

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JESICA LLANA,]	
]	
Plaintiff,]	
]	
vs.]	Case No:
]	
YOUTH OPPORTUNITY INVESTMENTS, LLC,]	JURY DEMAND
]	
Defendant.]	

COMPLAINT

Comes now the Plaintiff, JESICA LLANA, by and through counsel and for cause of action will respectfully show to the Court as follows:

JURISDICTION and VENUE

1. The claims giving rise to this cause of action took place in Davidson County, Tennessee; therefore, proper venue for this action lies within the Middle District of Tennessee pursuant to 28 U.S.C. § 1391.
2. This court has jurisdiction under 28 U.S.C. § 1332 because there is diversity of citizenship between the parties and an amount in controversy greater than \$75,000.
3. Upon administrative exhaustion, Plaintiff intends to amend her complaint to assert claims for racial discrimination and retaliation under Title VII of the Civil Rights Act.

PARTIES

3. Plaintiff, Jesica Llana, is a citizen and resident of Clarksville, Montgomery County, Tennessee.

4. Defendant, Youth Opportunity Investments, LLC “(YOI)”, is an Indiana Corporation whose managing managers are citizens of the state of Indiana.

5. Defendant, YOI, is a residential and non-residential at-risk youth treatment agency doing business in Tennessee with an office located at 100 Woodland Avenue, Nashville, Davidson County, Tennessee.

6. Plaintiff is a “person” within the meaning of Tenn. Code Ann. § 50-1-304(a)(1).

7. Defendant is an “employer” within the meaning of Tenn. Code Ann. § 50-1-304.

FACTUAL ALLEGATIONS

8. Defendant is a for-profit corporation contracted to operate the Davidson County Juvenile Detention Center.

9. According to Defendant’s website, “The program goal is promoting the positive potential of all youth, restoring hope through the provision of innovative quality programming, engaging families and community, and leading the way to future success.”¹

10. Plaintiff was employed as a youth development specialist (“YDS”) for Defendant from April 9, 2018 until August 18, 2018.

11. As a YDS, Plaintiff’s primary duties consisted of supervising, guiding, and counseling youth through daily activities within the juvenile justice facility.

12. During her initial training with YOI, Plaintiff was instructed on the importance of reporting any and all policy violations she witnesses or is informed about by the detained youths.

13. Throughout her employment, Plaintiff reported numerous unlawful activities within the facility by the staff.

¹ <https://youthopportunity.com/locations/davidson-county-juvenile-detention-center-nashville-tennessee/>

14. The violations reported by Plaintiff include, but are not limited to, violations of the Prison Rape Elimination Act of 2003 as well as child abuse and neglect.

15. On June 2, 2018, Plaintiff reported YDS Davis for multiple violations of PREA including allowing youths to walk around unclothed.

16. In the June 2, 2018 report, Plaintiff also informed her superiors of reports from other youth's that YDS Davis was interested in one particular youth.

17. Plaintiff's June 2, 2018 report also noted YDS Davis allowed this particular youth to remain in the day room alone with her during shower time.

18. Plaintiff noted YDS Davis' flirtatious body language and gestures towards the youth.

19. When the shift supervisor came on the floor, YDS Davis instructed Plaintiff to get the youth a broom, so it looked like he was doing something rather than having a private conversation with YDS Davis.

20. Approximately two weeks later, Plaintiff informed her superiors of reports that YDS Batey was engaging in sexual relations with one of the juvenile youths.

21. Plaintiff also informed her superiors YDS Batey kept a diary with a list of youths she had engaged in sexual relations with.

22. Plaintiff was informed YDS Batey had been terminated from her prior job for engaging in sexual relations with inmates.

23. Plaintiff also reported additional incidents which she in good faith believed violated PREA.

24. After reporting these concerns, YOI Compliance Officer Bingham investigated Plaintiff's claims, including reviewing video records from the facility.

25. Ms. Bingham informed Plaintiff her reports showed more PREA violations than she had ever seen and that she would personally ensure it would never happen again.

26. No staff members were disciplined for the violations reported by Plaintiff.

27. Plaintiff continued to see PREA violations occur nearly every shift she worked.

28. Plaintiff soon learned her reports were made public to all other staff members.

29. As a result, staff members began retaliating against Plaintiff.

30. She was frequently referred to by staff members as “white b*****” and/or “cracker.”

31. Other staff began yelling at Plaintiff in a demeaning manner in front of other youths.

32. Staff members refused to relieve Plaintiff for her breaks.

33. On June 27, 2018, Plaintiff filed a grievance based on the retaliation received after reporting the above violations.

34. Plaintiff also reported what she in good faith believed to be child abuse and neglect.

35. On July 28, 2018, Plaintiff noticed youth J.W. had a swollen eye.

36. Upon inquiry, Plaintiff learned the youth reported having a glass shard in her eye the previous night but was denied medical attention by the staff.

37. Plaintiff requested the shift supervisor report this to the Vice President of Programs, Dallas Scott, but she refused.

38. Plaintiff requested Mr. Scott’s phone number so she could report the incident herself, but this too was denied.

39. Plaintiff obtained Mr. Scott’s number herself and notified him of the youth being denied medical assistance.

40. Plaintiff also notified Assistant Facility Administrator Jamie Hubbard of this incident.

41. On July 30, 2018, while attempting to read her bible in her cell, youth J.W. was physically assaulted by YDS Scott.

42. YDS Scott had previously been disciplined for excessive physical restraint and physical assault against youths at this same facility.

43. On July 31, 2018, Plaintiff immediately reached out to Nekita Morthel with human resources to report the abuse.

44. Ms. Morthel would not take Plaintiff's calls.

45. Plaintiff went directly to Ms. Morthel's office and reported the assault to Ms. Morthel, Mr. Scott and Mr. Hubbard.

46. Plaintiff was told YOI would review video footage and fully investigate the incident between YDS Scott and youth J.W.

47. Shortly thereafter, Plaintiff overheard Master Control announce over the radio that Plaintiff knew about YDS Scott and was going to report the incident to Department of Children's Services ("DCS").

48. The staff members began turning youth's against Plaintiff and influencing the youths to refer to Plaintiff as "white b****.")

49. Plaintiff left the building and sent a text message to Ms. Morthel, Mr. Scott and Mr. Hubbard inquiring how YDS Scott was back on youth J.W.'s pod when an investigation still had not been completed.

50. Plaintiff also notified Ms. Morthel, Mr. Scott and Mr. Hubbard that she was reporting the incident to DCS.

51. Mr. Scott and Mr. Hubbard attempted to talk Plaintiff out of reporting anything to DCS.

52. Plaintiff realized neither Mr. Scott nor Mr. Hubbard were going to report this assault.

53. Plaintiff felt she had a duty, and in fact did have a duty, to report the abuse against youth J.W. to DCS.

54. Plaintiff filed a report of the abuse with DCS on August 1, 2018 at 8:54 a.m.

55. On August 2, 2018, YDS Officer came to Plaintiff's pod calling her a "white b*****" and threatening to "beat her a**."

56. YDS Officer then locked Plaintiff in the day room with 7 male youths.

57. Plaintiff reported these incidents to shift supervisor Miller stating she continues to be retaliated against for reporting abuse.

58. Plaintiff requested an unpaid leave of absence due to the hostile work environment she was being subjected to.

59. Plaintiff was then called into a meeting with Ms. Morthel, Assistant Director Hockett, and Mr. Hubbard to discuss why she was requesting a leave of absence.

60. Plaintiff stated she was being retaliated against and harassed anytime she reports illegal activity.

61. Plaintiff also stated everyone in the meeting had prior knowledge of the harassment she has endured but failed to remedy the harassment.

62. Plaintiff's request for leave was denied.

63. Plaintiff again contacted Richard McCabe with YOI's corporate office to complain about the unlawful activity, failure to correct the unlawful activity, retaliation and hostile environment.

64. Mr. McCabe instructed Plaintiff to go home until Tuesday, August 7, 2018.

65. On August 7, 2018, Plaintiff was called into a meeting with Melissa (last name unknown), Mr. Scott, and Mr. Hubbard.

66. In this meeting, Plaintiff was admonished for contacting DCS because it cause Mr. Scott double work.

67. On August 8, 2018, YDS Batey informed Plaintiff that due to her reporting the abuse, Shift Supervisor Miller and YDS Officer would ensure Plaintiff is never allowed back on Delta Pod.

68. YDS Batey also told Plaintiff all the staff in the building hate her and will “mess” with her until she quits or is fired.

69. Later that day, Plaintiff was confronted by several male youths upset Plaintiff reported YDS Scott.

70. In June 12, 2018, Plaintiff requested, and was approved for, leave for August 18, 2018 and August 21, 2018.

71. On August 11, 2018, Plaintiff was told she had been “blue dotted” for August 18, 2018 and August 21, 2018.

72. Being “blue dotted” means Plaintiff had to work a mandatory sixteen (16) hour shift.

73. Plaintiff protested pointing out she was previously approved to be off both days.

74. Mr. Hubbard then claimed he was going to make Plaintiff work sixteen (16) hour shifts every Saturday and Tuesday moving forward.

75. Plaintiff contacted Adrian Cartilage, Facility Director, to report the ongoing harassment, retaliation and denial of her previously approved leave.

76. Mr. Hubbard and Ms. Morthel alleged Plaintiff never requested leave.

77. On August 15, 2018, Plaintiff provided a copy of the signed leave approval.
78. Despite this, her leave was still denied.
79. On August 17, 2018, Plaintiff was called into a meeting with Mr. Cartilage, Ms. Morthel, and Mr. Hubbard.
80. In this meeting, Mr. Hubbard admonished Plaintiff for providing the signed leave for to Mr. Cartilage.
81. Mr. Hubbard also admonished Plaintiff for not following the chain of command.
82. Plaintiff then inquired why she had been removed from Delta Pod.
83. Mr. Scott then entered the room and backed Plaintiff into a corner yelling at Plaintiff.
84. Plaintiff calmly stated she was exercising her rights and she wanted a legitimate answer on why she was being retaliated against.
85. Mr. Scott then yelled at Plaintiff stating she needs to “know her place” at work and she “doesn’t have any rights to ask any questions.”
86. Mr. Cartilage could tell Plaintiff was upset and asked if she would like to leave.
87. As Plaintiff was leaving, Mr. Hubbard yelled, “You will work both Saturday and Tuesday blue dots.”
88. As Plaintiff left the office, Mr. Hubbard yelled, “You get back in this office now and don’t even think about going back upstairs.”
89. Plaintiff requested Mr. Hubbard leave her alone.
90. Mr. Hubbard again yelled, “Get back in the office now, don’t make me have to force you.”
91. Feeling she had no other option, Plaintiff resigned her employment.

92. Plaintiff, in good faith, reported violations of the Prison Rape Elimination Act.

93. Plaintiff, in good faith, reported child abuse and neglect to management as well as the Department of Children's Services.

94. Plaintiff, in good faith, reported retaliation to management and YOI's corporate office.

95. Plaintiff, in good faith, reported a hostile work environment to management and YOI's corporate office.

96. Plaintiff was terminated solely for refusing to engage in and/or refusing to remain silent about illegal acts.

COUNT I – VIOLATION OF TENNESSEE PUBLIC PROTECTION ACT
TENN. CODE ANN. § 50-1-304

97. Plaintiff hereby re-alleges the foregoing paragraphs as though fully set forth herein.

98. Plaintiff was an employee of Defendant as defined by the Tennessee Public Protection Act.

99. Plaintiff refused to take part in and/or remain silent about illegal activities, specifically; violations of the Prison Rape Elimination Act of 2003 as well as child abuse and neglect.

100. Plaintiff was constructively discharged after her refusal to engage in or remain silent about the illegal activity.

101. An exclusive causal relationship exists between Plaintiff's refusal to engage in and/or refusing to remain silent about illegal activity and her constructive discharge.

102. Due to her illegal termination, Plaintiff suffered damages.

WHEREFORE, Plaintiff requests this Court enter judgment in favor of the Plaintiff and against Defendant, for:

1. the sum of money determined by the Jury to be sufficient to compensate her for the damages complained of herein including but not limited to future wages, past wages, loss of business, pain and suffering, loss of enjoyment of life, and all other damages allowed under Tennessee law.

2. punitive damages.

3. reasonable attorney fees and costs incurred in bringing this action pursuant to Tennessee Code Annotated § 50-1-304.

4. Defendant be taxed with the costs of this civil action.

5. Any and all further and general relief as justice may require.

Respectfully Submitted,

THE EMPLOYMENT & CONSUMER LAW GROUP

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