

CAUSE NO. 471-01645-2022

RANDY JACKSON,

Plaintiff,

v.

COLLIN COLLEGE,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

OF COLLIN COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

**I.**

**INTRODUCTION**

Plaintiff Randy Jackson (Plaintiff) files this Original Petition against Defendant Collin College (Defendant or College).

**II.**

**DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.3.

**III.**

**PARTIES**

2. Plaintiff is an individual and a citizen of Collin County, Texas.

3. Defendant is a college with its principal place of business located at 3452 Spur 399, McKinney, Texas 75069. Defendant may be served with process, including citation and a copy of this petition, by serving its president, Neil Matkin, at 3452 Spur 399, McKinney, Texas 75069, or wherever he may be found.

#### **IV.**

#### **JURISDICTION**

4. The Court has jurisdiction over this action because the amount in controversy, exclusive of interest and costs, is within the jurisdictional limits of the Court.

5. Defendant employs the requisite number of employees for coverage under the relevant state laws and statutes upon which Plaintiff's claims are based.

6. As required by Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$1,000,000.00.

#### **V.**

#### **VENUE**

7. Venue is proper in Collin County because (a) Defendant's principal place of business is in Collin County,<sup>1</sup> and (b) all or a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in Collin County.<sup>2</sup>

#### **VI.**

#### **BACKGROUND FACTS**

8. Plaintiff was employed by the College as an Associate Dean of Academics from on or about November 12, 2019, to on or about November 10, 2020.

9. In or around mid-March 2020, all staff were required to work remotely due to the outbreak of COVID-19.

10. On or about June 1, 2020, all College employees were told that they could return to the campus with appropriate PPE and safety policies in place.

---

<sup>1</sup> TEX. CIV. PRAC. & REM. CODE § 15.002(a)(2).

<sup>2</sup> TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1).

11. Plaintiff asked for an accommodation to work from home because Plaintiff was at a higher risk of complications to the COVID virus because of his disabilities, including rheumatoid arthritis, an immuno-suppressor medication that Plaintiff took for that disability, Crohn's diseases, and a history of colon cancer.

12. This was approved for June, July, and August 2020.

13. In August, Plaintiff was informed that he needed to plan to return to working on campus.

14. Because Plaintiff was concerned that his job was in jeopardy if Plaintiff did not return to working on-campus, Plaintiff went against his physician's advice and recommendation to plan to try and return to campus on or about September 8, 2020.

15. During this time, unfortunately Plaintiff's health declined, and Plaintiff was informed that he needed surgery.

16. When Plaintiff relayed this information to his supervisor, Mary Barnes-Tilley, she began to use the language that Plaintiff's job required Plaintiff to have a presence on campus.

17. At no time did anyone tell Plaintiff what he could do remotely that required his physical presence on campus.

18. At this time, Plaintiff's request for accommodations to work remotely as recommended by his physician due to his disabilities, was denied.

19. Plaintiff was also informed that he would no longer be approved for working from home as an accommodation.

20. Even though the College policy provides for unpaid leave, Plaintiff was not given that and was fired one day before he became eligible for FMLA leave.

21. Plaintiff only had one non-email communication with human resources, during which time they discussed leave options, but human resources never proposed any possible workplace accommodations other than unpaid leave.

22. During this one Zoom meeting, Plaintiff mentioned that the new virtual campus had posted a position nearly identical to his, which would accommodate Plaintiff's need to work remotely during the pandemic.

23. Nothing was ever relayed to Plaintiff about this position.

## **VII.**

### **CONDITIONS PRECEDENT**

24. Plaintiff filed Charges of Discrimination with the Texas Workforce Commission, and the Charges were dual filed with the Equal Employment Opportunity Commission pursuant to those agencies' work sharing agreement.

25. The Charges were filed within 180 days after the date on which the complained of employment practices were committed.

26. More than 180 days have passed since the Charges were filed and no action has been taken.

27. Plaintiff has timely exhausted all administrative remedies.

## VIII.

### **CAUSES OF ACTION**

#### **A. First Cause of Action—Disability Discrimination—Failure to Engage in Required Interactive Process—TCHRA<sup>3</sup>**

28. Plaintiff incorporates each of the foregoing paragraphs.

29. Plaintiff informed Defendant of Plaintiff's disability and need for reasonable medical accommodation.

30. Defendant refused to engage in the required interactive process with Plaintiff concerning Plaintiff's request for a reasonable medical accommodation.

31. Defendant's actions violated section 21.051 of the Texas Labor Code.

#### **B. Second Cause of Action—Disability Discrimination—Failure to Accommodate—TCHRA**

32. Plaintiff incorporates each of the foregoing paragraphs.

33. Plaintiff requested a reasonable medical accommodation.

34. Defendant refused to provide Plaintiff with a reasonable medical accommodation.

35. Defendant's actions violated section 21.051 of the Texas Labor Code.

#### **C. Third Cause of Action—Disability Discrimination—TCHRA**

36. Plaintiff incorporates each of the foregoing paragraphs.

37. Defendant discriminated against Plaintiff because of Plaintiff's disability and/or perceived disability and/or record of a disability and/or because it regarded Plaintiff as disabled.

38. Defendant's actions violated section 21.051 of the Texas Labor Code.

---

<sup>3</sup> Texas Commission on Human Rights Act.

**D. Fourth Cause of Action—Disability Discrimination—Discriminatory Discharge—TCHRA**

39. Plaintiff incorporates each of the foregoing paragraphs.

40. Defendant terminated Plaintiff's employment because of Plaintiff's disability and/or perceived disability and/or record of a disability and/or because it regarded Plaintiff as disabled.

41. Defendant's actions violated section 21.051 of the Texas Labor Code.

**E. Fifth Cause of Action—Unlawful Retaliation—TCHRA**

42. Plaintiff incorporates each of the foregoing paragraphs.

43. Plaintiff engaged in protected activity as set forth in Texas Labor Code section 21.055.

44. In response, Defendant retaliated against Plaintiff and ultimately terminated Plaintiff's employment.

45. Defendant's actions violated section 21.055 of the Texas Labor Code.

**IX.**

**DAMAGES**

46. Plaintiff incorporates each of the foregoing paragraphs.

47. Defendant's actions violated the TCHRA, which entitles Plaintiff to recover from Defendant back pay, front pay, compensatory damages, as well as pre-judgment and post-judgment interest.

48. Plaintiff seeks all damages available under the TCHRA.

**X.**

**ATTORNEYS' FEES AND COSTS**

49. Plaintiff incorporates each of the foregoing paragraphs.
50. Plaintiff retained the services of undersigned counsel to prosecute Plaintiff's claims.
51. Pursuant to Texas Labor Code section 21.259, Plaintiff is entitled to recover a reasonable attorneys' fee from Defendant, including reasonable expert fees.

**XI.**

**INJUNCTIVE AND EQUITABLE RELIEF**

52. Plaintiff incorporates each of the foregoing paragraphs.
53. Plaintiff requests the Court enter an order providing injunctive and declaratory relief including, but not limited to:
- a. Prohibiting Defendant from engaging in unlawful discrimination;
  - b. Reporting to the Court on the manner of compliance with the terms of a final order issued by this Court;
  - c. Reinstating Plaintiff's employment with Defendant with backpay;
  - d. Paying court costs;
  - e. Any additional equitable relief as the Court deems proper.

**XII.**

**JURY TRIAL**

54. Plaintiff incorporates each of the foregoing paragraphs.

55. Plaintiff demands a jury trial.

**XIII.**

**NOTICE PURSUANT TO RULE 193.7**

56. Plaintiff incorporates each of the foregoing paragraphs.

57. Plaintiff provides notice to Defendant pursuant to Rule 193.7 of the Texas Rules of Civil Procedure that Plaintiff may utilize as evidence during the trial of this lawsuit all documents exchanged by the parties in written discovery in this case.



#### **XIV.**

#### **PRAYER**

58. Plaintiff respectfully requests that Defendant be cited to appear and answer, and that upon final trial of this matter, the Court enter judgment against Defendant, , awarding Plaintiff:

- A. Back pay and front pay (including benefits);
- B. Compensatory damages;
- C. Reasonable attorneys' fees and expert fees;
- D. Injunctive and equitable relief, including but not limited to, an Order:
  - (i). Prohibiting Defendant from engaging in unlawful discrimination;
  - (ii). Reinstating Plaintiff's employment with Defendant with backpay;
  - (iii). Reporting to the Court on the manner of compliance with the terms of a final order issued by this Court;
  - (iv). Paying court costs;
  - (v). Any additional equitable relief the Court deems proper;
- E. Courts costs;
- F. Pre-judgment and post-judgment interest at the rate set by law; and
- G. All legal or equitable relief this Court deems proper.

Respectfully submitted,

/s/ Matthew R. Scott

MATTHEW R. SCOTT

Texas Bar No. 00794613

[matt@mattscottlaw.com](mailto:matt@mattscottlaw.com)

**SCOTT LAW FIRM PLLC**

Founders Square

900 Jackson Street, Suite 550

Dallas, Texas 75202

214-965-9675 / 214-965-9680 (Facsimile)

**ATTORNEYS FOR PLAINTIFF**

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Matt Scott on behalf of Matt Scott  
Bar No. 794613  
matt@mattscottlaw.com  
Envelope ID: 63269675  
Status as of 4/5/2022 1:45 PM CST

Associated Case Party: Randy Jackson

| Name       | BarNumber | Email                 | TimestampSubmitted   | Status |
|------------|-----------|-----------------------|----------------------|--------|
| Matt Scott |           | matt@mattscottlaw.com | 4/5/2022 11:39:13 AM | SENT   |