Boulevard, Suite 350

Cleveland, OH 44124-5705

(216) 514-1100

(216) 682-2109 (Fax)

Pivonka@RolfLaw.com

Petros@RolfLaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that on November 16, 2018, a copy of the foregoing *Notice of Removal of Civil Action* was sent via regular U.S. mail to:

Greg R. Mansell, Esq. (OH 0085197)
Carrie J. Dyer, Esq. (OH 0090539)
Mansell Law, LLC
1457 South High Street
Columbus, Ohio 43207

Attorneys for Plaintiff

s/ Robert C. Pivonka
Robert C. Pivonka

EXHIBIT A

**IN THE COURT OF COMMON PLEAS
WARREN COUNTY, OHIO
CIVIL DIVISION**

COMMON PLEAS COURT
WARREN COUNTY, OHIO
FILED

2018 OCT 18 PM 12:48

BARBARA BECKLEY,
1414 Cory Dr.
Dayton, OH 45406

Plaintiff,

v.

**CLASSIC HEALTHCARE SYSTEMS,
LLC, d/b/a FRANKLIN RIDGE
HEALTHCARE CENTER,**
Two Berea Commons, Suite 1
Berea, OH 44017

Defendant.

Case No.:

18 CV 091589

Judge

JUDGE TEPE

JAMES L. SPAETH
CLERK OF COURTS

Jury Demand Endorsed Hereon

COMPLAINT

NOW COMES Plaintiff Barbara Beckley ("Plaintiff") and proffers this Complaint for damages against Defendant Classic Healthcare Systems, LLC, d/b/a Franklin Ridge Healthcare Center ("Defendant").

JURISDICTION AND VENUE

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII") and the Ohio Laws Against Discrimination, R.C. Chapter 4112 ("Chapter 4112").

2. Jurisdiction and venue are conferred upon this court pursuant to Ohio R. Civ. P. 3(C) because Plaintiff's claims arise under the laws of the State of Ohio; Defendant conducts substantial business in Warren County; Defendant conducted activities giving rise to Plaintiff's claims in Warren County; and Warren County is the county in which all or part of the claims for relief arose.

THE PARTIES

3. Plaintiff Barbara Beckley is an individual, a United States citizen, and a resident of Dayton, Montgomery County, Ohio.

4. At all times relevant herein, Plaintiff was an "employee" of Defendant as that term is defined by the Ohio Revised Code, Chapter 4112.

5. Defendant is a Limited Liability Company registered to do business in Ohio.

6. Upon information and belief, Defendant operates several skilled nursing centers throughout the State of Ohio.

7. At all times relevant herein, Defendant was an "employer" as that term is defined by the Ohio Revised Code, Chapter 4112.

FACTUAL BACKGROUND

8. Defendant operates a skilled nursing center known as Franklin Ridge Healthcare Center, located at 421 Mission Lane, Franklin, Warren County, Ohio 45005, where it employs more than 200 individuals at any given time.

9. Plaintiff began her employment with Defendant at its Franklin Ridge facility on or about May 18, 2018 as a Registered Nurse Unit Manager.

10. As a Unit Manager, Plaintiff was responsible for supervising STNAs and LPNs, auditing nursing notes, attending management meetings, conducting patient assessments, and communicating with patients' care teams, among other things.

11. During Plaintiff's employment, Defendant employed two individuals in the role of Unit Manager—Plaintiff and Ally Campbell.

12. Both Plaintiff and Ms. Campbell reported to the Director of Nursing, Ms. Stephanie Beltz.

13. During the entirety of her employment, Plaintiff was the only African American individual employed by Defendant in its Franklin Ridge facility.

14. Ms. Campbell is Caucasian.

15. On or about July 10, 2018, Plaintiff was informed by Defendant's CEO, Mike LNU, and Administrator, Anita Buddo, that the position of Unit Manager was being eliminated due to budgetary needs.

16. Ms. Buddo informed Plaintiff that she could either accept a demotion or she would be terminated. The demotion would be to a non-management, floor nurse position. Plaintiff was informed that her hourly rate would not change, but that her weekly hours would be reduced.

17. Plaintiff reluctantly agreed to accept the demotion to floor nurse.

18. Shortly after this conversation, Plaintiff spoke with Ms. Campbell about the elimination of their Unit Manager positions.

19. Ms. Campbell informed Plaintiff that Ms. Campbell was told the same thing, but instead of being demoted, Ms. Campbell was offered another management position—Nurse Educator.

20. Ms. Campbell, a Licensed Practical Nurse (LPN), had no experience in the Nurse Educator role, while Plaintiff, a Registered Nurse (RN), had extensive experience training other RNs.

21. Ms. Campbell suggested that she and Plaintiff switch roles, given that Plaintiff was much more qualified for the Nurse Educator position. Plaintiff agreed, and she and Ms. Campbell approached Ms. Beltz with their idea.

22. Ms. Beltz explained that Defendant would permit Ms. Campbell and Plaintiff to switch roles; however, Ms. Campbell would be required to take a reduction in her pay if she switched to a floor position.

23. On or about July 11, 2018, Plaintiff attended a meeting with Ms. Campbell, Ms. Buddo, and Ms. Beltz to discuss the restructuring.

24. Ms. Buddo echoed Ms. Beltz, informing Plaintiff and Ms. Campbell that they could switch roles, if Ms. Campbell would agree to take a pay reduction.

25. Ultimately, Ms. Campbell decided that she could not afford to take a reduction in pay. Therefore, Ms. Buddo informed Plaintiff that she would be demoted to floor nurse, effective July 13, 2018.

26. When Plaintiff asked Ms. Buddo why she was not chosen for the Nurse Educator position, Ms. Buddo informed Plaintiff that the decision had been made based on seniority.

27. After the meeting, Plaintiff informed Ms. Beltz that she felt she was being discriminated against due to her race, and that she intended to file a Charge of Discrimination with the Ohio Civil Rights Commission.

28. Upon information and belief, Ms. Beltz informed Ms. Buddo of Plaintiff's intention to file a Charge of Discrimination that same day.

29. Later that day, on or about July 11, 2018, Plaintiff filed Charge of Discrimination with the Ohio Civil Rights Commission (OCRC), alleging that she was being discriminated against on the basis of her race.

30. The following day, on or about July 12, 2018, Plaintiff attended a regularly-scheduled weekly meeting with Ms. Campbell, Ms. Beltz, and the outgoing Nurse Educator.

31. During this meeting, further discussion ensued regarding the changes to managerial positions. Plaintiff again stated that she felt she was being discriminated against based on her race because she was the only employee facing a demotion. Plaintiff informed Ms. Beltz, that she had filed a Charge of Discrimination the previous day.

32. Ms. Beltz informed Plaintiff that Ms. Buddo would want to know more about the basis for Plaintiff's Charge of Discrimination. Plaintiff told Ms. Beltz that she would be happy to speak with Ms. Buddo directly about the Charge, but that she was not comfortable with discussing the Charge in the meeting.

33. Ms. Beltz and the outgoing Nurse Educator then began to discussing Plaintiff's Charge in front of her and Ms. Campbell. Specifically, Ms. Beltz asked whether the OCRC would still need to investigate the Charge if Plaintiff quit her job or was terminated.

34. Plaintiff felt that it was unprofessional and inappropriate for her supervisors to discuss the charge in front of her at the meeting, and she felt that this was intentionally done to intimidate her.

35. After the meeting ended, Plaintiff took her lunch break.

36. Upon information and belief, after the meeting, Ms. Beltz informed Ms. Buddo of the events of the morning meeting, including that Plaintiff had filed a Charge of Discrimination.

37. When Plaintiff returned from lunch, she was approached by Ms. Beltz and told to report to Ms. Buddo's office.

38. Ms. Buddo informed Plaintiff that she had spoken with Ms. Beltz and was aware of the conversation that occurred in the morning meeting. Ms. Buddo informed Plaintiff that she was being terminated due to her "offensive" behavior during the meeting.

39. The following day, on or about July 13, 2018, Plaintiff filed a second Charge of Discrimination with the OCRC, alleging that Defendant retaliated against Plaintiff for engaging in a protected activity under Ohio law.

COUNT I
(R.C. § 4112 -- Retaliation)

40. All of the preceding paragraphs are realleged as if fully rewritten herein.

41. Plaintiff engaged in protected activity when she filed a Charge of Discrimination with the Ohio Civil Rights Commission on or about July 11, 2018.

42. Defendant knew that Plaintiff engaged in a protected activity.

43. Defendant intentionally retaliated against Plaintiff for engaging in the abovementioned protected activity by subjecting Plaintiff to disparate treatment, terminating Plaintiff, and/or otherwise discriminating against Plaintiff in the terms, privileges, and conditions of her employment.

44. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and will continue to suffer emotional distress and loss of salary, benefits, and other terms, privileges, and conditions of employment for which Defendant is liable.

45. Defendant's conduct was willful, wanton, reckless, and/or malicious for which Defendant is liable for compensatory damages, punitive damages, and all other relief available under this section.

WHEREFORE, Plaintiff demands:

For both counts, monetary damages including back pay and benefits, front pay, statutory liquidated damages, compensatory damages, punitive damages, expert witness fees, and attorneys' fees and costs, in an amount to be determined at trial, but in any event not less than \$25,000.00, and any and all other relief which the Court deems just and appropriate.

Respectfully submitted,

/s/ 
Greg R. Mansell (0085197)
(*Greg@MansellLawLLC.com*)
Carrie J. Dyer (0090539)
(*Carrie@MansellLawLLC.com*)
Mansell Law, LLC
1457 S. High St.
Columbus, Ohio 43207
Ph: (614) 610-4134
Fax: (513) 826-9311
Counsel for Plaintiff

JURY DEMAND

Plaintiff hereby requests a jury of at least eight (8) persons.

/s/ 
Greg R. Mansell (0085197)

EXHIBIT B

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vs.

Classic Healthcare Systems LLC, d/b/a
Franklin Ridge Healthcare Center
Two Berea Commons, Suite 1
Berea, OH 44017

Defendant.

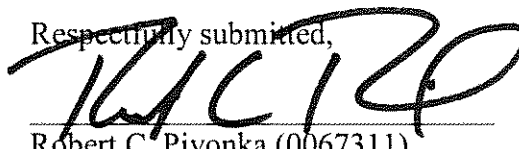
**NOTICE OF FILING NOTICE OF
REMOVAL TO THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF OHIO, WESTERN
DIVISION**

To: James L. Spaeth, Clerk of Court
Warren County Common Pleas Court

PLEASE TAKE NOTICE that on November 16, 2018, Classic Healthcare Systems LLC *d/b/a* Franklin Ridge Healthcare Center, the Defendant in the above-captioned matter, by and through its attorneys, filed in the United States District Court for the Southern District of Ohio, Western Division, its Notice of Removal of Civil Action to said District Court. A copy of said Notice of Removal of Civil Action is attached hereto for filing with this Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. Section 1446, the filing of the Notice of Removal of Civil Action in the United States District Court, together with the filing of a copy of the Notice of Filing Notice of Removal with this Common Pleas Court, effects the removal of this action and this Common Pleas Court may proceed no further unless and until the case is remanded.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. C. Pivonka', written over a horizontal line.

Robert C. Pivonka (0067311)

Joseph F. Petros (0088363)

ROLF GOFFMAN MARTIN LANG LLP

30100 Chagrin Boulevard, Suite 350

Cleveland, OH 44124-5705

(216) 514-1100

(216) 682-2109 (Fax)

Pivonka@RolfLaw.com

Petros@RolfLaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

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Greg R. Mansell, Esq.
Carrie J. Dyer, Esq.
Mansell Law, LLC
1457 South High Sreet
Columbus, Ohio 43207

Attorneys for Plaintiff



Robert C. Pivonka

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Franklin Ridge Healthcare Center Hit with Discrimination Lawsuit in Ohio](#)
