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May 29, 2009

Mr. Thomas A. Wilder  
Tarrant County District Clerk  
Tarrant County Justice Center  
401 W. Belknap  
Fort Worth, Texas 76196

Via Hand Delivery

Re: *Di Ann Sanchez v. Dallas/Fort Worth International Airport Board*

Dear Mr. Wilder:

Enclosed please find an original and two (2) copies of Plaintiff's Original Petition and Jury Demand with regard to the above referenced case. Please file the Original Petition with the Court and return the file-marked copy to me.

Also please issue a citation to the following Defendant and return the issued citation to me in the enclosed envelope:

Dallas/Fort Worth International Airport Board  
By serving its general counsel, Gary Keane  
Legal Department, DFW International Airport  
3200 East Airfield Drive  
DFW Airport, Texas 75261-9428

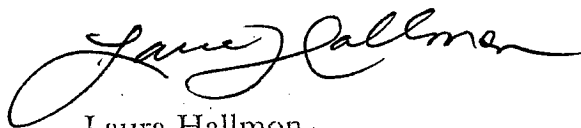
I have also enclosed our firm check in the amount of \$272.00 to cover the filing fee for the filing of the Plaintiff's Original Petition and Jury Demand and for the issuance of the citation to the Defendant.

If you should have any questions, please let me know. Thank you for your assistance in this matter.

Mr. Thomas A. Wilder, Tarrant County District Clerk  
May 29, 2009  
Page 2

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Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Hallmon".

Laura Hallmon

LH/cfh

Enclosures

f:/files/sanchez/letters/clerk.01

cc: Di Ann Sanchez  
David Fielding  
Eileen Cummo

CAUSE NO. 348 23787 4 09

DI ANN SANCHEZ,

Plaintiff,

v.

DALLAS/FORT WORTH  
INTERNATIONAL  
AIRPORT BOARD

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IN THE DISTRICT COURT

OF TARRANT COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

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PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND

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TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Di Ann Sanchez (hereinafter referred to as "Sanchez" or "Plaintiff"), and files this Original Petition, complaining of Dallas/Fort Worth International Airport Board, (hereinafter referred to as "DFW" or "Defendant"), and for cause of action would respectfully show the Court as follows:

I.

PARTIES

Plaintiff is an individual currently residing in Tarrant County, Texas. As required by the Texas Civil Practice & Remedies Code, § 30.014, the last three digits of Plaintiff's social security and Texas driver's license numbers are 2744 and 4035, respectively.

FILED  
TARRANT COUNTY  
2009 MAY 29 AM 11:23  
THOMAS A. WILLEN  
DISTRICT CLERK

Defendant is a semi-autonomous body charged with governing Dallas/Fort Worth International Airport, which is located in Tarrant County, Texas. Defendant may be served with process by serving its general counsel, Gary Keane, Legal Department, DFW International Airport, 3200 East Airfield Dr., DFW Airport, Tarrant County, Texas 75261-9428.

II.

VENUE

Plaintiff seeks damages within the jurisdictional limits of this Court. Venue is proper in Tarrant County, Texas, pursuant to Texas Civil Practice & Remedies Code § 15.002(a)(1) in that all or a significant portion of the events or omissions giving rise to Plaintiff's claims occurred in Tarrant County, Texas.

III.

DISCOVERY CONTROL PLAN

Discovery in this case is intended to be conducted under Level 3 in accordance with the Texas Rules of Civil Procedure, Rule 190.4.

IV.

FACTS

Di Ann Sanchez was hired by Defendant on April 25, 2005 as a Vice President of Human Resources. At the time of Sanchez's hire, Linda Valdez Thompson ("Thompson"), Executive Vice President of Diversity and Administration for Defendant, was her supervisor. In January, 2002, Sanchez's son was diagnosed with

Autism and Attention Deficit/Hyperactivity Disorder. Then, in June, 2006, Sanchez's son was further diagnosed with Bipolar Disorder. Subsequently, Sanchez was told by her son's neurologist and psychiatrist that her son would need additional care in order to function appropriately at school. Accordingly, Sanchez used paid time off in order to take her son to appointments with various doctors following that diagnosis. Sanchez did not tell Thompson about her son's diagnoses, preferring to deal with these personal issues privately, as is her right. This decision was underscored by Sanchez's awareness of past instances where Thompson had violated confidentiality and talked openly in group settings about employees' illnesses. Accordingly, Sanchez believed that she should not share information regarding her son's illnesses with Thompson if she wished to keep that information confidential. Further, Sanchez shared this information with no one at DFW other than her own secretary. Thompson did not learn of Sanchez's son's illnesses until Sanchez applied for leave pursuant to the Family and Medical Leave Act ("FMLA").

Around June 18, 2006, shortly after Sanchez began using some of her paid time off to attend to her son, Thompson began retaliating against her by assigning her added projects and by cutting her staff and contracts without involving Sanchez and without communicating these changes to her (as she would have done in the past). Thompson also reduced Sanchez's departmental budget by \$700,000 without Sanchez's knowledge and would not allow Sanchez to backfill positions vacated by

individuals. Sanchez determined that these actions were Thompson's way of retaliating against her because she was taking time off, but not disclosing her reason for doing so, other than to indicate generally that it was regarding medical issues with her son.

On September 12, 2006, Sanchez filed for leave under the FMLA in order to protect her ability to attend monthly meetings with her son's medical team at Cook Children's Hospital and to work with his neurological team on his cognitive and behavioral therapies. Although Thompson ultimately approved the leave on October 12, 2006, on October 13, 2006, Thompson sent an email to Sanchez stating her discontent with Sanchez for filing for FMLA leave and reprimanding Sanchez for not previously discussing the issues with her. Thompson also sent an email on October 13, 2006 to the Risk Management department, instructing them to take over Sanchez's FMLA file and to monitor Sanchez's FMLA leave. Sanchez was also told by the Assistant VP of Risk Management that Thompson had requested that Risk Management maintain a "log" on Sanchez's leave, although no such logs were kept on other employees taking leave pursuant to the FMLA.

Following the approval of her initial FMLA leave, Sanchez began experiencing the following forms of retaliation by Thompson, which resulted in Sanchez's being stripped of areas of responsibility and the ability to be an effective manager of her Human Resources ("HR") department:

\* Removing the Diversity Division from Sanchez's supervision in September, 2006 (though Sanchez had extensive background in that arena at two previous jobs);

\* Removing the Wellness Program from Sanchez's supervision in September, 2006 (though Sanchez initiated the program and hired a dynamic individual to build the program who was hired with the understanding that Sanchez would be her supervisor);

\* Transferring the management of Stop Loss Health Insurance and the Employee Assistance Program to the purview of Risk Management on December 27, 2006 (although these are both HR functions and the changes resulted in a cost increase to Defendant which has never been rationalized);

\* Transferring the FMLA administration on December 27, 2006 and telling Sanchez on that day that all short and long term disability programs will be transferred to Risk Management (though the transition did not actually occur until the following year and though these are traditionally functions of HR because HR personnel hold the training certificates to administer these benefits);

\* Transferring the Total Rewards Analyst function to Risk Management and ordering Sanchez to eliminate the position; which resulted in demoralizing the HR department because of the incumbent in the position was a black female and was not offered the position in Risk Management. Thompson told Sanchez to find another position for that individual. This resulted in the headcount being transferred to Risk Management but the person doing the position (the black female) was not allow to transfer with the work. Nonetheless, Risk Management did not actually take over the functions and in November, 2007, Sanchez was forced to outsource these functions to a Patient Advocacy contractor at an expense of \$60,000 annually. These changes caused great concerns for Sanchez as the VP of HR because of the regulatory laws DFW must adhere to, but now had no control over. Furthermore, Sanchez had to reassign the incumbent to a staffing position;

\* Approving a reorganization in HR in December of 2006, then reversing that approval on October 26, 2007, two days after Sanchez sent the letter to Fegan reporting the issues she was having with Thompson;

\* Modifying the tuition reimbursement policy (which had made obtaining a Ph.D. possible for Sanchez) upon learning that Sanchez had enrolled in a Doctorate Program. Thompson made Sanchez reapply for the program and discussed with her that she should have communicated the program to Thompson. However, the Tuition Reimbursement Policy was a benefit, which means that supervisors do not need to approve any type of educational program to protect employees from retribution from their managers. Sanchez did reapply for her tuition benefits and financial aid and Thompson approved the program, but financial aide was declined for lack of timeliness in the school program. Thompson subsequently changed the tuition program in August 2006 to require her approval for all Ph.D. programs;

\* Disrespecting and demeaning Sanchez's HR staff by excluding them from participation in certain programs, and asking consultants that Sanchez brought in to help with HR projects not to communicate with Sanchez. This caused awkwardness and professional embarrassment to Sanchez as she had cultivated long standing professional relationships with the consultants. For instance, Sanchez brought in the Hay group on or about October 1, 2007 to re-examine executive compensation and implement a new board wide compensation program. The entire report was ignored by the executive group. Hay executives told Sanchez that Thompson instructed them not to work with her although Sanchez had developed a long standing relationship with the Hay group from her previous employment with American Airlines and the Boeing Company;

\* Violating Sanchez's privacy by making numerous insensitive remarks about her son's disabilities, including telling one of Sanchez's peers, "Di's son has autism and I believe he got it from her." In June 2007, Sanchez heard from other employees that Thompson was encouraging her staff not to work with Sanchez. Sanchez also received information from four other vice presidents at DFW that Thompson made inappropriate remarks to them critical of Sanchez, stating that "Di Ann's days were numbered and all the executive team wanted her gone";

\* Denying (on July 25, 2006) Sanchez's time and travel expenses for one day to attend an August Rice University Diversity conference in Houston, Texas on behalf of DFW, in which Sanchez was one of the speakers, giving as the reason for the denial that Sanchez would be out of the office too much in August, despite the fact that Sanchez only took ½ day off in August for her son's medical issues. Consequently, she forced Sanchez to take a personal day and to pay for the travel expenses herself in order to fulfill her commitment.

In early October, 2007, Thompson revealed to Sanchez in connection with Sanchez's "Talent Review" that Thompson had shared with Defendant's Executive Team her belief that Sanchez was not qualified to fulfill the requirements of her position as Vice President ("VP") of HR, and also made them aware of Sanchez's "problematic relationship" with Thompson and "the differences in their professional philosophies." Thompson concluded her remarks to Sanchez by saying that the Executive Team thinks Sanchez is "not going to make it (at DFW), so we need to figure out where to go from here." Thompson made these claims despite the competent reviews she had given Sanchez since her employment with DFW began two and a half years prior, and despite the fact that she never before gave Sanchez any feedback concerning problems of this nature in her performance.

Following Thompson's disclosure of those negative comments, on October 24, 2007, Sanchez wrote a letter to Jeff Fegan ("Fegan"), CEO of DFW, complaining about Thompson's actions against her. Sanchez then met with Fegan and Ollie Malone ("Malone"), the consultant who facilitated Sanchez's "Talent Review", on December 7, 2007 to discuss her concerns. Over the course of that meeting, Sanchez

outlined her departmental successes and explained some serious professional disagreements between she and Thompson over Board policy violations and legal abuses on the part of Thompson that Sanchez had opposed and felt were partly the basis for Thompson's retaliation against her. These violations by Thompson included awarding benefit programs and contracts for services without going through the required steps of the competitive bidding process; paying an employee's salary beyond when his employment ended and while he was simultaneously being paid by a contracting firm utilized by DFW; an instance in which Sanchez believed an auditing discrepancy should have been reported to DFW's auditor; allowing a vice president to receive over \$30,000 to get an MBA program outside the tuition policy; and Thompson's failure to follow HR's documented staffing procedures and processes when selecting assistant vice presidents and vice presidents, which resulted in adverse effects. Sanchez also discussed with Fegan (while Malone was present) legal violations by Thompson, such as her failure to follow the law (Uniformed Services Employment and Reemployment Rights Act) protecting a veteran returning to work at DFW and disregarding the advice of outside counsel and the Human Resources Business Managers in dealings with two employees.

Sanchez further shared with Fegan and Malone her belief that Thompson had violated FMLA requirements when she repeatedly telephoned an employee while he was taking his father to a doctor's appointment on approved leave and required that

employee to take off only half days, when he needed whole days to care for his father. Sanchez told Fegan and Malone that while she herself was on approved leave under FMLA caring for her son, she repeatedly received intimidating verbal or email messages from Thompson's secretary, even though Thompson had Sanchez's full itinerary and schedule and Sanchez had been pre-approved for leave. Sanchez specifically told Fegan and Malone that she believed Thompson had discriminated and retaliated against her based upon her son's disability and her use of FMLA leave to care for him. Sanchez also reported to Fegan that she had knowledge of two other Health Insurance Portability and Accountability Act ("HIPPA") violations, besides her own instance of Thompson disclosing her son's disability (in which Thompson discussed personal health information of employees indiscriminately).

During the course of this meeting, both Fegan and Malone stated that despite Thompson's remarks to Sanchez to the contrary, they were aware of no mention of Sanchez being unable to fulfill her duties as VP of HR. Furthermore, both Fegan and Malone discussed Sanchez's extensive technical and executive experiences with American Airlines, Delta Airlines and the Boeing Company. They also acknowledged issues with Thompson. Shortly after this meeting, however, in direct contravention of the harassment policy at DFW that protects those individuals who bring complaints against their supervisor, Fegan gave the complete documentation of Sanchez's complaint directly to Thompson for investigation. On December 13, 2007, Sanchez

asked Fegan in writing to instruct Thompson to stop calling her staff and investigating the issues, due to the clear conflict of interest inherent in allowing the party at issue to conduct the investigation. Fegan declined this request, telling Sanchez that Thompson would conduct the investigation.

On January 9, 2008, in retaliation for Sanchez's reporting of her discrimination and retaliation claims to Fegan on December 7, 2007, Thompson stripped Sanchez of her responsibilities with regard to the Women's Circles group, a mentoring group at DFW, assigning those responsibilities to another department in communication with little or no experience in this area. In further retaliation, on April 10, 2008, Sanchez was notified by Fegan of an Ethics Investigation and resulting audit of her departmental expenses, travel, exception time reporting and use of DFW's Board resources, as well as her authorization and direction of the same. Sanchez was placed on administrative leave, pending this investigation, which was allegedly based on an exit interview of an employee who left DFW on December, 2007, almost four months earlier. Then on June 17, 2008, Fegan discharged Sanchez from DFW, based on his "loss of confidence in her ability to effectively serve as a Vice President in the organization". This decision caused Plaintiff to suffer a loss of her career as well as lost wages and benefits which would have otherwise been available to her had she been able to continue work until retirement, as she had planned. Furthermore, Sanchez and her son have experienced extreme medical transitions due the loss of her medical

coverage and had to re-establish medical coverage with another carrier, causing extreme emotional distress for both Sanchez and her son.

On March 13, 2008, April 14, 2008 and July 22, 2008, Plaintiff timely filed Charges of Discrimination with the Equal Opportunity Commission and the Texas Workforce Commission Civil Rights Division (“TWCCRD”), alleging discrimination based upon disability and retaliation. Plaintiff subsequently received from the United States Department of Justice a “Notice of Right to Sue Within 90 Days” with regard to each of these three charges on March 13, 2009. Plaintiff has also received from TWCCRD a “Notice of Right to File a Civil Action” with regard to each of these three charges on April 1, 2009 and April 16, 2009. Accordingly, all administrative prerequisites have been fulfilled prior to filing this Petition.

## V.

### DISCRIMINATION AND RETALIATION

At all times herein relevant, Defendant was an “employer” of Plaintiff and she was an “employee” of Defendant, as these terms are defined in the Texas Commission on Human Rights Act (“TCHRA”), codified at Texas Labor Code Ann. § 21.001 *et seq.* and the Americans with Disabilities Act (“ADA”), codified at 42 U.S.C. § 12101 *et seq.* In blatant violation of the TCHRA and ADA, Defendant engaged in practices towards Plaintiff which willfully discriminated against her on the basis of her relationship to/association with a disabled person, including, but not limited to, the specific

discriminatory and harassing acts described herein. Further, Plaintiff would show that the actions taken against her, including her termination, were in retaliation for her reporting of and opposition to the discriminatory actions taken against her. Additionally, Defendant's actions were committed with malice and reckless indifference to Plaintiff's rights.

## VI.

### FAMILY AND MEDICAL LEAVE ACT VIOLATIONS

At all times herein relevant, Plaintiff was an "eligible employee" and Defendant was an "employer" as those terms are defined under the Family and Medical Leave Act, codified at 29 U.S.C. § 2601, *et seq.* Plaintiff qualified for and requested leave under the FMLA. Defendant subsequently interfered with or restrained Plaintiff's exercise of her rights under the FMLA and/or discriminated and retaliated against her for exercising those rights.

## VII.

### ATTORNEY'S FEES

As a result of Defendant's unlawful actions set forth herein, Plaintiff was forced to retain the services of the law firm of Fielding, Parker, & Hallmon, L.L.P. to represent her interests and is entitled to recovery of and from Defendant reasonable attorney's fees in order to compensate such attorneys for their services performed in connection with this lawsuit.

VIII.

JURY DEMAND

Plaintiff herein demands a trial by jury as to all issues so triable.

IX.

PLAINTIFF'S REQUESTS FOR DISCLOSURES

Pursuant to Rule 194, you are requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a) through (l).

X.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein, and that upon final trial of this cause, Plaintiff have judgment against Defendant in an amount within the jurisdictional limits of this Court, that Plaintiff recover pre-judgment and post-judgment interest, costs of suit, reasonable attorney's fees, and such other and further relief, both general and special, to which Plaintiff may show herself justly entitled.

Respectfully submitted,

  
David Fielding  
State Bar No. 06974500

Laura Hallmon  
State Bar No. 24004312

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DI ANN SANCHEZ