

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO: 1:19-CV-1006

TERRI I. WALL,

Plaintiff,

v.

ALAMANCE MUNICIPAL ABC BOARD,

Defendant.

COMPLAINT
(Jury Trial Demanded)

COMES NOW the Plaintiff, Terri I. Wall, with this her Complaint against the Defendant, Alamance Municipal ABC Board, alleging and stating as follows:

PARTIES

1. Terri I. Wall (“Ms. Wall”) is a citizen and resident of Alamance County, North Carolina.

2. Upon information and belief, Defendant Alamance Municipal ABC Board (the “Board”) is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with a place of business in Alamance County, North Carolina.

JURISDICTION & VENUE

3. This Court has jurisdiction over Ms. Wall’s federal claims pursuant to 28 U.S.C. §1331, and jurisdiction over her state law claims pursuant to 28 U.S.C. § 1367.

4. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b)(1) and (2).

5. On June 4, 2019, Ms. Wall filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) against the Board. The Charge was not resolved, and the EEOC mailed to Ms. Wall a Dismissal and Notice of Rights, including a Notice

of Suit Rights (“EEOC Notice”), indicating that it was mailed to Ms. Wall on June 28, 2019. Ms. Wall’s claims asserted in this Complaint are timely filed in accordance with this EEOC Notice.

FACTUAL ALLEGATIONS

6. Ms. Wall was employed by the Board as a Sales Clerk for over 8 years, from October 2010 until March 8, 2019, at which time her employment with the Board was involuntarily terminated.

7. Ms. Wall began working as a Sales Clerk for the Board on a part-time basis in October 2010 and began full-time employment as a Sales Clerk on August 21, 2011.

8. Throughout her career as a Sales Clerk with the Board, Ms. Wall was a dedicated, hardworking employee.

9. Despite the unwarranted and unlawful harassment and discrimination she faced as a Board employee, as described hereinbelow, Ms. Wall loved and excelled at her work as a Sales Clerk. Ms. Wall sought to find ways to improve the business of the Board, and she strove to provide excellent service to the Board’s customers. Ms. Wall took great pride in the quality of her work.

10. At no time during her employment with the Board did Ms. Wall receive a verbal warning, written warning, or a suspension of any kind for any misbehavior or violation of Board policy.

11. During her more than 8 years as a Board employee, Ms. Wall only had one performance review, in which she received above-average marks and was described as an above-average employee.

12. Although Ms. Wall was qualified to advance to a higher level position, including that of Store Manager, she was never provided the opportunity to do so. Unlike other male

employees, Ms. Wall was not allowed to gain experience (e.g., ordering inventory) that would have made her a better candidate for such a position.

13. Upon information and belief, Ms. Wall was never considered for a management position, despite her years of service, her knowledge of the job, and her expressed interest.

14. Upon information and belief, historically, there have been very few female managers or Board members. The Board's culture is very male-dominated.

15. Upon information and belief, contrary to the claimed policy of the Board, open job opportunities with the Board were not posted publically; rather, they were filled internally and/or by word of mouth, and candidates typically had to be friends of, or had to have some other connection with, those making the hiring decisions.

16. Board supervisors and managers were generally more friendly and personable with male employees, and were frequently dismissive and condescending toward the relatively few female employees of the Board.

17. On March 8, 2019, Mr. Larry Brooks, the General Manager of the Board, told Ms. Wall her employment was being terminated. Ms. Wall had no warning or notice that her employment would be terminated that day or that her job was in jeopardy.

18. When Mr. Brooks terminated Ms. Wall, he told Ms. Wall she was being fired for taking mini-bottles of liquor provided by distributors to the ABC stores, and for allegedly soliciting items from distributors for a charity co-founded by Ms. Wall. No other reasons were provided for the termination of Ms. Wall's employment.

19. Upon information and belief, the stated reasons for Ms. Wall's termination on March 8, 2019 were pre-text for discrimination against Ms. Wall based on her sex, female, and in retaliation for Ms. Wall pointing out the unequal discipline of male and female employees,

including her male store manager's long-term tolerance of the wrongful and dangerous conduct of a male employee who was a long-time friend of the store manager.

20. As described in greater detail hereinbelow, the behavior for which Ms. Wall was allegedly terminated without warning, was far less egregious than the behavior of a number of male employees who did not lose their jobs, were allowed to retire, were rehired, were promoted, and/or were only terminated after numerous, long-term violations of Board policy and the most basic of workplace standards, such as drinking and being intoxicated on the job.

21. For about 11 years, and throughout her employment with the Board, Ms. Wall volunteered for a charitable organization she co-founded called Compassionate Bikers of Alamance County, which hosts the annual Miles for Mutts Charity Benefit Ride to benefit The Humane Society of Alamance County and other area non-profit animal rescue organizations.

22. Mr. Paul Hayes, Ms. Wall's manager at the time of her termination, had been aware for at least several years of Ms. Wall's volunteer work with the Miles for Mutts event, and he provided items from distributors (e.g., light-up Kahlua cans) to be included in the raffle baskets at the event.

23. Over the years, other Board employees sold raffle tickets for the event, gave Ms. Wall mini-bottles for raffle basket prizes, and/or purchased raffle tickets to win prizes and help raise money for the charitable cause.

24. As was known by Ms. Wall's managers over the years, Ms. Wall included the mini-bottles provided to the ABC stores by distributors to be used in the raffle baskets at the Miles for Mutts Event. Ms. Wall only took mini-bottles for this charitable purpose; she did not personally consume the mini-bottles of liquor.

25. Ms. Wall also never solicited distributors for charitable donations to the Miles for Mutts event. Ms. Wall only made distributors aware of the event and asked if they were interested in being contacted about possibly helping in some way with the event. If they expressed an interest in being involved in the Miles for Mutts event, someone else from the charitable organization would contact the distributor representative about how they could help with the charitable fundraiser.

26. Distributors who were interested in being involved in the event would provide items to be included in raffle baskets or for the auction, all to raise money for charitable organizations at the Miles for Mutts event.

27. Ms. Wall never personally benefited from any item donated by any distributor to help the charity raise money.

28. In the approximate 8 years of working for the Board and hosting the Miles for Mutts event, nobody from the Board ever told Ms. Wall that this was not appropriate.

29. No warning, verbal or written, was ever provided to Ms. Wall that her behavior relating to the distributors and the Miles for Mutts event was in any way improper or needed to stop.

30. If Ms. Wall had been informed that her behavior relating to the distributors and the Miles for Mutts event was in any way improper, she would have stopped such behavior.

31. Mr. Steve Small, a former General Manager for the Board, provided contact information for the distributor representatives to Ms. Wall to provide to the charity so they could be contacted about the Miles for Mutts event. Mr. Small once had Ms. Wall pick up items at the office that were donated by distributors. Ms. Wall asked if she should have someone else from the charity come retrieve the items, and Mr. Small said, no, she could come pick them up herself.

32. Contrary to what she was told upon the termination of her employment, Ms. Wall was not terminated for her actions relating to the distributors and the Miles for Mutts event.

33. Ms. Wall had been specifically told by her manager, Mr. Hayes: “I don’t care if you take a few minis, just don’t take all of them.”

34. It was well known that numerous other employees – including an employee referred to herein as Mr. S, an employee referred to herein as Mr. B, and others – routinely took mini-bottles of liquor for personal use. This practice was known to and condoned by the Board’s store managers.

35. Mr. Ernest Murray, a store manager, condoned the taking of mini-bottles by Board employees. Mr. Murray has been heard saying to another employee in a joking, but honest manner: “If you want mini-bottles, you better take them before [Mr. S] takes them all.”

36. Mr. S has been seen removing a mini-bottle attached to a large liquor bottle for sale in the store right after a distributor representative placed it on the larger bottle.

37. Upon information and belief, Mr. S was never reprimanded by the Board for taking mini-bottles.

38. Upon information and belief, Mr. S was promoted by the Board to a store manager position following Ms. Wall’s termination.

39. Mr. Brooks told Ms. Wall on the day she was terminated that the Board had video of her taking mini-bottles.

40. Upon information and belief, if there was video of Ms. Wall taking mini-bottles, there should be video of numerous other Board employees taking mini-bottles of liquor from various Board stores.

41. Upon information and belief, except in an attempt to provide a false justification to terminate Ms. Wall's employment, the Board has not reviewed store surveillance video for the purpose of identifying and disciplining employees taking mini-bottles, because the practice was well known among Board employees to be allowed by Board management.

42. Had Ms. Wall been informed that she could no longer take mini-bottles for use at the Miles for Mutts charity fundraiser (the only reason she ever took them), she would have stopped doing so. However, Ms. Wall was never told to discontinue this behavior, and numerous other employees also took mini-bottles with the knowledge and blessing of Board managers and supervisors.

43. Contrary to the statement of Mr. Brooks when he terminated Ms. Wall's employment on March 8, 2019, Ms. Wall was not terminated for taking mini-bottles.

44. Male employees of the Board, who have engaged in far more egregious behavior than the allegedly wrongful behavior of Ms. Wall used to justify her termination, have received far more lenient treatment than Ms. Wall.

45. A male Board employee, Mr. B, routinely and for many years consumed mini-bottles and pint-sized bottles of Fireball liquor while on the job for the Board. This behavior was observed and known by most Board employees and managers of the stores where he worked, including Mr. Hayes.

46. Upon information and belief, one or more customers at ABC stores where Mr. B worked, lodged complaints about Mr. B appearing to be intoxicated on the job.

47. Upon information and belief, Mr. B was a close long-time friend of Mr. Hayes.

48. Upon information and belief, Mr. Hayes had spoken casually to Mr. B on several occasions about drinking on the job, without reporting the behavior or taking any corrective action.

49. In late 2018, after several months of the inventory of Fireball mini-bottles being short, Ms. Wall told Mr. Hayes about the shortage of sixty-seven (67) Fireball mini-bottles in a single month.

50. Mr. Hayes initially dismissed the allegations and told Ms. Wall “that can’t be right,” although he had long been aware of Mr. B’s drinking on the job and that Mr. B’s preferred drink was Fireball.

51. A few weeks later, Ms. Wall questioned Mr. Hayes as to how drinking on the job could be tolerated, especially given that Mr. Hayes made a big deal out of a clerical error made by Ms. Wall that was easily corrected.

52. An employee drinking alcohol on the job and being intoxicated on the job is a serious and egregious offense that endangers public and employee safety, but was, nonetheless, tolerated for years by Mr. Hayes, a Board manager, and others.

53. Upon information and belief, after being confronted by Ms. Wall about this disparate treatment of her for a very minor and easily correctible error, and Mr. B’s long-term consumption of alcohol on the job and the missing mini-bottles from inventory for months in a row, Mr. Hayes realized he had no choice but to finally address Mr. B’s behavior and, thereafter, Mr. B’s employment was terminated.

54. Mr. Hayes made it clear to Ms. Wall that he was very upset about having to fire Mr. B, stating something to the effect of: “That was the hardest thing I’ve ever had to do.” Just a few months later, Ms. Wall was terminated without warning.

55. When Mr. Brooks terminated Ms. Wall, he equated what Ms. Wall did – taking some mini-bottles to use for her charity fundraiser – with what Mr. B was doing, stating something to the effect of: “What you did is no different than what Mr. B was doing and that is why he got fired.”

56. The behavior of Ms. Wall in taking mini-bottles for the charity fundraiser, as she had been doing for years with the blessing of her supervisors, is incomparable to an employee drinking the ABC stores’ products while on the job and being intoxicated on the job for a number of years.

57. Ms. Wall was terminated based on her sex by, among other ways, pointing out the far more lenient treatment afforded male employees as compared to female employees.

58. Upon information and belief, at least three other male employees of the Board have been caught by law enforcement selling liquor to someone under the lawful age to purchase alcohol.

59. On one occasion, a male store manager was caught selling to an underage person. On this occasion, Board employees had been warned by Mr. Brooks a few weeks earlier about the forthcoming sting operation to be conducted in Alamance County. The manager who was caught selling to a minor had also been warned that very night that law enforcement would be sending in an underage female to purchase liquor. Upon information and belief, this manager was allowed to return to work after a short period of suspension.

60. Upon information and belief, two additional male employees were fired in 2016 for selling to underage customers, but both were hired back just weeks later.

61. Ms. Wall was afforded no opportunity to do anything different with respect to the behavior for which she was allegedly terminated, behavior she did not believe to be improper and

behavior that had been known to and approved by her supervisors for years. Ms. Wall was not warned, she was not suspended, and she was never allowed to return to her job.

62. In addition, when male employees were late for work, it was of no consequence, and Mr. Hayes, Ms. Wall's manager, was always much more friendly, respectful, tolerant, and inclusive of the male employees as compared to female employees, including Ms. Wall.

63. Behavior far worse than anything done by Ms. Wall has been routinely condoned, forgiven, or deemed insignificant by the Board.

64. Ms. Wall was required to work in a hostile work environment while an employee of the Board.

65. Sexual harassment and assault in the workplace was joked about and condoned by male Board managers and employees.

66. Ms. Wall was required to work with men who were known to be disrespectful of and demeaning toward women.

67. One male employee, who will be referred to as Mr. P, frequently received complaints for sexual harassment of customers and his otherwise rude and inappropriate behavior.

68. Mr. P made sexual advances toward certain female Board employees, including Ms. Wall.

69. On one occasion, Mr. P placed his hands on Ms. Wall's hips from behind in a sexual manner.

70. On other occasions, Mr. P would put his feet up on the counter and rub his groin when Ms. Wall or another woman was around.

71. Ms. Wall told Mr. Hayes that Mr. P made her very uncomfortable and asked for her shifts with Mr. P to be changed; however, Mr. Hayes blew it off, did not investigate further, and took no disciplinary action toward Mr. P.

72. Mr. Steve Small, a former Board General Manager, also knew about Mr. P's actions and joked that Mr. Parker was "just a playboy," was "harmless," and "just likes white women."

73. Ms. Wall went to Mr. Small about the situation with Mr. P on at least two occasions, but Mr. Small just said "everybody knows he just likes white women," and told Ms. Wall she should talk to Mr. Hayes, who similarly did not take Ms. Wall's concerns seriously and blew her off.

74. Upon information and belief, the only consequences to Mr. P for his serious misbehavior was that he was occasionally moved from store to store due to complaints about his behavior from numerous customers and employees; Mr. P was never disciplined for his behavior despite complaints from Ms. Wall and other female employees.

75. Upon information and belief, Mr. P remained employed as a Board employee until he reached retirement age, at which time he retired with full benefits.

76. Ms. Wall, who complained unsuccessfully about the behavior of Mr. P, was terminated about 5½ years short of her full retirement date.

77. Upon information and belief, at no time did the Board provide sexual harassment training to its employees during the more than 8 years that Ms. Wall was an employee of the Board.

78. Upon information and belief, another male employee of the Board, referred to as Mr. S, and who is now believed to be a store manager, was known to the Board to secretly take

pictures of female customers in the ABC store where he worked, including photographs of female Elon University students he found attractive or who had certain body parts he found attractive.

79. Upon information and belief, an ongoing joke among the Board's truck team was that "Mr. S was a pervert" because of these pictures he took and kept on his phone.

80. Mr. S secretly took photos of the back sides of female customers while they were bent over in the store, and he also took photos of their breasts. Mr. S shared these photos with other male employees of the Board.

81. Upon information and belief, the Board received at least one complaint from a customer who felt uncomfortable shopping in the store where Mr. S worked because of his behavior.

82. Upon information and belief, Ms. Wall has never been the subject of any customer complaints. If she has, she was never informed of any such complaints by the Board.

83. Mr. S, who was known to take mini-bottles, was, upon information and belief, involved in assisting Board management of locating video of Ms. Wall taking mini-bottles for her charity organization, which video was referenced by Mr. Brooks when he terminated Ms. Wall's employment.

84. The general attitude among male managers for the Board was that intelligent, strong women with opinions about how the job should be done were considered "bitches" or "difficult to deal with"; whereas men with such opinions were considered "management material."

85. Female Board employees, especially, strong, intelligent women like Ms. Wall, are not treated in the same manner as their male peers.

86. Male managers were far more receptive to ideas coming from male employees than from female employees, whose ideas were often dismissed or disregarded. Upon information and belief, at times, a male employee would then present the same idea up the chain of command and take credit for it.

87. Upon information and belief, Ms. Wall's male supervisor warned a female supervisor that Ms. Wall was difficult to work with; however, this female supervisor found Ms. Wall to be an excellent, dedicated, hard-working employee, who loved her job and took great pride in helping the store run smoothly and taking good care of customers.

88. Upon information and belief, Ms. Wall's supervisor found Ms. Wall difficult because she would question actions and behavior that did not make sense or were unfair. On one occasion, Ms. Wall's manager, Mr. Hayes, sought to take two vacation days away from Ms. Wall. On this occasion, Ms. Wall was not required to work on a Saturday shift because she had already worked a full week filling in at the mixed beverage department. Even though coverage for the Saturday shift had been arranged in advance, and even though it was covered by another employee, Mr. Hayes still sought to take away two of Ms. Wall's vacation days. Upon information and belief, Mr. Hayes became resentful of Ms. Wall because she stood up to him and said it was not appropriate for him to take away two (or any) of her vacation days for not working that Saturday, and because Mr. Hayes was later told by the General Manager of the Board that he could not take away vacation days from Ms. Wall as he had sought to do.

89. On at least one other occasion, Ms. Wall was not awarded vacation days she should have received based on customary Board practices.

90. Upon information and belief, it is customary for terminated employees to be paid for unused vacation time. At least one male employee, who was terminated for selling alcohol to

an underage person, received payment for his unused vacations days. Ms. Wall had 13 unused vacation days at the time of her termination. The Board has refused Ms. Wall's requests for payment for her unused vacation days.

91. Had Ms. Wall been a male employee, she would not have been terminated for the alleged misconduct used to justify her termination.

92. Had Ms. Wall been a male employee reporting serious misconduct of other employees that constituted a danger to public and employee safety, she likely would have been commended for addressing the issues, not terminated.

93. Had Ms. Wall been a male employee, she would have been treated with more dignity and respect, and she would not have been retaliated against for pointing out inequities in the workplace, including the disparate treatment of female employees.

FIRST CLAIM FOR RELIEF
(Sex Discrimination in Violation of Title VII)

94. The allegations in the preceding paragraphs are incorporated herein by reference.

95. As a female, Ms. Wall is a member of a protected class pursuant to 42 U.S.C. § 2000e-2.

96. Prior to her termination, Ms. Wall was well-qualified for the position, meeting the performance expectations of the Board, and received a positive performance review.

97. Prior to her termination, Ms. Wall was never given a verbal warning, written warning, or a suspension of any kind for any misbehavior or violation of Board policy.

98. The alleged reasons for her termination, including taking mini-bottles provided by distributors to the stores, and for allegedly soliciting items from distributors for a charity, were known and supported by other members of the Board for years during the course of Ms. Wall's employment.

99. Numerous other male employees engaged in the same behavior for which Ms. Wall was terminated, without consequence. At least one such employee, Mr. S, was promoted to store manager.

100. Male employees who received complaints, broke the law, and/or disregarded company policy were treated far more leniently than Ms. Wall, and suffered either no consequences for misbehavior, received numerous chances to address misbehavior, were promoted, and/or were allowed to return to work following a short suspension or break from work.

101. Far more severe conduct of male employees did not result in immediate termination of their employment.

102. During the course of her employment, Ms. Wall was subject to unwelcome conduct, humiliation, disrespect, and other unprofessional and unlawful mistreatment because of her sex, female.

103. The unwelcome, gender-based discrimination to which the Board subjected Ms. Wall was sufficiently severe and pervasive to alter the conditions of her employment and to create a hostile working environment.

104. Ms. Wall, herself, subjectively believed that the work environment was hostile, and an objective person would conclude the same.

105. As a result of the wrongful conduct of the Board, Ms. Wall is entitled to damages for back pay, front pay, lost benefits, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, and other pecuniary and non-pecuniary losses in an amount to be determined at trial.

106. The wrongful conduct alleged herein was engaged in by the Board willfully, with malice, and/or with reckless indifference with respect to the rights of Ms. Wall, entitling Ms. Wall to punitive damages.

SECOND CLAIM FOR RELIEF
(Retaliation in Violation of Title VII)

107. The allegations in the preceding paragraphs are incorporated herein by reference.

108. Ms. Wall engaged in protected oppositional conduct.

109. Ms. Wall was terminated as retaliation for opposing the Board's unequal treatment and discipline of male and female employees, including, but not limited to, the Board's response to Mr. B's conduct, which resulted in Mr. Hayes having to terminate his long-time friend.

110. Ms. Wall informed Mr. Hayes about the shortage of Fireball mini-bottles and questioned how Mr. B's behavior, including drinking on the job and being intoxicated in the workplace for years, could be tolerated by the Board, especially when he had been so critical of Ms. Wall for a minor clerical error that was easily corrected.

111. Ms. Wall verbalizing her concern to her supervisor regarding a fellow co-worker taking store product and consuming alcohol in the workplace was reasonable.

112. Ms. Wall reasonably believed that the treatment she received for making a clerical error was disproportionate to Mr. Hayes' lack of concern for the actions of Mr. B and other Board employees, including, but not limited to, Mr. P, who had sexually harassed and assaulted Ms. Wall.

113. Mr. Hayes expressed his regret in having to terminate his long-time friend, Mr. B.

114. On the date of her termination, Mr. Brooks told Ms. Wall that she was being terminated for the same reason as Mr. B, even though the comparison was highly inappropriate, inaccurate, knowingly false, and unfair.

115. There was a causal link between Ms. Wall's termination and her making Board management aware of issues in the workplace with other male employees.

116. As a result of the wrongful conduct of the Board, Ms. Wall is entitled to damages for back pay, front pay, lost benefits, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, and other pecuniary and non-pecuniary losses in an amount to be determined at trial.

117. The wrongful conduct alleged herein was engaged in by the Board willfully, with malice, and/or with reckless indifference with respect to the rights of Ms. Wall, entitling Ms. Wall to punitive damages.

THIRD CLAIM FOR RELIEF
(Wrongful Termination in Violation of Public Policy – N.C. Gen. Stat. §143-422.2)

118. The allegations in the preceding paragraphs are incorporated herein by reference.

119. Ms. Wall was an at-will employee of the Board.

120. The termination of Ms. Wall's employment with the Board occurred for a reason that violates North Carolina public policy set forth in N.C. Gen. Stat. § 143-422.2, which provides, among other things, that it is the public policy of North Carolina to protect and safeguard the right and opportunity of all persons to seek, obtain and hold employment without discrimination or abridgement on account of sex.

121. Ms. Wall was wrongfully terminated from her employment with the Board on account of her sex, female.

122. As a result of the wrongful conduct of the Board, Ms. Wall is entitled to compensatory damages, lost wages, front pay, back pay, lost benefits, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, and other pecuniary and non-pecuniary losses in an amount to be determined at trial.

123. The wrongful conduct alleged herein was engaged in by the Board willfully, with malice, and/or with reckless indifference with respect to the rights of Ms. Wall, entitling Ms. Wall to punitive damages.

FOURTH CLAIM FOR RELIEF

(Wrongful Termination in Violation of Public Policy – N.C. Gen. Stat. § 126-84 et seq.)

124. The allegations in the preceding paragraphs are incorporated herein by reference.

125. Ms. Wall was an at-will employee of the Board and, upon information and belief, a State employee as that term is used in N.C. Gen. Stat. § 126-84 et seq.

126. The termination of Ms. Wall's employment with the Board was in violation of North Carolina public policy set forth in N.C. Gen. Stat. § 126-84, which provides, among other things, that it is the public policy of North Carolina that State employees have a duty to report evidence of activity by any State employee constituting a violation of State or federal law, rule, or regulation; a misappropriation of State resources; or a substantial and specific danger to the public health and safety.

127. Ms. Wall was wrongfully terminated from her employment with the Board after reporting missing inventory and pointing out her store manager's long-term tolerance of the wrongful and dangerous conduct of a male employee who was a long-time friend of the store manager, which conduct of this other employee included drinking on the job and being intoxicated while on the job.

128. As a result of the wrongful conduct of the Board, Ms. Wall is entitled to compensatory damages, lost wages, front pay, back pay, lost benefits, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, and other pecuniary and non-pecuniary losses in an amount to be determined at trial.

129. The wrongful conduct alleged herein was engaged in by the Board willfully, with malice, and/or with reckless indifference with respect to the rights of Ms. Wall, entitling Ms. Wall to punitive damages.

FIFTH CLAIM FOR RELIEF
(Retaliation in Violation of N.C. Gen. Stat. § 126-86)

130. The allegations in the preceding paragraphs are incorporated herein by reference.

131. The termination of Ms. Wall's employment with the Board was in violation of N.C. Gen. Stat. § 126-85(a) and (a1), in that she was discharged and discriminated against because she reported activity to the Board described in N.C. Gen. Stat. § 126-84 and because she was retaliated against by reporting activity described in N.C. Gen. Stat. § 126-84.

132. The Board had no reason to believe the activity reported was inaccurate.

133. At no time did the Board attempt to keep its employees informed of their protections and obligations under N.C. Gen. Stat. § 126-84 et seq.

134. Ms. Wall is entitled to damages as provided in N.C. Gen. Stat. § 126-87.

135. Because the Board's actions constituted a willful violation of N.C. Gen. Stat. § 126-85, Ms. Wall is entitled to three times the amount of her actual damages, plus costs and reasonable attorney's fees.

WHEREFORE, Ms. Wall respectfully prays that the Court:

1. Award Ms. Wall damages on her Title VII Sex Discrimination claim in an amount to be shown at trial for back pay, front pay, lost benefits, emotional pain, suffering,

inconvenience, mental anguish, loss of enjoyment of time, harm to reputation, and other pecuniary and non-pecuniary losses, as well as for punitive damages, costs, and attorney's fees as provided by law;

2. Award Ms. Wall damages on her Title VII Retaliation claim in an amount to be shown at trial for back pay, front pay, lost benefits, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of time, harm to reputation, and other pecuniary and non-pecuniary losses, as well as for punitive damages, costs, and attorneys' fees as provided by law;

3. Award Ms. Wall damages on her claims for wrongful termination in violation of North Carolina public policy in an amount to be shown at trial for compensatory damages, lost wages, front pay, back pay, lost benefits, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, harm to reputation, and other pecuniary and non-pecuniary losses, as well as for punitive damages, costs, and attorney's fees as provided by law;

4. Award Ms. Wall damages in accordance with N.C. Gen. Stat. § 126-87 on her claim pursuant to N.C. Gen. Stat. § 126-86, including treble damages, costs, and attorney's fees.

5. Award Ms. Wall such other and further relief as the Court deems just and proper.

This the 27th day of September, 2019.

/s/ Daniel W. Koenig

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