

CAUSE NO. CC-12-07023-E

PATRICIA HAHN,

Plaintiff,

vs.

SCOTT DAVIDSON, M.D. individually,
SCOTT DAVIDSON, M.D., P.A. AND
NORTH DFW UROLOGY ASSOCIATES
a/k/a NORTH DFW UROLOGY, L.L.P,

Defendants.

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IN THE COUNTY COURT

AT LAW NO. #5 OF

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Patricia Hahn (hereinafter "Plaintiff") and files this Original Petition (hereinafter "this Petition"), complaining of Scott Davidson, M.D. individually (hereinafter "Defendant Davidson"), Scott Davidson, M.D., P.A. (hereinafter "Defendant Davidson, P.A.") North DFW Urology Associates a/k/a North DFW Urology, L.L.P. (hereinafter "Defendant North DFW Urology") (Defendant Davidson, Defendant Davidson P.A. and Defendant North DFW Urology hereinafter collectively "Defendants") and would show unto the Court as follows:

DISCOVERY CONTROL PLAN

1. Discovery is intended to be conducted under Level III pursuant to Texas Rule of Civil Procedure 190.4 and Plaintiff hereby moves this Court for entry of a Level III Scheduling Order.

THE PARTIES

2. Plaintiff is an individual who resides in Dallas, Texas.

3. Defendant Scott Davidson, M.D. is an individual who conducts business in Grapevine, Texas.

4. Defendant Scott Davidson, M.D., P.A. is a Professional Association duly qualified to do business in the State of Texas.

5. Defendant North DFW Urology Associates a/k/a North DFW Urology, L.L.P. is a Limited Liability Partnership duly qualified to do business in the State of Texas.

JURISDICTION AND VENUE

6. Plaintiff is a resident of Dallas County, Texas. Some of the torts and actions complained of herein occurred in Dallas County. Therefore, jurisdiction and venue are proper in Dallas County, Texas. As a proximate result of said "Incidents," damages in excess of the minimum jurisdictional limits of this Court were incurred by Plaintiff.

7. All conditions precedent to all relief being sought by Plaintiff in the above-referenced lawsuit have been met, performed and occurred.

SERVICE

8. Defendant Scott Davidson, M.D. is an individual who may be served by serving the Petition and citation upon him at his regular place of business as follows:

1601 Lancaster, Suite 170
Grapevine, TX 76051

9. Defendant Scott Davidson, M.D., P.A. is a professional association which may be served by serving the Petition and citation upon its President as follows:

1601 Lancaster, Suite 170
Grapevine, TX 76051

10. Defendant North DFW Urology Associates a/k/a North DFW Urology, L.L.P. is a Limited Liability Partnership which may be served by serving the Petition and citation upon the Presiding of a Managing Partner as follows:

1601 Lancaster, Suite 170
Grapevine, TX 76051

FACTS

11. Plaintiff became employed by Defendants as a Licensed Vocational Nurse in November 2007. Plaintiff graduated from nursing school with a 4.0 grade average. Plaintiff fully performed her duties and responsibilities with Defendants.

12. Defendants have bullied, intimidated, harassed and continually placed Plaintiff in a hostile work environment. (hereinafter and previously the "Incidents")

13. Defendant Davidson did not treat men in the office like he treated Plaintiff.

14. Defendant Davidson is a large muscular man, over 6 feet tall. He also has received martial arts training. He is a classic bully who picks on the weak and vulnerable.

15. On multiple occasions, Defendant Davidson, while on Defendants' premises, while supervising Plaintiff during the hours of employment, has yelled, berated and punched at Plaintiff's face with clinched fists. Defendant Davidson has abruptly swung his two clinched fists to within inches of Plaintiff's face. Defendant Davidson has also bent Plaintiff backward in her chair, got inches away from her face as he loudly screamed threats and insults in her face.

16. Defendant Davidson's conduct was grossly abusive, threatening and degrading to Plaintiff. Defendants constantly harassed and intimidated Plaintiff. Defendant Davidson was abusive to Plaintiff. Defendants' conduct and actions bring this dispute outside the scope of an ordinary employment dispute because the harassment constituted extreme and outrageous conduct.

17. Plaintiff complained to Defendants that Defendant Davidson's actions were totally unacceptable. Dr. Graves told Plaintiff to continue to come to work and that everything would be fine and that Defendant Davidson's actions were no big deal.

18. Plaintiff informed Dr. Graves that she would not tolerate Defendant Davidson putting his fists in her face and screaming at her.

19. After Plaintiff reported and opposed Defendants' harassment and discrimination, Defendants retaliated against Plaintiff.

20. At least one firearm is kept in the workplace and Plaintiff has felt threatened by the presence of a firearm in the workplace due to the volatile temperament of Defendants and their employees. To intimidate Plaintiff, Dr. Graves has pulled out a gun at the office and showed the gun to Plaintiff and other employees.

21. Another example of retaliation includes Defendant Davidson's reaction to Plaintiff after Plaintiff complained about Davidson. When Defendant Davidson saw Plaintiff, Defendant Davidson clinched his fists by his side, tilted his head forward and rushed quickly towards Plaintiff. When he got close to Plaintiff he stated, "You shut up, you shut up, I'm sick of you." One day after this abuse Patsy Garza Smith told Plaintiff "you ought to quit because they are going to find a reason to fire you." Then Plaintiff began having [REDACTED]

22. After Plaintiff returned to work from her [REDACTED] Defendant Davidson asked her what had caused her [REDACTED]. Plaintiff told him that he knew what caused her [REDACTED] it was him yelling at Plaintiff and Patsy Garza Smith telling Plaintiff that she ought to quit because Defendants were going to find a way to fire Plaintiff.

23. After Plaintiff complained, Defendant Davidson said Plaintiff's complaint that he had yelled at her was false and no one had heard him yell at her. Plaintiff was sitting in a chair. Defendant Davidson then leaned over Plaintiff, got very close to Plaintiff's face and Defendant

Davidson then said, "if you want to hear yelling, I'll show you yelling." Defendant Davidson started screaming extremely loudly and yelling saying, "Now I'm yelling at you, now you know what real yelling sounds like." One or more Defendants made at least one retaliatory phone call to Plaintiff's home.

24. Defendants' harassment, intimidation, threats and retaliation are pervasive, egregious, objectively offensive, unreasonable and are calculated to humiliate Plaintiff and encourage her resignation. Plaintiff's working environment is hostile, has altered the conditions of Plaintiff's employment and has created an abusive working environment.

25. Defendants' actions towards male employees are a stark contrast to Defendants' actions towards female employees.

26. Defendants' actions have caused Plaintiff to suffer [REDACTED]

[REDACTED]

[REDACTED]

FIRST CAUSE OF ACTION AGAINST DEFENDANTS: ASSAULT

27. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for assault. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as if set forth herein verbatim.

28. On several occasions, Defendant Davidson's actions placed Plaintiff in great fear or apprehension of imminent bodily injury. Said actions were without consent or privilege and against Plaintiff's wishes. Defendant Davidson had no permission or justification for his offensive and harmful actions. Defendant Davidson's actions were not casual, negligent, or accidental contact, but were a deliberate, intentional and harmful.

29. As a direct and proximate result of Defendant Davidson's conduct as described above, Plaintiff suffered severe mental anguish and other damages in excess of the minimum jurisdictional limits of this Court.

SECOND CAUSE OF ACTION AGAINST DEFENDANTS: BATTERY

30. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for battery. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as if set forth herein verbatim.

31. On several occasions Defendants took actions against Plaintiff in a harmful and offensive manner. Said actions were without consent or privilege and against Plaintiff's wishes. Defendants had no permission or justification for the offensive and harmful actions. Defendants' actions were not casual, negligent, or accidental contact, but were a deliberate, intentional and harmful.

32. As a direct and proximate result of Defendants' conduct as described above, Plaintiff has suffered [REDACTED] and other damages in excess of the minimum jurisdictional limits of this Court.

THIRD CAUSE OF ACTION AGAINST DEFENDANTS: INTENTIONAL INFLICTION OF MENTAL DISTRESS

33. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for intentional infliction of mental distress. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as if set forth verbatim herein.

34. As a result of the actions, omissions and policies of Defendants, Plaintiff has suffered or will suffer [REDACTED]. Defendants acted intentionally and recklessly; said conduct was extreme and outrageous in that it surpassed all possible bounds of decency and is utterly intolerable in a civilized community. Further, the actions of Defendants caused Plaintiff [REDACTED] suffered by Plaintiff was severe as described above. Said outrageous conduct was made without privilege, permission or consent.

35. Each of the above-referenced acts and omissions, singly or in combination with others, constituted [REDACTED] which proximately caused the damages Plaintiff suffered, which are in excess of the minimum jurisdictional limits of this Court.

**FOURTH CAUSE OF ACTION AGAINST DEFENDANTS:
SEX DISCRIMINATION IN VIOLATION
OF THE TEXAS COMMISSION ON HUMAN RIGHTS ACT**

36. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for sexual discrimination in violation of the Texas Commission on Human Rights Act. Tex. Labor Code § 21.051 ("TCHRA"). The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged for all purposes, and incorporated herein with the same force and effect as if set forth verbatim herein. Plaintiff further shows as follows:

37. Defendants have bullied, intimidated, harassed and continually placed Plaintiff in a hostile work environment because of her sex, female, in violation of the TCHRA. In contrast, Defendants treatment of male employees was starkly different.

38. Plaintiff has met all procedural prerequisites of bringing this TCHRA claim. Plaintiff filed TCHRA charges relating to these violations on January 3, 2011 and has received a

Right to Sue letter relating to these charges. Further, Plaintiff is within all applicable statutes of limitations for bringing this civil action.

**FIFTH CAUSE OF ACTION AGAINST DEFENDANTS: SEX HARASSMENT
IN VIOLATION OF THE TEXAS COMMISSION ON HUMAN RIGHTS ACT**

39. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for sexual harassment in violation of § 21.051 of the TCHRA. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged for all purposes, and incorporated herein with the same force and effect as if set forth verbatim herein. Plaintiff further shows as follows:

40. Plaintiff, while employed with Defendants, was sexually harassed. Despite Plaintiff's complaints regarding such behavior, Defendants took no action to remedy the harassing situation. This harassment persists.

41. Plaintiff has met all procedural prerequisites of bringing this TCHRA claim. Plaintiff filed TCHRA charges relating to this violation on January 3, 2011 and has received a Right to Sue letter relating to this charge. Further, Plaintiff is within all applicable statutes of limitations for bringing this civil action.

**SIXTH CAUSE OF ACTION AGAINST DEFENDANTS: RETALIATION
IN VIOLATION OF THE TEXAS COMMISSION ON HUMAN RIGHTS ACT**

42. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for retaliation in violation of § 21.055 of the TCHRA. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as if set forth verbatim herein. Plaintiff further shows as follows:

43. Plaintiff filed a charge of sex discrimination with the EEOC and the TCHRA on January 3, 2011. Subsequent to the filing of this charge both supervisors and co-workers of Defendants retaliated against Plaintiff for taking such actions. Despite Plaintiff's complaints regarding such retaliation, Defendants took no action to curtail or stop the retaliation. The retaliatory conduct continued and was not curtailed by Defendants. Defendants fired Plaintiff in retaliation for her complaints of TCHRA violations.

44. Plaintiff has met all procedural prerequisites of bringing this TCHRA claim. Plaintiff filed TCHRA charges relating to these violations on January 3, 2011 and has received a Right to Sue letter relating to these charges. Further, Plaintiff is within all applicable statutes of limitations for bringing this civil action.

**SEVENTH CAUSE OF ACTION AGAINST DEFENDANT SCOTT DAVIDSON, P.A.
AND DEFENDANT NORTH DFW UROLOGY ASSOCIATES: VICARIOUS LIABILITY**

45. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendant Davidson, P.A. and Defendant North DFW Urology Associates for vicarious liability. Plaintiff alleges that because Defendant Davidson, P.A. and Defendant North DFW Urology Associates are vicariously liable for Defendant Davidson's acts, and all causes of action pled in this Petition are hereby reaverred and realleged against them with the same force and effect as if set forth verbatim herein. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as set forth verbatim herein.

46. At the time of the accident in question, and all times relevant to the lawsuit, Defendant Davidson, was an agent, servant, employee and/or partner of Defendant Davidson, P.A and Defendant North DFW Urology, and at the time of the Incidents was acting in the

course and scope of his authority as an agent, servant, employee and/or partner of Defendant Davidson, P.A and Defendant North DFW Urology. In particular:

- a. Defendant Davidson was performing work to serve the purpose of Defendant Davidson P.A. and Defendant North DFW Urology;
- b. Defendant Davidson committed the Incidents to serve the purpose of Defendant Davidson P.A. and Defendant North DFW Urology;
- c. Defendant Davidson's actions would have benefited Defendant Davidson P.A. and Defendant North DFW Urology;
- d. Defendant Davidson's activities on the dates of the Incidents were authorized by Defendant Davidson P.A. and Defendant North DFW Urology;
- e. The time, place and manner of Defendant Davidson's activities were within Defendant Davidson P.A. and Defendant North DFW Urology's authorization; and
- f. Defendant Davidson's activities were motivated by a desire to benefit Defendant Davidson P.A. and Defendant North DFW Urology.

47. Pursuant to the doctrine of respondeat superior, Defendant Davidson's actions, as described in greater particularity above, are imputed to Defendant Davidson, P.A and Defendant North DFW Urology.

48. Each of the above-referenced acts and omissions, singly or in combination with others, constituted intentional acts which proximately caused the damages Plaintiff suffered, which are in excess of the minimum jurisdictional limits of this Court.

DAMAGES FOR MENTAL ANGUISH

PUNITIVE DAMAGES

50. As a consequence of the foregoing clear and convincing facts and the willful and malicious nature of the wrongs committed against the Plaintiff, Plaintiff is entitled to exemplary damages in excess of the minimum jurisdictional limits of this Court.

JURY DEMAND

51. Plaintiff demands that this Court empanel a lawful jury to hear this case.

REPORTER DEMAND

52. Demand is hereby made that the Official Court Reporter for this Court perform all the duties of the office, as set forth in Section 52.046 of the Government Code of the State of Texas, and as set forth in Rule 13 of the Rules of Appellate Procedure, including reporting all testimony and trial proceedings, voir dire examinations and jury arguments.

RESERVATION OF RIGHTS

53. Plaintiff specifically reserves the right to bring additional causes of action against Defendants and to amend this Petition as necessary.

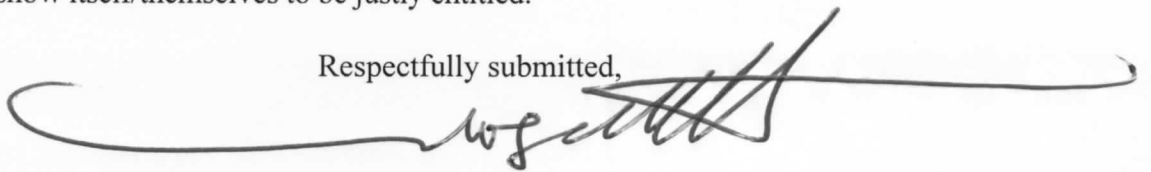
REQUEST FOR DISCLOSURE

54. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose, within the time provided by the Rules, the information described in Rule 194.2 (a)-(l) of the Texas Rules of Civil Procedure.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and to answer herein and that upon final hearing, the court enter judgment in favor of Plaintiff against Defendants, jointly and severally, in an amount in excess of the minimum jurisdictional limits of this Court, for compensatory damages, punitive damages, reasonable attorneys' fees, reasonable paralegal fees, costs of court and pre- and post-judgment interest at the highest rate allowed by law, and also enter an order revoking any license enabling Defendants to operate in Texas and revoking any certificate authorizing Defendants to do business in Texas if any judgment rendered in this case has not been satisfied within three (3) months from the date of filing said final judgment, and for such other and further relief, general or special, at law or in equity, to which Plaintiff may show itself/themselves to be justly entitled.

Respectfully submitted,



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