

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**KIMALA “KIM” AKINWANDE,**

**Plaintiff,**

**vs.**

**DALLAS COUNTY HOSPITAL DISTRICT,  
d/b/a PARKLAND HEALTH & HOSPITAL  
SYSTEM**

**Defendant.**

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**CIVIL ACTION NO. 3:12-CV-866**

**PLAINTIFF’S ORIGINAL COMPLAINT**

**COMES NOW** Plaintiff Kimala “Kim” Akinwande (“Akinwande” or “Plaintiff”) and in support of her cause of action alleges as follows:

**I. PARTIES**

1. Plaintiff Akinwande is a resident of the State of Texas.
2. Dallas County Hospital District d/b/a Parkland Health & Hospital System ("Parkland" or “Defendant”) is the county health organization established in and for Dallas County and located at 5201 Harry Hines Blvd., Dallas, Texas 75235. Parkland may be served with process by serving its registered agent Paul Leslie at 5201 Harry Hines Blvd, Dallas, Texas 75235.

**II. JURISDICTION AND VENUE**

3. This action arises under United States Code, Title 42, § 1981 *et seq.*
4. Venue properly lies in this Court because all acts and omissions giving rise to this claim took place in Dallas County which is in the District and Division in which suit has been filed.

III. FACTS SUPPORTING PLAINTIFF'S CLAIMS

5. Parkland is a county-owned hospital located in Dallas, Texas. Parkland employs more than 8,000 employees.

6. Parkland hired Akinwande, a Black female, in 1998 as its Medical Staff Coordinator. Parkland ultimately promoted Akinwande to Director of Medical Affairs. As the Director of Medical Affairs, Akinwande supervised fifteen employees and was responsible for providing direction, leadership, management and operational oversight to the Medical Staff Office which included; credentialing, privileging, medical staff support services, physician and Certified Registered Nurse Anesthetist (“CRNA”) recruitment, and provider enrollment functions.

7. Akinwande’s direct supervisor was Shelly Monks (“Monks”), Parkland’s Senior Vice President of Professional and Academic Affairs. Dr. John Jay Shannon (“Shannon”), Parkland’s Executive Vice President of Medical Affairs and Chief Medical officer, supervised Monks and two other departments: Clinical Research and Clinical Quality Management.

8. On January 12, 2012, Monks terminated Akinwande. Monks terminated Akinwande because allegedly two Medical Staff Services personnel perceived Akinwande’s behavior as threatening and disrespectful. Monks never questioned Akinwande about the accusations or allowed Akinwande to respond to the accusations.

9. Prior to January 12, 2012, Akinwande never received any formal discipline. In fact, Monks rated Akinwande as “above expectations” on Akinwande’s most recent performance appraisal on November 30, 2011.

***Parkland's History of Racial Disparate Treatment***

10. Parkland's history of inadequate (1) supervision, (2) policies and procedures, and (3) human resources involvement created and fostered a racially discriminatory environment including disparate disciplinary treatment. The following comparator employees all received lesser discipline than Akinwande for the same or similar conduct:

- a. Amy Dollar ("Dollar"), a White female, Parkland's Certified Registered Nurse Anesthetist, was caught using a controlled substance while on duty. Dollar's conduct potentially jeopardized the safety of Parkland's patients. At a minimum, Dollar's conduct required Parkland report Dollar to the Nursing Peer Review Committee and the State Board of Nursing. Parkland did not report Dollar and ultimately Parkland allowed Dollar to resign her employment rather than be terminated.
- b. Kevin Alaggio ("Alaggio"), a White male, Parkland's Director of Nursing, had numerous encounters with employees regarding his threatening and bullying behavior. Parkland did not terminate Alaggio for his threatening behavior; instead, Parkland transferred Alaggio to various positions each time an employee complained. More appalling, when Jana Strunk ("Strunk"), an HR Business Partner, recommended Alaggio receive harsher disciplinary action, including termination, Candy Knowles ("Knowles"), Parkland's Senior Vice President of Human Resources, transferred Strunk to another division. Alaggio remains employed at Parkland.
- c. Sylvia Moreno ("Moreno"), a Hispanic female, Parkland's Director of HIV Services, had numerous problems regarding intimidating employees and

Parkland physicians. Several employees complained to Akinwande about Moreno's cruel behavior. Akinwande instructed the employees to complain to Shannon. The employees informed Akinwande that Shannon took no disciplinary measures against Moreno. Moreno remains employed at Parkland.

- d. Jane Fitzpatrick ("Fitzpatrick"), a White female, Parkland's Manager of HIV Services, had numerous problems regarding intimidating employees and Parkland physicians. Several employees complained to Akinwande about Fitzpatrick's cruel behavior. Akinwande instructed the employees to complain to Shannon. The employees informed Akinwande that Shannon took no disciplinary measures against Fitzpatrick. Fitzpatrick remains employed at Parkland.
- e. Kristin Bilkey ("Bilkey"), a White female, Parkland's Director of Regulatory and Accreditation, had numerous encounters with subordinates and staff regarding her threatening and intimidating behavior. On one occasion, an employee felt physically threatened by Bilkey. Employees reported Bilkey's behavior to Peter Hoffmann ("Hoffmann") who reported directly to Shannon. Bilkey received progressive correction action, but was not terminated for her threatening and intimidating behavior. Ultimately, Parkland allowed Bilkey to resign after the Dallas County Commissioners determined Bilkey failed to maintain regulator compliance.
- f. Dr. Rahul Banerjee ("Banerjee"), an Indian/Pacific Islander male, Parkland's Orthopedic Surgeon, had a history of employee intimidation. Banerjee

received no discipline from Parkland until an article by the Dallas Morning News exposed issues regarding attending physicians leaving the operating rooms and clinical areas unsupervised and monitored only by residents. Parkland permitted Dr. Banerjee to negotiate the level of his discipline. Banerjee remains on Parkland's Medical Staff.

- g. Dr. Adam Starr ("Starr"), a White male, Parkland's Chief of Orthopedic Surgery, was known to berate and demean employees. Shannon, Starr's supervisor, referred to Starr as the "model for a disruptive physician." Starr never received any discipline for berating employees. In fact, Starr served as the President of the Medical Staff and chaired the Medical Staff Peer Committee. Starr remains on Parkland's Medical Staff.

#### IV. STATEMENT OF CLAIMS

##### ***COUNT ONE: RACE DISCRIMINATION UNDER 42 U.S.C. § 1981***

11. Plaintiff incorporates Paragraphs 1 through 10 hereinabove as if fully set forth herein at length.

12. 42 U.S.C. § 1981 prohibits employment discrimination based on race.

13. Defendant discriminated against Plaintiff in violation of 42 U.S.C. § 1981 because of Akinwande's race, Black.

14. As summarized above, Parkland treated Akinwande different than other non-Black employees. Parkland terminated Akinwande because employees alleged her behavior was threatening and disrespectful. Parkland did not terminate other non-Black employees who threatened and intimidated employees and put clients' safety at risk. Instead, Parkland allowed

non-Black employees (1) the opportunity to dispute allegations, (2) transfer to a different department, (3) accept a demotion, and (4) resign rather than be terminated.

15. As a result of Defendant's actions, Plaintiff suffered and continues to suffer damages and Plaintiff hereby sues.

16. Plaintiff further requests her attorneys' fees under 42 U.S.C. § 1988(b).

V. REMEDIES

17. WHEREFORE, Plaintiff prays that the Court grant her the following relief:

- a. Back pay and front pay in a precise amount to be determined by the jury;
- b. Compensatory damages against Defendant as a consequence of Defendant's unlawful actions, in a precise amount to be determined by the jury;
- c. Prejudgment and post-judgment interest;
- d. Reasonable attorneys' fees, expenses and costs, as specifically authorized by statute, to be calculated by the Court pursuant to the established procedures and precedents; and
- e. Such other relief as the Court shall deem just and proper.

VI. JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues of facts and damages raised in this case.

Respectfully submitted,

**THE COLES FIRM P.C.**  
4925 Greenville Ave., Suite 1250  
Dallas, Texas 75206  
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(972) 692-7145 (Facsimile)

By: /s/ Michael E. Coles  
Michael E. Coles, Lead Attorney  
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Paul W. Simon, Of Counsel  
State Bar No. 24060611

**ATTORNEYS FOR PLAINTIFF**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Kimala "Kim" Akinwande

(b) County of Residence of First Listed Plaintiff Dallas County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Michael E. Coles, The Coles Firm P.C., 4925 Greenville Ave., Suite 1250, Dallas, Texas 75206, (214) 443-7860

DEFENDANTS

Dallas County Hospital District, d/b/a Parkland Health & Hospital System

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1981

Brief description of cause:

Race discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions) PENDING OR CLOSED:

JUDGE DOCKET NUMBER

DATE March 22, 2012

SIGNATURE OF ATTORNEY OF RECORD s/ Michael E. Coles

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE