

CASE NO. 17 C 002335

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_

PENELOPE HUDSON

PLAINTIFF

v.

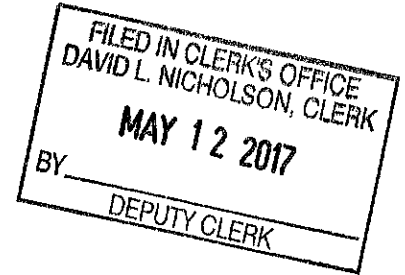
COMPLAINT

PARK COMMUNITY CREDIT UNION, Inc.

SERVE REGISTERED AGENT: James E Spradlin

2515 Blankenbaker Pkwy

Louisville KY 40299



DEFENDANT

JEFFERSON CIRCUIT COURT  
DIVISION THREE (3)

\*\* \*\* \* \*\* \* \*\* \*

Comes the Plaintiff, PENELOPE HUDSON, by and through counsel, and for his Complaint against the Defendant, PARK COMMUNITY CREDIT UNION, Inc. states as follows:

1. At all times relevant herein, Plaintiff, PENELOPE HUDSON, [hereafter, "Hudson"], and through counsel, is a resident of Louisville, Jefferson County, Kentucky.
2. That Hudson is a lesbian.
3. That at all times relevant to this complaint, Hudson worked for the Defendant at various locations in Kentucky and Indiana.
4. That Hudson worked for the Defendant from on or about May 21, 2001 until she was fired on September 29, 2016.
5. At all times relevant herein, Defendant PARK COMMUNITY CREDIT UNION, Inc. (hereafter "PARK"), was the statutorily constituted and duly authorized entity authorized to operate a business in Louisville, Jefferson County, Kentucky.

6. That when the Plaintiff began working for the Defendant, it was PARK FEDERAL CREDIT UNION, but they became PARK COMMUNITY CREDIT UNION on November 7, 2013.
7. PARK is a corporate entity which has been licensed to do business in Kentucky since November 7, 2013.
8. That Park Federal Credit Union began operating in the Commonwealth of Kentucky in 1963.
9. At all times relevant herein PARK is bound by the laws, regulations and statutes of the Commonwealth of Kentucky in its facilities in said State.
10. At all times relevant herein PARK is bound by the laws, regulations and statutes of Jefferson County at its facilities in said county.

#### PRELIMINARY STATEMENT

1. That the Plaintiff was continually subject to harassment, disparate treatment and a hostile work environment due to her status as a gay woman. That the harassment was witnessed by other employers and customers and this treatment included but was not limited to:
  - a. Her being told to change her appearance as she was "too butch" to deal with customers. This resulted in her having to change her appearance and clothing in order to keep her job.
  - b. That she had previously had heard her appearance and attire being discussed by her supervisors, which is why she believed that she had to change her appearance to keep her job and be promoted in her career.
  - c. That her perceived sexual orientation was discussed with other employees and customers overhead those conversations.

- d. That she was repeatedly passed over for promotions due to her supervisor's animus towards lesbians.
- e. That at least one customer told her that they were in one of the Defendant's locations (when the Plaintiff was not there) and heard the employees discussing the Plaintiff's sexual orientation.
- f. That after the above incidents, she asked to move to a different location. She was moved, and an email went out from another employee in about the same time period that the Defendant discriminates against gay people.
- g. That on one occasion, the Plaintiff was attending an event at Churchill Downs on behalf of the Defendant. The Defendant provided tickets and money with instructions to help assist the other guest that the Defendant provided tickets to in having a good time.
- h. That one of said guest proceeded to flirt with the Plaintiff to the extent that even though she politely turned him down, he continued on and made the Plaintiff uncomfortable, as he tried to kiss her and kept asking for her telephone number.
- i. That the Plaintiff complained to another co-worker and finally to the Vice President of Human Resources, who was also present at the Defendant's behest.
- j. That said Vice President of Human Resources, told the Plaintiff "well we see if the gay thing doesn't work out, you can also go the other way."
- k. That when she went through invitro treatments, which she had already been cleared to take FMLA (Family and Medical Leave Act) time off for, she was asked what her medical conditions was , after the time was already approved.
- l. That she stated that she didn't think that she could be asked that by the person who was asking and she was told that they needed to insure it wasn't something related to her being gay.

- m. That at the same time a male coworker and his wife were going through infertility treatments and they didn't ask his medical diagnosis.
- n. That after years of working for the Defendant and receiving numerous accolades, she was still unable to be promoted.
- o. That when she was told to talk to her supervisor at that point, which she did not want to do as this was the same supervisor that had discussed her appearance previously.
- p. That when they discussed her employment, her supervisor explained that she, the supervisor, doesn't hate gay people and told the Plaintiff a story about how she doesn't hate gay people despite her family thinking that she does. The Plaintiff had never stated that the supervisor hated gay people, so there was no reason for that to be discussed unless the Plaintiff's perceived sexual orientation was an issue.
- q. That another supervisor would ask that the employees that that branch pray for good numbers, but she made the comment more than one time that the Plaintiff doesn't believe in God since she is gay. The Plaintiff corrected her presumption, but her supervisor continued to make it.
- r. That the Plaintiff admits that she did make some mistakes in the 15 years she worked for the Defendant but that similar mistakes were made by others, who were not gay or perceived to be gay and they were not terminated for those mistakes, as the Plaintiff was.
- s. That when she complained of the disparate treatment, harassment and a hostile work environment to the Defendant, she was told on more than one occasion that that can't be correct at PARK has numerous LGBT people in its employment.

- t. That as far as the Plaintiff knows the only openly LGBT person in management at PARK came in through a merger and knows of no other LGBT employees at PARK during her 15 years with the Defendant.
  - u. That her sexual orientation was discussed and that her supervisors and co-workers continued to make references to it, or belittle it as Hudson not being a typical woman;
  - v. Due to her sexual orientation and his perceived divergence from sexual stereotyping, the Plaintiff was singled out and reprimanded for things that others were not;
  - w. That when she talked to the Vice President of Human Resources to explain about the unbearable nature of the harassment, she was again subject to disparate treatment,
  - y. Further when she complained about the harassment, she was told nothing would be done about it and that she should take it as a compliment; and
  - z. That she was subject to a hostile work environment due to the disparate treatment she was subjected to.
2. Plaintiff files this Complaint pursuant to Louisville-Metro Government Ordinance §92.06 which prohibits the Defendant from unlawful practices in connection with employment.
  3. Plaintiff also files this Complaint under Title VII of the Civil Rights Act of 1964.
  4. Plaintiff also files this Complaint under The Kentucky Civil Rights Act, KRS 344.

## COUNT 1

### Louisville-Metro Government Ordinance §92.06

5. The Plaintiff incorporates paragraphs 1-12 by reference.
6. Pursuant to Louisville-Metro Government Ordinance §92.06 (A)(2), it is a prohibited, unlawful practice for an employer "to limit, segregate, or classify his or her employees in such a way which would deprive any individual of employment opportunities or otherwise adversely affect his or status as an employee because of such individual's race, color, .... sex, gender identity or sexual orientation."
7. By the acts and omissions alleged in this Complaint, the Defendants have failed the employee by:
  - a. By harassing and disparaging the Plaintiff in front of customers and other employees;
  - b. Subjecting the Plaintiff to disparity of participation due to her sexual orientation and her perceived divergence from sexual stereotyping.
  - c. Subjecting the Plaintiff to harassment and reprisal due to her sexual orientation and her perceived divergence from sexual stereotyping.
8. Pursuant to Louisville-Metro Government Ordinance §92.06, the Plaintiff, as a citizen of Jefferson County Kentucky, is entitled to be employed free from discrimination.
9. By the acts and omissions alleged in this Complaint, the Defendants have failed the employee settling by:
  - a. By harassing and disparaging the Plaintiff in front of customers and other employees;
  - b. Subjecting the Plaintiff to disparity of participation due to his sexual orientation and his perceived divergence from sexual stereotyping.

- c. Subjecting the Plaintiff to harassment and reprisal due to her sexual orientation and her perceived divergence from sexual stereotyping.

10. The Defendant has displayed an inordinate and deliberate indifference to the rights of the Plaintiff.

11. The deliberate indifference of the Defendants stems from the policy, customs and practices of PARK COMMUNITY CREDIT UNION Company.

## COUNT II

### **K.R.S 344.040**

12. The Plaintiff incorporates paragraphs 1-11.

13. By the acts and omission alleged in this Complaint, the Defendants, action under color of the state law and local law has failed to protect the Plaintiff in the employment setting by subjecting the Plaintiff to discrimination and depriving employment based on sexual orientation and her perceived divergence from sexual stereotyping.

14. The Defendant has displayed an inordinate and deliberate indifference towards the Plaintiff by wrongfully terminating him due to her sexual orientation and her perceived divergence from sexual stereotyping

15. The Defendant sought the Plaintiff out for reprisal solely due to her sexual orientation and her perceived divergence from sexual stereotyping violating the Plaintiff's right to be free from retaliation and extreme distress.

16. By the acts and omission alleged in this Complaint, the Defendants, action under color of the state law and federal law has failed to protect the Plaintiff in the employment setting by:

- a. Subjecting the Plaintiff to disparity of participation due to her sexual orientation and his perceived divergence from sexual stereotyping.
- b. Subjecting the Plaintiff to harassment and reprisal due to her sexual orientation and his perceived divergence from sexual stereotyping.

17. The Defendant caused extreme emotional distress to the Plaintiff by violating her rights.

### **COUNT III**

#### **TITLE VII**

18. The Plaintiff incorporates paragraphs 1-17.

19. By the acts and omission alleged in this Complaint, the Defendant, action under color of the local law, state law and federal law has failed to protect the Plaintiff in the employment setting by:

- a. Subjecting the Plaintiff to discrimination and depriving employment solely due to her sexual orientation and her perceived divergence from sexual stereotyping.
- b. Firing the Plaintiff due to his violating the gender stereotype of what someone who was born female should look and act like.
- c. Treating the Plaintiff differently than other employees based on her sexual orientation and her perceived divergence from sexual stereotyping



d. Allow the harassment of the Plaintiff to continue throughout her employment, so approximately 15 years.

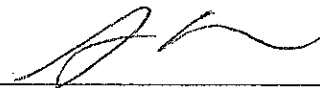
20. The Defendant has displayed an inordinate and deliberate indifference towards the Plaintiff by wrongfully terminating her solely due to sexual orientation and her perceived divergence from sexual stereotyping, as shown by firing her for an issue that other male and non-gay female employees were not fired for.

21. The Defendant sought the Plaintiff out for reprisal solely due to her sexual orientation and her perceived divergence from sexual stereotyping violating the Plaintiff's right to be free from retaliation and extreme distress.

**WHEREFORE**, Plaintiff and by counsel, demands as follow:

1. A judgment in her favor against the Defendants herein for compensatory, punitive and exemplary damages;
2. For her reasonable cost and attorney fees; and
3. For any and all other relief to which she may be entitled.

Respectfully Submitted,



---

SHANNON FAUVER

FAUVER LAW OFFICE, PLLC  
1752 Frankfort Ave.  
Louisville, KY 40206  
(502) 569-7710 – Office  
(502) 899-2467 – Fax

[shannon@fauverlaw.com](mailto:shannon@fauverlaw.com) – Email  
[www.fauverlaw.com](http://www.fauverlaw.com) – Web  
*Counsel for Plaintiff*

VERIFICATION

I, PENELOPE HUDSON, state that I have read the foregoing Verified Complaint and statements contained therein are true to the best of my knowledge and belief.

  
PENELOPE HUDSON

Subscribed and sworn to before me by PENELOPE HUDSON on this 16 day of  
May, 2017.

My commission expires: \_\_\_\_\_

JEFFREY H HAYES JR.  
Notary Public  
State at Large  
Kentucky  
My Commission Expires Mar. 22, 2021

  
NOTARY PUBLIC, KY STATE AT LARGE