

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY

WILLIAM M. SCULLY, III, )

[REDACTED] )

Plaintiff, )

vs. )

HICKMAN MILLS C-1 SCHOOL DISTRICT, )

SERVE SUPERINTENDENT: )

Dennis L. Carpenter, Ph.D. )

Administrative Center )

9000 Old Santa Fe Road )

Kansas City, Missouri 64138 )

Defendant. )

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**PETITION FOR DAMAGES**  
**(Case Type Code: TJ)**

COMES NOW Plaintiff William M. Scully, III, by and through counsel, and for his Petition against Defendant Hickman Mills C-1 School District, for employment discrimination and retaliation in violation of the Missouri Human Rights Act (hereafter "MHRA"), Rev. Stat. Mo. § 213.010, *et seq.*, states and alleges as follows:

**PARTIES**

1. Plaintiff William M. Scully, III is an individual residing in the State of Missouri, at [REDACTED] Plaintiff was employed by Defendant as a Principal and Assistant Principal until his wrongful termination effective on or about June 30, 2013.

2. Defendant the Hickman Mills C-1 School District (“HMSD”) is a School District organized and existing under the laws of the State of Missouri.

3. Defendant HMSD’s central offices and legal agent for service of process are located at Administration Center, 9000 Old Santa Fe Road, Kansas City, Jackson County, Missouri.

4. Defendant HMSD is organized and exists for the purpose of educating elementary, middle school, and high school age children residing within the boundaries of the School District.

5. At all times herein mentioned, Plaintiff was a person, an individual, an employee, and/or an employment applicant within the meaning of the MHRA and was therefore and otherwise entitled to all the benefits and protections of the MHRA and of the common law of the State of Missouri

6. At all relevant times Defendant was the employer of Plaintiff as defined by the MHRA, R.S. Mo. § 213.010(7), and thus Defendant is liable to Plaintiff as an employer, and otherwise according to statutory and common law.

**Jurisdiction and Venue**

7. This Court has personal jurisdiction over Defendant HMSD because Defendant HMSD is a public school district and an employer, organized and conducting its operations in Missouri, including but not limited to Jackson County, Missouri where the alleged wrongful acts occurred, and otherwise having sufficient minimum contacts with Missouri to confer jurisdiction on this Court.

8. Venue is proper in this Court pursuant to R.S. Mo. §213.111.1 because Defendant engaged in unlawful discriminatory practices in Jackson County, Missouri.

9. Venue and jurisdiction are further proper in this Court because Defendants engaged in the wrongful conduct that forms the basis of this lawsuit, and the causes of action accrued, in Jackson County, Missouri. *See* Mo. Rev. Stat. § 508.010.

**Background Facts and Exhaustion of Administrative Remedies**

10. Plaintiff began employment with Defendant on or about July 1, 2006, until his wrongful termination on or about June 30, 2013.

11. At all times herein mentioned, Plaintiff was an employee of Defendant within the meaning of the MHRA, and entitled to all the benefits and protections of the MHRA.

12. Defendant is an “employer” within the meaning of MHRA, R.S. Mo. §213.010(7) because it employs more than 6 employees in the state of Missouri.

13. During the course of his employment with Defendant, Plaintiff always performed at or above the standards expected of Defendant’s employees.

14. Plaintiff met all qualifications for the position that he held with Defendant.

15. Plaintiff is a 68 year old Caucasian male, and in the months prior to his termination from employment with Defendant, he was subjected to race, sex and age discrimination and retaliation all as defined under the Missouri Human Rights Act.

16. Throughout Plaintiff’s employment with Defendant, he performed all duties of his positions as required, exceeded the expectations of his positions and received praise, raises, positive reviews and outstanding letters of recommendation for his work.

17. Beginning in 2013, Defendant announced that all secondary administrators were being non-renewed, without legitimate justification, though all could reapply for their jobs.

18. Thereafter Plaintiff reapplied; however he was not transferred, retained, or rehired although he was the best qualified candidate for multiple secondary administrative positions.

19. Instead Defendant engaged in a systematic pattern of selecting less qualified, substantially younger, female, and/or non-white employees for its secondary administrative positions.

20. Despite Plaintiff's better qualifications than multiple individuals hired or retained in secondary administrative positions, Hickman Mills' administrators stated they would only "throw Scully a crumb" and thereafter, Plaintiff was advised that the only position potentially available to him would be a probationary teaching position that would require a cut of almost 50% in his salary.

21. The true reasons for the adverse employment actions of Defendant against Plaintiff, including but not limited to, failure to transfer or hire him for open secondary administrative positions and/or his termination or demotion, and/or other disparate treatment in the terms and conditions of his employment were illegal age, race and/or sex discrimination, and/or retaliation for my complaints about discrimination.

22. Defendant's actions constitute illegal age, race and/or sex discrimination and/or retaliation against Plaintiff in the terms and conditions of his employment in violation of the MHRA.

23. On or about August 6, 2013, Plaintiff timely filed a charge of age, race and sex discrimination and retaliation against Defendant with the Missouri Commission on Human Rights ("MCHR"). (Attached as Exhibit A).

24. On or about October 20, 2014, the MCHR issued its Notice of Right to Sue to Plaintiff. (Attached as Exhibit B).

25. This lawsuit was filed within 90 days of the MCHR's issuance of its Notice of Right to Sue to Plaintiff.

26. The charge of discrimination attached as Exhibit A provided the MCHR sufficient opportunity to investigate the full scope of the controversy between the parties and, accordingly, the sweep of this MHRA judicial complaint may be and is as broad as the scope of the MHRA investigation which could reasonably be expected to have grown out of the charge.

27. Plaintiff has met all deadlines and has satisfied all procedural, administrative, and judicial prerequisites to filing suit.

### **COUNT I – DISCRIMINATION**

28. Plaintiff incorporates by reference the allegations of paragraphs 1 through 27 above.

29. Plaintiff's age, sex, and/or race was or were contributing factor(s) in Defendant's intentional decision to discriminate against him in the terms and conditions of his employment, including, but not limited to, by refusing to address Plaintiff's complaints about discrimination; by non-renewing his employment; by failing to consider his reapplication without discriminatory bias and instead failing to transfer, retain or rehire Plaintiff although he was the best qualified candidate for multiple secondary administrative positions; by engaging in a systematic pattern of selecting less qualified, substantially younger, female, and/or non-white employees for Defendant's secondary administrative positions; and by terminating Plaintiff's employment with Defendants.

30. Beginning in January of 2013 and continuing through his termination and thereafter, Plaintiff experienced a pattern and practice of discrimination based on age, sex, and/or race in the terms and conditions of his employment with Defendant.

31. Plaintiff expressed his objections to this illegal and discriminatory treatment by HMSD, however, he continued to be subjected to discriminatory treatment in the form of a

hostile work environment, including hostile, biased and discriminatory statements and actions, and ultimately his wrongful termination without any legitimate reason and in violation of HMSD policies and procedures.

32. Plaintiff was replaced by less qualified, substantially younger, and/or female and/or non-Caucasian employees.

33. The true reasons for the illegal actions against Plaintiff in the terms and conditions of his employment, as described above, were illegal age, sex, and/or race discrimination, and/or retaliation.

34. Plaintiff complained about Defendant's discriminatory actions to Defendant and demanded that the discrimination cease.

35. Defendant knew, or should have known, of the illegal discrimination against Plaintiff and other similarly-situated employees.

36. Defendant failed to take prompt and appropriate corrective action to end the discrimination against Plaintiff and other similarly-situated employees.

37. Defendant failed to make good faith efforts to enforce its policies to prevent discrimination against its employees, including Plaintiff.

38. Defendant discriminated against Plaintiff in the terms and conditions of his employment because of his age, sex, and/or race as set forth above, including by taking no appropriate action to remedy its illegal conduct and by terminating his employment for false alleged reasons in favor of substantially less qualified employees outside of Plaintiff's protected class or classes.

39. As a direct and proximate result of Defendant's illegal discriminatory actions, Plaintiff has sustained damages in the form of lost wages, lost fringe benefits, loss of earning

capacity, loss of career opportunity, costs of seeking alternate income, pain and suffering, future medical expense, mental anguish, loss of enjoyment of life, humiliation, upset and other emotional distress, damage to his reputation, diminished job opportunities, and in other respects, all in an amount yet to be determined.

40. Defendant's conduct was willful, wanton and malicious, and showed complete indifference to or conscious disregard of the rights of Plaintiff under the MHRA, thus justifying an award of punitive damages in an amount sufficient to punish Defendant and to deter it from like conduct in the future.

41. Plaintiff has already incurred and will incur in the future substantial attorney's fees and expenses in prosecuting this action, and such fees and expenses are recoverable from Defendant under the MHRA.

WHEREFORE, Plaintiff prays for judgment in his favor and against Defendant on Count I, and requests an award of his actual damages, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), including but not limited to his lost wages and benefits, with interest through the date of trial, damages for emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, loss of self-esteem, humiliation and other nonpecuniary losses, damages for future loss of wages and benefits, punitive damages, all costs including reasonable attorneys' fees, equitable relief as appropriate, including but not limited to reinstatement, front pay, and an injunction restraining Defendant from future discriminatory actions, and any such other relief as the Court deems just and proper.

#### **COUNT II – RETALIATION**

42. Plaintiff incorporates by reference the allegations of paragraphs 1 through 41 above.

43. Plaintiff had a good faith, reasonable belief that Defendant was engaging in unlawful employment practices, including violations of laws prohibiting discrimination and harassment, and he reported his concern and opposition to these unlawful practices to Defendant.

44. Defendant retaliated against Plaintiff in the terms and conditions of his employment because of his report of and/or opposition to unlawful employment practices, including but not limited to, by taking no appropriate action to remedy the illegal conduct; by refusing to address Plaintiff's complaints about discrimination; by non-renewing his employment; by failing to consider his reapplication without discriminatory bias and instead failing to transfer, retain or rehire Plaintiff although he was the best qualified candidate for multiple secondary administrative positions; by engaging in a systematic pattern of selecting less qualified, substantially younger, female, and/or non-white employees for Defendant's secondary administrative positions; and by terminating Plaintiff's employment with Defendants.

45. Plaintiff expressed his objections to this illegal and discriminatory treatment by HMSD, however, he continued to be subjected to discriminatory treatment in the form of a hostile work environment, including hostile, biased and discriminatory statements and actions, and ultimately his wrongful termination without any legitimate reason and in violation of HMSD policies and procedures.

46. Plaintiff's opposition to Defendant's unlawful employment practices was a contributing factor in Defendant's decision to retaliate against him in the terms and conditions of his employment including but not limited to his wrongful termination.

47. As a direct and proximate result of Defendant's illegal retaliatory actions, Plaintiff has sustained damages in the form of lost wages, lost fringe benefits, loss of earning capacity, loss of career opportunity, costs of seeking alternate income, pain and suffering, future medical



expense, mental anguish, loss of enjoyment of life, humiliation, upset and other emotional distress, damage to his reputation, diminished job opportunities, and in other respects, all in an amount yet to be determined.

48. Defendant failed to make good faith efforts to enforce its policies to prevent discrimination and retaliation against its employees, including Plaintiff.

49. Defendant's conduct was willful, wanton and malicious, and showed complete indifference to or conscious disregard of the rights of Plaintiff under the MHRA, thus justifying an award of punitive damages in an amount sufficient to punish Defendant and to deter it from like conduct in the future.

50. Plaintiff has already incurred and will incur in the future substantial attorney's fees and expenses in prosecuting this action, and such fees and expenses are recoverable from Defendant under the MHRA.

WHEREFORE, Plaintiff prays for judgment in his favor and against Defendant on Count II, and requests an award of his actual damages, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), including but not limited to his lost wages and benefits, with interest through the date of trial, damages for emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, loss of self-esteem, humiliation and other nonpecuniary losses, damages for future loss of wages and benefits, punitive damages, all costs including reasonable attorneys' fees, equitable relief as appropriate, including but not limited to reinstatement, front pay, and an injunction restraining Defendant from future discriminatory and retaliatory actions, and any such other relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury in the Circuit Court of Jackson County, Missouri at Kansas City on all counts and allegations in this Petition.

Respectfully submitted,

**SIRO SMITH DICKSON PC**

By /s/ Eric W. Smith

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**ATTORNEYS FOR PLAINTIFF**