

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
Eastern Division**

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MICHELE KENDALL and  
LINDA MARCUM

Plaintiffs,

v.

No.: \_\_\_\_\_  
JURY DEMAND

ARBOR PLACE OF PURYER, INC.

Defendant.

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**COMPLAINT**

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PLAINTIFFS bring this action against the Defendant and alleges as follows.

**I. PARTIES, JURISDICTION, AND VENUE**

1. This case arises under Title VII of the Civil Rights Act of 1964 and the Tennessee Human Rights Act.
2. The Court has subject matter jurisdiction over Plaintiffs' Title VII claims pursuant to 28 U.S.C. § 1331. The Court has subject matter jurisdiction over Plaintiff's Tennessee Human Rights Act claims pursuant to 28 U.S.C. § 1337. The Court has personal jurisdiction over Plaintiffs, who reside within the Eastern Division of the Western District of Tennessee. The Court has personal jurisdiction over the Defendant, a company operating and doing business in Puryear, Tennessee.
3. Venue also lies in the Western District of Tennessee, pursuant to 28 U.S.C.

§ 1391, because the Defendant does business in this district, and a substantial part of the alleged events or omissions giving rise to this action occurred in this district.

4. Plaintiffs are former employees of the Defendant. During all relevant periods, they were “employees” under both Title VII and the THRA.
5. The Defendant is a covered “employer” under both Title VII and the THRA.

## **II. FACTUAL BASIS FOR SUIT**

6. Plaintiffs were employed at Defendant’s facility in Puryear, Tennessee until June of 2006.
7. During Plaintiffs’ employment with Defendant, Defendant instituted new system whereby employees would “clock in” and “clock out” by placing their hand in a machine to be scanned.
8. Plaintiffs’ sincerely held religious beliefs prohibited them from using this new system.
9. Plaintiffs’ requested a reasonable accomodation which would allow them to record their time by an alternative method.
10. Instead of providing a reasonable accomodation to the Plaintiffs’ sincerely held religious beliefs, Defendant terminated Plaintiffs’ employment.
11. As a consequence of their termination, Plaintiffs have suffered economic and compensatory damages

## **IV. CAUSES OF ACTION**

12. The forgoing facts are incorporated by reference as if fully stated herein.
13. Plaintiffs bring the following claim against Defendant:

- A. Failure to accomodate sincerely held religious beliefs under Title VII of the Civil Rights Act of 1964 and the Tennessee Human Rights Act; and
  - B. Disparate treatment under Title VII fo the Civil Rights Act of 1964 and the Tennessee Human Rights Act
14. Plaintiffs demand a jury.

#### **VI. PRAYER FOR RELIEF**

- 15. An award to Plaintiffs of backpay;
- 16. An award to Plaintiffs of front pay or reinstatement;
- 17. An award to Plaintiffs of compensatory damages for humiliation and emotional distress;
- 18. An award to Plaintiffs of punitive damages to punish Defendant for their conduct and to discourage future discrimination;
- 19. An award to Plaintiffs of reasonable attorneys fees and costs;
- 20. An award of such other and further legal and equitable relief as my be appropriate.

Respectfully submitted,

**GILBERT & RUSSELL, PLC**

s/ Michael L. Russell

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