

1 JARED B. JENNINGS, ESQ.
 Nevada Bar No. 7762
 2 jjennings@jfnvlaw.com
 3 ADAM R. FULTON, ESQ.
 Nevada Bar No. 11572
 4 afulton@jfnvlaw.com
 5 JENNINGS & FULTON, LTD.
 2580 Sorrel Street
 6 Las Vegas, NV 89146
 7 Telephone:(702) 979-3565
 Facsimile:(702) 362-2060
 8 *Attorneys for Plaintiff*
 9 *Olga Bedrytska-Meier*

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

13)
 14 OLGA BEDRYTSHA-MEIER, an)
 individual,)

Case No.: 2:18-cv-00345

15 Plaintiff,

16 vs.

17 STIPULATION AND ORDER TO
 18 AMEND COMPLAINT

18 HEARTS ON FIRE COMPANY, LLC., a
 Massachusetts professional corporation;
 19 DOES I through X, inclusive; and ROE
 CORPORATIONS I through X inclusive,

20 Defendants.
 21
 22
 23

24
 25 Plaintiff Olga Bedrytska-Meier ("Plaintiff"), by and through her counsel of record, Jared B.
 26 Jennings, Esq. and Adam R. Fulton, Esq., of the law firm of Jennings & Fulton, LTD., and
 27 Defendant Hearts on Fire Company, LLC. ("Defendant"), by and through its counsel of record, Lisa
 28 A. McClane, Esq. and Dione C. Wrenn, Esq., of Jackson Lewis P.C., hereby stipulate and agree to
 allow Plaintiff's counsel to file the First Amended Complaint correcting the typographical errors of

JENNINGS &
 FULTON, LTD.
 2580 SORREL STREET
 Las Vegas, NV 89146
 (702) 979-3565

1 Plaintiff's name from OLGA BEDRYTSHA-MEIER to OLGA BEDRYTSKA-MEIER pursuant to
2 FRCP 15.

3
4 Whereas, the Parties hereby stipulate and agree as follows:

5 1. Plaintiff shall have leave to correct typographical errors in the Complaint and file the
6 First Amended Complaint.

7 2. Plaintiff's First Amended Complaint shall only change the typographical errors of
8 Plaintiff's name from OLGA BEDRYTSHA-MEIER to OLGA BEDRYTSKA-MEIER.

9 3. The Parties further agree that Defendant will not have to serve a new Answer because
10 the First Amended Complaint does not assert any new allegations or claims against Defendant.
11

12
13
14 Dated: This 2nd day of April, 2018

Dated: This 2nd day of April, 2018

15 JACKSON LEWIS P.C.

JENNINGS & FULTON, LTD.

16
17 By: Dione C Wrenn

By: Jared B Jennings

18 LISA A. MCCLANE
19 Nevada Bar No. 10139
20 DIONE C. WRENN
21 Nevada Bar No. 13285
22 3800 Howard Hughes Parkway, Ste. 600
23 Las Vegas, Nevada 89169
24 Telephone: (702) 921-2460
25 Facsimile: (702) 921-2461
26 Email: lisa.mcclane@jacksonlewis.com
27 Email: dione.wrenn@jacksonlewis.com
28 *Attorneys for Defendant*
Hearts on Fire Company, LLC

JARED B. JENNINGS, ESQ.,
Nevada Bar No. 7762
jjennings@jfnvlaw.com
ADAM R. FULTON, ESQ.,
Nevada Bar No. 11572
afulton@jfnvlaw.com
Las Vegas, NV 89146
Telephone: (702) 979-3565
Facsimile: (702) 362-2060
Attorneys for Plaintiff
Olga Bedrytska-Meier

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ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that upon Stipulation of counsel and good cause appearing, Plaintiff shall have leave to correct typographical errors in the Complaint and file the First Amended Complaint.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's First Amended Complaint shall only change the typographical errors of Plaintiff's name from OLGA BEDRYTSHA-MEIER to OLGA BEDRYTSKA-MEIER.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant will not have to serve a new Answer because the First Amended Complaint does not assert any new allegations or claims against Defendant.

IT IS FURTHER ORDERED that Plaintiff must file the First Amended Complaint on or before April 10, 2018.

IT IS SO ORDERED.

Dated the 3rd day of April, 2018.

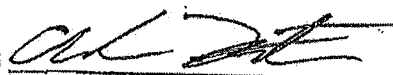

Nancy J. Koppe
Cam Ferenbach
United States Magistrate Judge

Respectfully Submitted By:

JACKSON LEWIS P.C.

JENNINGS & FULTON, LTD.

By: 

By: 

LISA A. MCCLANE
Nevada Bar No. 10139
DIONE C. WRENN
Nevada Bar No. 13285
3800 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169
Telephone: (702) 921-2460
Facsimile: (702) 921-2461
Email: lisa.mcclane@jacksonlewis.com
Email: dione.wrenn@jacksonlewis.com
Attorneys for Defendant
Hearis on Fire Company, LLC

JARED B. JENNINGS, ESQ.,
Nevada Bar No. 7762
jjennings@jfnvlaw.com
ADAM R. FULTON, ESQ.,
Nevada Bar No. 11572
afulton@jfnvlaw.com
Las Vegas, NV 89146
Telephone: (702) 979-3565
Facsimile: (702) 362-2060
Attorneys for Plaintiff
Olga Bedrytska-Meier

JENNINGS &
FULTON, LTD.
2380 SQUIRE STREET
Las Vegas, NV 89146
(702) 979-3365

1 JARED B. JENNINGS, ESQ.
Nevada Bar No. 7762
2 jjennings@jfnvlaw.com
3 ADAM R. FULTON, ESQ.
Nevada Bar No. 11572
4 afulton@jfnvlaw.com
5 JENNINGS & FULTON, LTD.
2580 Sorrel Street
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7 Telephone:(702) 979-3565
8 Facsimile:(702) 362-2060
9 *Attorneys for Plaintiff*
Olga Bedrytska-Meier

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

13 OLGA BEDRYTSKA-MEIER, an
14 individual,

15 Plaintiff,

16 vs.

17 HEARTS ON FIRE COMPANY, LLC., a
18 Massachusetts professional corporation;
19 DOES I through X, inclusive; and ROE
20 CORPORATIONS I through X inclusive,

21 Defendants.

) Case No.: 2:18-cv-00345

) **FIRST AMENDED COMPLAINT**

) **JURY TRIAL DEMANDED**

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24
25 Plaintiff Olga Bedrytska-Meier (“Plaintiff”), by and through her counsel of record, Jared B.
26 Jennings, Esq. and Adam R. Fulton, Esq., of the law firm of Jennings & Fulton, LTD., hereby alleges
27 and complains a cause for action against Defendant Hearts on Fire Company, LLC. (“Defendant”),
28 a Massachusetts Limited Liability Company, DOES I through X, and ROE CORPORATIONS I
through X, collectively, the “Defendants” as follows:

1 **PARTIES**

2 1) Plaintiff, Olga Bedrytska-Meier is an individual who is and was at all relevant times
3 a resident of Clark County, Nevada.
4

5 2) Defendant, Hearts on Fire Company, LLC., ("Defendant"), is a Massachusetts
6 limited liability company, and at all relevant times hereto is and was duly authorized to transact
7 business in Clark County, Nevada.
8

9 3) At all times mentioned herein, Defendant hired Plaintiff and is an employer within
10 the meaning of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e, *et seq.*
11

12 4) Plaintiff does not know the true names of the individuals, corporations, partnerships
13 and entities sued and identified in fictitious names as DOES I through X and ROE
14 CORPORATIONS I through X. Plaintiff alleges that such Defendants assisted or participated in
15 activities that resulted in damages suffered by Plaintiff as more fully discussed under the claims
16 for relief set forth below. Plaintiff requests leave of this Honorable Court to amend this Complaint
17 to show the true names and capacities of each such fictitious Defendant when Plaintiff discovers
18 such information.
19
20

21 **JURISDICTION AND VENUE**

22 5) This Court has jurisdiction over this action pursuant to 28 U.S.C § 1331 in that this
23 case arises under federal and state law, specifically for violations of Title VII, 42 U.S.C. § 2000e,
24 *et seq.* and Nevada's Unlawful Employment Practices statute, Nevada Revised Statutes 613.330.
25

26 6) Venue is proper because both Plaintiff and Defendants reside and/or do business in
27 the District of Nevada. Venue is also proper in this Court because the acts and transactions that
28 give rise to this action occurred in the District of Nevada.

1 **ADMINISTRATIVE PREREQUISITES**

2 7) More than thirty (30) days prior to the institution of this lawsuit, Plaintiff filed a
3 charge with the Equal Employment Opportunity Commission (the "EEOC") alleging violations
4 of Title VII by Defendant. The EEOC issued Plaintiff a Notice of Right to Sue, giving plaintiff
5 ninety (90) days from receipt of such notice to file her Complaint related to her Title VII claims
6 and disability discrimination claims. A true and correct of Plaintiff's Notice of Right to Sue is
7 attached hereto as "Exhibit 1". Plaintiff received the EEOC Right to Sue letter February 20,
8
9 2018.

10 **FACTUAL BACKGROUND**

11
12
13 8) On or about July of 2015, Plaintiff applied for a "Sales Specialist" position with
14 Hearts on Fire Company, LLC., located in the Forum Shops at Caesars Palace.

15 9) At all relevant times stated herein, Plaintiff was qualified for the Sales Specialist
16 position.
17

18 10) On or about July 30, 2015, Defendants Store Manager, Leslie Hanley, hereinafter
19 ("Hanley"), e-mailed Plaintiff to see if she was interested in the Sales Specialist position and that
20 she saw Plaintiff's resume online.
21

22 11) On or about July, 30, 2015, Plaintiff informed Hanley that she was interested in the
23 position.
24

25 12) On or about August 6, 2015, Hanley contacted Plaintiff, and explained that a test
26 was required to see if Plaintiff qualified for the position before a formal interview took place.
27

28 13) On or about August 7, 2015, Plaintiff submitted the required test.

14) On or about August 12, 2015, Hanley contacted Plaintiff, stating Plaintiff was
qualified for the position, and scheduled a formal interview at Defendants store location on August
15, 2015.

1 15) During the interview on August 15, 2015, Plaintiff explained that the earliest she
2 would be able to start working would be the end of October of 2015 due to a preplanned trip to
3 Ukraine, and Hanley said that would not be a problem.
4

5 16) During the August 15, 2015 interview, Hanley stated that Plaintiff was very
6 qualified, and that Plaintiff would now need to complete a telephone interview with the Corporate
7 Manager, Libby Wallace.
8

9 17) On or about August 21, 2015, after completing the telephone interview with Libby
10 Wallace, Hanley contacted Plaintiff stating that she passed her phone interview and was hired,
11 and could begin working when she returned from Ukraine.
12

13 18) On or about August 28, 2015, Hanley e-mailed Plaintiff stating, "I want to chat next
14 week just to catch up. I want to meet up again after you return from your vacation at the end of
15 October."
16

17 19) On or about September 21, 2015, Plaintiff e-mailed Hanley stating, "Hi Leslie, I
18 just wanted to check in with you before my trip to Ukraine. Thank you again for the opportunity
19 to interview with your company. I just want you to know that I am very interested in the position.
20 I will be returning on October 20th, I hope to hear from you soon."
21

22 20) On or about September 21, 2015, Hanley replied stating, "Wow great minds think
23 alike. I was going to email you this afternoon. I will get in touch with you when you return. Have
24 a wonderful trip!!!"
25

26 21) On or about October 21, 2017, Plaintiff e-mailed Hanley immediately after she
27 returned from Ukraine to begin working.
28

 22) On or about October 21, 2017, Hanley replied stating, "Hi I hope you had a
wonderful trip. I will keep you posted."

1 23) On or about November 24, 2015, Hanley e-mailed Plaintiff to wish her a Happy
2 Thanksgiving, and to inform her that she would be out of the office until December 20, 2015,
3 which was the last correspondence between Plaintiff and Hanley.
4

5 24) On or about January 5, 2016, Hanley asked Carol Spelman, (hereinafter
6 “Spelman”), an employee of Defendant, who was also an acquaintance of Plaintiff, how Plaintiff
7 was doing, and to let Spelman know that Plaintiff had been told she was hired and was going to
8 start working soon.
9

10 25) After the January 5, 2016 conversation, Spelman informed Hanley that Plaintiff had
11 become pregnant in November, and Hanley responded by saying, “she could not, and would not
12 hire her now,” and that “corporate would not like it if she (Hanley), hired a person that would
13 need to take maternity leave immediately after being hired.”
14

15 26) On or about February of 2016, Defendants Human Resources Department
16 conducted an investigation regarding discrimination and hostile work environment into the branch
17 that Plaintiff had applied, and where Spelman and Hanley currently worked.
18

19 27) During this investigation, Spelman informed the investigators of Hanley’s
20 statements refusing to hire Plaintiff due to her pregnancy.
21

22 28) On or about August 31, 2016, Spelman contacted Plaintiff, and informed her about
23 the conversation she had with Hanley, and the subsequent Human Resources Investigation.
24

25 29) Upon being informed of Hanley’s statements about her pregnancy and hiring, and
26 the subsequent Human Resources investigation, Plaintiff filed her Claim with the EEOC on or
27 about September 12, 2016.
28

 30) Although Defendant had notice of the employment discrimination on the basis of
sex and pregnancy, Defendant failed to exercise reasonable care to prevent and/or promptly
correct the discriminatory behavior.

1 pursuant to NRS § 42.005 deterring such conduct in the future.

2 38) Plaintiff has been forced to hire an attorney to prosecute this action and therefore
3 seeks recovery of attorneys' fees and court costs.
4

5 **SECOND CLAIM FOR RELIEF**

6 **Discrimination – Sex/Pregnancy**

7 **Violation of N.R.S. 613.330**

8 39) Plaintiff incorporates the allegations in the preceding paragraphs as though fully
9 set forth herein.

10 40) At all times mentioned herein, Plaintiff was hired by Defendant, and Defendant
11 refused to allow Plaintiff to begin work after becoming aware of her pregnancy.
12

13 41) At all times mentioned herein, Plaintiff was qualified to perform her job duties for
14 Defendant until she would go on maternity leave.
15

16 42) Defendant subjected Plaintiff to adverse employment actions because of her
17 pregnancy, including, but not limited to, refusing to allow Plaintiff to work after informing her
18 she was hired and Hanley stating, "she could not, and would not hire her now," and that "corporate
19 would not like it if she (Hanley), hired a person that would need to take maternity leave
20 immediately after being hired."
21

22 43) Defendant is in violation of its duty to engage in lawful employment practices in
23 Nevada, specifically sexual and pregnancy discrimination.
24

25 44) As a direct and proximate result of these unlawful actions, Plaintiff has suffered and
26 will continue to suffer damages including, but not limited to, loss of salary, wages, earnings and
27 benefits, diminution of future earning capacity, loss of accumulated benefits, mental anguish and
28 other compensatory damages in an amount to be determined at trial.

45) Defendants conduct was malicious and/or oppressive conduct and undertaken with
the intent to defraud and oppress Plaintiff, thus warranting the imposition of punitive damages

1 pursuant to NRS § 42.005 deterring such conduct in the future.

2 46) Plaintiff has been forced to hire an attorney to prosecute this action and therefore
3 seeks recovery of attorneys' fees and court costs.
4

5 **DEMAND FOR JURY TRIAL**

6 47) Plaintiff, by and through her attorneys of record, Jared B. Jennings, Esq. and Adam
7 R. Fulton, Esq., of the law firm of Jennings & Fulton, Ltd., hereby demands a jury trial of all of
8 the issues in this matter.
9

10 **PRAYER FOR RELIEF**

11 WHEREFORE, the Plaintiff respectfully requests this Court:

12 a. Grant a permanent injunction enjoining Defendant Hearts on Fire Company, LLC.,
13 its officers, successors, assigns and all persons in active concert or participation with them, from
14 engaging in any employment practice which discriminates on the basis of sex and pregnancy;
15

16 b. Order Defendant to institute and carry out policies, practices, and programs which
17 provide equal employment opportunities for pregnant woman, and which eradicates the effects of
18 its past and present unlawful employment practices;
19

20 c. Order Defendant to make whole Plaintiff by providing appropriate pay with pre- and
21 post-judgment interest, in an amount to be determined at trial, and other affirmative relief necessary
22 to eradicate the effects of its unlawful employment practices;
23

24 d. Compensatory damages in an amount to be shown at trial for past and future economic
25 and non-economic losses, including extreme emotional distress and mental anguish, impairment of
26 the quality of life; and consequential losses,
27

28 e. Punitive damages for Defendants malicious and reckless conduct, in an amount to be
determined at trial;

- 1 f. For entry of an order compelling Defendants to pay Plaintiff's costs and attorneys'
2 fees;
3
4 g. Pre and post-judgment interest on any awards at trial; and
5 h. For such other and further relief as the Court may deem just and proper.

6 DATED this 3rd day of April, 2018.
7

8 **JENNINGS & FULTON, LTD.**

9 /s/ Adam R. Fulton, Esq.
10 JARED B. JENNINGS, ESQ.
11 Nevada Bar No. 7762
12 jjennings@jfnvlaw.com
13 ADAM R. FULTON, ESQ.
14 Nevada Bar No. 11572
15 afulton@jfnvlaw.com
16 2580 Sorrel Street
17 Las Vegas, NV 89146
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20 *Attorneys for Plaintiff*
21 *Olga Bedrytska-Meier*
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