

IN THE CIRCUIT COURT OF COLE COUNTY
NINETEENTH JUDICIAL CIRCUIT
STATE OF MISSOURI

Chris Lawson,)
)
Plaintiff,)

v.)

Missouri Commission on Human Rights,)

NO.: _____
DIVISION: _____

SERVE: Alisa Warren, Executive Director)
3315 W. Truman Blvd., Suite 212)
Jefferson City, MO 65102)

Alisa Warren, Executive Director, Missouri)
Commission on Human Rights, in her official)
capacity only, and)

SERVE: Alisa Warren, Executive Director)
3315 W. Truman Blvd., Suite 212)
Jefferson City, MO 65102)

Dollar General Corporation,)

SERVE: Corporation Service Company)
2908 Poston Avenue)
Nashville, TN 37203-1312)

Defendants.)

PETITION FOR JUDICIAL REVIEW AND INJUNCTIVE RELIEF

COMES NOW plaintiff, Chris Lawson, by and through counsel, and states:

1. On or about May 23, 2015, Chris Lawson filed a timely Charge of Discrimination with the Missouri Human Rights Commission (MCHR) as well as the United States Equal Employment Opportunity Commission (EEOC). The Charge was assigned number 560-2015-01080. On or about July 6, 2015, Lawson filed an amended Charge. The Charge number remained the same.

2. In his Charge, Chris Lawson alleged that his employer, Dollar General, violated his rights under the Missouri Human Rights Act (MHRA), RSMo. 213.010, *et seq.* by discriminating against him on the basis of sex and sex-stereotyping. A true and correct copy of the amended Charge is attached hereto as Exhibit A.

3. Lawson is a transgender male.

4. Specifically, Lawson alleged that Dollar General treated similarly situated coworkers differently than he was treated and created a hostile work environment because of his sex and because his employer did not believe that he exhibited the stereotypical attributes of how a male should appear.

5. Lawson alleged that, because he was a transgender male, he was treated differently than his coworkers because he does not act or appear in accordance with expectations of his gender.

6. Lawson's Charge made no reference whatsoever to his sexual orientation.

7. Defendant MCHR was created by statute to, among other purposes, eliminate and prevent discrimination in employment because of sex by implementing the MHRA.

8. Defendant Alisa Warren is the Executive Director of MCHR.

9. Defendant Dollar General Corporation is a Fortune 200 company with its headquarters in Goodlettsville, Tennessee.

10. Dollar General operates more than 15, 000 retail locations, has 15 distribution centers, and approximately 130,000 employees.

11. Dollar General owns and operates the distribution center located at 1900 Cardinal Drive, Fulton, Missouri, where Lawson was employed from January 2015 to February 2015.

12. Lawson's Charge relates to discrimination he faced while working at the distribution center in Fulton, Missouri, owned and operated by Dollar General.

13. On or about August 9, 2018, Alisa Warren, acting in her official capacity as Executive Director of MCHR, administratively closed Lawson's Charge, asserting that the MCHR "lacks jurisdiction over this matter because sexual orientation is not protected by the Missouri Human Rights Act." A true and correct copy of the administrative closure letter is attached hereto as Exhibit B.

14. This action was filed to seek review of MCHR's August 8, 2018 final decision terminating the proceedings.

15. The action is timely because it was filed within the requirements of § 213.085.2, which require a filing within 30 days after the mailing or delivery of the Notice of MCHR's final decision.

16. Venue is proper in Cole County. *See* § 213.085.3.

17. Lawson is seeking judicial review of the administrative closure and injunctive relief pursuant to § 213.085, which provides that judicial review "shall be in the manner provided by chapter 536."

18. Additionally, 8 C.S.R. 60-2.2025(7)(E) provides that "[a]ny person aggrieved by dismissal of a complaint may obtain judicial review by filing a petition in the circuit court of the count of proper venue within thirty (30) days after the mailing or delivery of the notice of dismissal. Judicial review shall be in the manner provided by Chapter 536, RSMo for noncontested cases."

19. Noncontested case review is governed by § 536.150.

20. Section 536.150 provides, in relevant part, that a decision such that Lawson received “may be reviewed by suit for injunction, certiorari, mandamus, prohibition or other appropriate action.”

21. Under Section 536.150, “the circuit court conducts such a hearing as an original action.” *City of Valley Park v. Armstrong*, 273 S.W.3d 504, 506 (Mo. banc 2009) (per curiam).

22. MCHR’s final decision administratively closing Lawson’s Charge and issuing a Notice of Termination of Proceedings based on its purported lack of jurisdiction should be reviewed de novo pursuant to § 536.140.3 because the decision is based on the erroneous application of law to facts, as follows:

- a) Lawson is a transgender male.
- b) Lawson was employed at Dollar General from January 11, 2015, to February 26, 2015.
- c) While employed at Dollar General, Lawson asked his employer to refer to him with male pronouns and requested access to the male restroom.
- d) Lawson was told by the human resources department that the department had been instructed by corporate not to use either male or female pronouns when referring to Lawson.
- e) Lawson was also told by the human resources department that he could not use the male restroom and would receive a written reprimand if he did so. Lawson was told that he could use the female single-stall restroom in the human resources department or any female restroom in the warehouse, but he could not use any male restrooms.

- f) Lawson then tried to avoid using the restroom at all because he felt uncomfortable using a female restroom.
- g) Lawson was later spoken to again about restroom use after it was reported that he used the male single-stall restroom. Lawson used the male single-stall restroom because he could not wait for the female single-stall restroom, which was occupied at the time. He was reminded that he would receive a reprimand for using the male single-stall restroom.
- h) No other male or female coworker was banned from using the restroom associated with their sex nor had any other coworker been told that the gender-specific pronoun of their preference would not be used.
- i) Dollar General treated Lawson differently from his similarly situated coworkers.
- j) Dollar General treated Lawson differently, discriminated against him, and created a hostile work environment because of his sex and because his employer did not believe that he exhibited the stereotypical attributes of how a male should appear.

23. In the event that this Court determines that de novo review is not appropriate, then Lawson, alternatively, seeks a determination that MCHR's action exceeded its statutory authority; was unauthorized by law; was arbitrary, capricious, or unreasonable; and was an abuse of discretion. *See* § 536.140.2.

24. Defendants have affected Lawson's legal rights and/or privileges by denying him the benefit of an investigation and by denying him access to the courts.

25. Lawson has no adequate remedy at law for the harm caused by Defendants and, absent relief from this Court, the harm is irreparable.

WHEREFORE Plaintiff prays that this Court enter judgment in his favor and against

Defendants, and:

- A. Reverse the final decision of the MCHR administratively closing Lawson's Charge and terminating the proceedings for lack of jurisdiction;
- B. Enter an injunction requiring Defendants to reopen the Charge for further administrative processing in accordance with § 213.075; and
- C. Grant to Plaintiff such other and further relief as is just and proper, including the award of attorneys' fees and costs.

Respectfully submitted,

/s/ Anthony E. Rothert

Anthony E. Rothert, #44827

Jessie Steffan, #64861

American Civil Liberties Union of

Missouri Foundation

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ATTORNEYS FOR PLAINTIFF

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input type="checkbox"/> FFPA	
		<input checked="" type="checkbox"/> EEOC	
Missouri Commission on Human Rights			and EEOC
<i>State or local Agency, if any</i>			
NAME (Indicate Mr., Ms., Mrs.) Mr. Chris Lawson		HOME TELEPHONE (Include Area Code) (573) 569-0358	
STREET ADDRESS 102 W. 3rd St.		CITY, STATE AND ZIP CODE Eldon, MO 65026	DATE OF BIRTH 05/22/1983
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Dollar General		NUMBER OF EMPLOYEES, MEMBERS > 15	TELEPHONE (Include Area Code) (573) 592-3500
STREET ADDRESS 1900 Cardinal Dr.		CITY, STATE AND ZIP CODE Fulton, MO 65251	COUNTY Callaway
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))			DATE DISCRIMINATION TOOK PLACE
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)			EARLIEST (ADEA/EPA) LATEST (ALL) 1/22/2015 2/26/2015
			<input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<ol style="list-style-type: none"> 1) I was employed at Dollar General in Fulton, Missouri, from January 11, 2015, to February 26, 2015. 2) I am a transgender male. 3) Dollar General and its agents subjected me to disparate treatment and harassment based on sex and sex stereotypes that affected the terms and conditions of my employment. 4) On or about January 22, 2015, I was summoned to the human resources office to meet with my supervisor, Bobbi Jo Martin, and the person in charge of the human resources department, Kimberly. I do not know Kimberly's surname. 5) During the January 22, 2015 meeting, Kimberly asked if I wanted to be known as male and if I preferred male pronouns. I replied that I was undergoing a female-to-male transition and using male pronouns would be respectful. Kimberly then informed me that she had spoken with corporate and was instructed not to use either male or female pronouns when referring to me "due to legal matters." 6) Because I am a transgender male, I prefer the use of male pronouns and wanted access to the male restroom at work. 7) At the January 22, 2015 meeting, Kimberly also informed me that I could not use the male restroom and that I would receive a written reprimand if I did so. She told me that I could use the "female" single-stall restroom in the human resources department, but that I could not use the "male" single-stall restroom there. 8) After that meeting, I tried to avoid using the restroom at work at all because I could not bring myself to use a restroom I did not feel comfortable in. 9) On or about February 26, 2015, I was again summoned to the human resources office by Kimberly. She stated that someone told her I had used the "male" single-stall restroom. I told her that I had used that restroom because I could not wait and the "female" single-stall restroom was occupied. Nevertheless, she reminded me that I would receive a written reprimand if I used any "male" restroom. 10) Kimberly told me that I could use any "female" restroom in the warehouse at any time. I informed her, however, that this was not the case because I could not bring myself to use a restroom I did not feel comfortable in. 			

- 11) Kimberly told me that Dollar General would not change the restroom restriction or pronouns used when referring to me unless I provided "legal documentation" that I was having sex reassignment surgery.
- 12) Because of the discriminatory treatment I received at Dollar General, I did not return to work after February 26, 2015.
- 13) Similarly situated coworkers were treated differently than me. No other male or female coworker has been banned from using the restroom associated with their gender nor have they ever been told that the gender-specific pronoun they preferred would not be used.
- 14) Dollar General treated me differently than my coworkers and created a hostile work environment because of my sex and because they do not believe that I exhibit the stereotypical attributes of how a male should appear. Because I am a transgender male, I was treated differently than my coworkers because I do not act or appear in accordance with the expectations defined by gender.
- 15) I have suffered damages, including but not limited to loss of employment, emotional distress, and loss of enjoyment of life.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY - (When necessary for State and Local Requirements)</p>
<p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p><i>June 30, 2015</i> Date</p> <p><i>[Signature]</i> Charging Party (Signature)</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) <i>06/30/2015</i></p> <p><i>Tanya Procter</i></p>

EEOC FORM 5 (10/94)



TANYA PROCTER
My Commission Expires
September 20, 2017
Miller County
Commission #13870253



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON
GOVERNOR

ANNA S. HUI
DEPARTMENT DIRECTOR

MELODY A. SMITH, Ed.D.
ACTING COMMISSION CHAIR

ALISA WARREN, Ph.D.
EXECUTIVE DIRECTOR

August 9, 2018

Chris M. Lawson
102 W. 3rd St.
Eldon, MO 65026

FE-7/15-23798
Administrative User/Records

NOTICE OF TERMINATION OF PROCEEDINGS

RE: Lawson vs. Dollar General
FE-7/15-23798 560-2015-01080

The investigation of the above-captioned complaint has determined that the Missouri Commission on Human Rights (MCHR) lacks jurisdiction over this matter because sexual orientation is not protected by the Missouri Human Rights Act. Therefore, MCHR is administratively closing this case and terminating all MCHR proceedings relating to your complaint. If you are aggrieved by this decision, then you can appeal by filing a petition under § 536.150 of the Revised Statutes of Missouri in state circuit court. Any such petition must be filed in the circuit court of Cole County.

Respectfully,

Alisa Warren Ph.D.
Executive Director

Dollar General
Meghan Blackwell
100 Mission Ridge
Goodlettsville, TN 37072

Gillian R. Wilcox
906 Olive Street, Suite 1130
St. Louis, MO 631081



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1410 GENESSEE, SUITE 260
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Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711

www.labor.mo.gov/mohumanrights

E-Mail: mchr@labor.mo.gov

Ex. B