

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DR. CYNTHIA A. ANNETT, PH.D.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 01-CV-2367
)	
UNIVERSITY OF KANSAS,)	
)	
Defendant.)	
_____)	

COMPLAINT

COMES NOW the plaintiff, Dr. Cynthia A. Annett, Ph.D., by and through her attorneys, SLOAN, LISTROM, EISENBARTH, SLOAN & GLASSMAN, L.L.C., for her claim for relief against the defendant, University of Kansas, states and alleges the following:

JURISDICTION AND VENUE

1. This is an employment case based upon and arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*
2. This court has subject matter jurisdiction over the plaintiff's federal claims pursuant to 28 U.S.C. §1331, since these claims arise under federal statutory law.
3. All of the unlawful acts and practices set forth below were committed within the State of Kansas, and venue is proper in this court pursuant to 28 U.S.C. §1391(b)-(c).
4. The plaintiff filed an administrative charge encompassing a portion of the wrongful acts alleged in this action in September of 2000. Plaintiff has received a "right-to-sue" letter from the Equal Employment Opportunity Commission and has filed this action within 90 days of her receipt of the "right-to-sue" letter.

PARTIES

5. The plaintiff, Dr. Annett, is citizen and resident of Oskaloosa, Kansas.

6. The defendant, the University of Kansas, is a state-supported educational institution, whose main campus is located in Lawrence, Kansas. The University is an "employer" within the meaning of Title VII.

FACTUAL ALLEGATIONS

7. The plaintiff was hired as an assistant professor by the defendant in the fall academic semester of 1992.

8. On or about May of 1998, plaintiff filed a charge with the Equal Employment Opportunity Commission (EEOC) alleging discrimination based upon her sex and retaliation.

9. On or about February 19, 1999, plaintiff filed her lawsuit styled Dr. Cynthia Annett, Ph.D. and Dr. Raymond Pierotti, Ph.D. v. University of Kansas and Dr. Thomas Taylor, Ph.D., in his personal capacity., Case No. 99-2070. In this lawsuit, plaintiff asserted that she had been discriminated and retaliated against in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*

10. Trial was held in Case No. 99-2070 in late February of 2000, with a jury verdict rendered on March 6, 2000.

11. As part of that litigation, the plaintiff took the deposition of the director of the defendants, Equal Opportunity Office. At the trial, defendants' director of the Equal Opportunity Office was called by plaintiff as a witness.

12. Post-trial motions continued in Case No. 99-2070 until June of 2000.

13. On or about April 14, 2000, the plaintiff applied for a position as the Assistant Director of the Equal Opportunity Office.

14. At the time of plaintiff's application for the Assistant Director position, she met all of the qualifications for such position.

15. The plaintiff received confirmation that her application for the Assistant Director position had been received on April 18, 2001.

16. In May of 2000, plaintiff assisted in the authorship of a report titled "What's Wrong With This Picture? A Report on the Status of Women and Minorities at the University of Kansas". This report was highly critical of the defendant's treatment of certain protected classes.

17. On May 11, 2000, the plaintiff was notified that based upon her qualifications she would not be granted an interview for the Assistant Director position, and that she would receive no additional consideration for such position.

18. That plaintiff was at least as qualified, if not more so, than the other applicants who received an interview or ultimately took such position.

19. Following plaintiff's trial, she took a position as an adjunct professor in the Russian and East European Studies Program.

20. Although many adjunct professors are given primary investigator status, plaintiff was denied such an opportunity.

21. As a primary investigator, plaintiff would be allowed the opportunity to submit applications for various grants and projects that an individual without primary investigator status would not have access to.

22. The ability of a professor to obtain grants is highly valued by universities since it one of the major ways in which a university may obtain funding. Moreover, the ability to obtain grants is a tool utilized by universities to assess the success of an academic career.

COUNT I
RETALIATION IN VIOLATION OF TITLE VII

23. Plaintiff incorporates all of the above paragraphs as though full set forth in Count I.

24. The defendant University has intentionally retaliated against Dr. Annett for opposing unlawful employment practices, and for participating in proceedings under Title VII. Specifically, the University has denied Dr. Annett the proper opportunity to obtain and receive the position as the Assistant Director of the Equal Employment Office, and denied Dr. Annett status as a primary investigator for grant writing purposes.

25. As of result of the defendant University's illegal and intentional conduct, plaintiff has suffered serious economic losses as well as physical and emotional pain and suffering.

WHEREFORE, Dr. Annett prays for an injunction against the defendant University enjoining the University and its employees from engaging in unlawful employment practices and ordering the defendant University to grant plaintiff private investigator status and assign plaintiff to an Assistant Director position with the Equal Employment Office. In addition, or in the alternative, Dr. Annett prays for judgment against the defendant University for damages in excess of \$100,000.00, consisting of back pay, front pay, prejudgment interest, compensatory damages as defined in 42

U.S.C. §1981a, attorneys fees, litigation expenses, and for such other and further relief that the Court deems proper.

DATED this _____ day of _____ 2001.

Respectfully submitted:

SLOAN, LISTROM, EISENBARTH,
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Office: (785) 357-6311
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BY: _____
Alan V. Johnson, KS # 9992

and

BY: _____
Stephen D. Lanterman, KS # 18844

ATTORNEYS FOR PLAINTIFF

REQUEST FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. Pro. 38, the Plaintiff requests a trial by jury on all claims triable to a jury.

Respectfully submitted:

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DESIGNATION OF PLACE OF TRIAL

Plaintiff requests that Kansas City, Kansas, be designated as the place of trial in the above captioned matter.

Respectfully submitted:

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