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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

CORY JO MUSE,

Plaintiff,

vs.

**RV S & E LLC, AMP REMODELING
LLC**

Defendants.

Case No. 1:22-cv-00641

COMPLAINT

**Title VII of the Civil Rights
Act of 1964, 42 U.S.C. §2000e;
ORS 659A.030, ORS 659A.147**

Demand for Jury Trial

INTRODUCTORY STATEMENT

1.

When Plaintiff Cory Jo Muse, a bartender at The 238 Bar (operated by Defendant RV S & E LLC), told her boss about her pregnancy, he cut her hours and moved her to the less desirable and much less remunerative morning shift. When she complained and pointed out that his treatment of her was unlawful, he fired her. This is an action arising under Title VII, ORS

659A.030, and ORS 659A.147 challenging Defendants' sex and pregnancy-based discrimination and retaliation against Muse.

PARTIES

2.

Plaintiff Cory Jo Muse is a resident of Grants Pass, Oregon. She is female.

3.

Defendant RV S & E, LLC is a domestic limited liability company authorized to do business in the State of Oregon, owned by Alexander Peluffo. Its principal place of business is 1620 Williams HWY, Grants Pass OR, 97527. At all relevant times, Defendant RV S & E, LLC operated The 238 Bar and at least one other bar, and shared employees between them.

4.

Defendant AMP Remodeling LLC is a domestic limited liability company authorized to do business in the State of Oregon, owned by Alexander Peluffo. Its principal place of business is 1620 Williams HWY, Grants Pass OR, 97527. In February 2022, Defendant AMP Remodeling LLC registered with the Oregon Secretary of State as doing business as The 238 Bar.

5.

Defendant RV S & E, LLC is an Employer as defined by Title VII of the Civil Rights Act of 1964, 42 USC 2000e(b).

JURISDICTION & VENUE

6.

This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

7.

Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the events and omissions giving rise to the claims occurred in Josephine County, Oregon.

FACTS

8.

Alexander Peluffo hired Cory Muse as a bartender at The 238 Bar on approximately June 6, 2020.

9.

Muse had over 20 years of experience as both a bartender and a manager of bars in the area. Muse typically worked the lucrative night shifts, from 5:00 or 6:00pm to closing, up to 45 hours per week.

10.

On August 16, 2020, Muse informed Peluffo that she was pregnant. Peluffo asked if she planned to keep the pregnancy. Muse said yes and disclosed that she had had difficulty getting pregnant in the past. Peluffo responded that he got several women pregnant but made sure that they had abortions.

11.

On August 18, 2020, Muse believed she was having a miscarriage. She took three days off work to go to the emergency room and recuperate at home. She kept Peluffo apprised of her health and let him know that she was still pregnant.

12.

Following Muse's return to work, Peluffo began scheduling her for fewer hours of work each week. He also switched Muse to the quieter morning shift, where she would make less money.

13.

Peluffo cut Muse's hours and put her on day shift because he believed she was dealing with a lot in her personal life due to the pregnancy, and because he thought she would need to

take time off work for pregnancy-related medical appointments, which would be disruptive to him.

14.

On September 12, 2020, Muse asked Peluffo to restore her to her prior schedule and hours. Peluffo refused.

15.

On September 15, 2020, Muse spoke with the incoming general manager Shawna Rothery about her schedule change and reduced hours. She told Rothery that Peluffo had reduced her hours and changed her schedule due to her pregnancy, which was against the law. She told Rothery that she would report Peluffo to BOLI if necessary. Rothery agreed to schedule a meeting to discuss the situation with Peluffo.

16.

On September 23, 2020, Muse met with Rothery and Peluffo. Peluffo told Muse that he likes pregnant women. He also seemed angry at Muse. Muse apologized for saying that she would report him to BOLI. They agreed to move on and start fresh as a team. Peluffo said he would give Muse back her nighttime shift and prior hours.

17.

Two days later, when Muse went into The 238 Bar to pick up her weekly paycheck, Rothery told her that she was fired.

18.

Muse filed a complaint with BOLI on September 28, 2020, alleging sex and pregnancy discrimination and retaliation. BOLI cross-filed with the EEOC.

19.

On February 3, 2022, BOLI issued a Notice of Substantial Evidence Determination finding that Defendant RV S & E, LLC subjected Muse to unlawful employment practices on the basis of sex, pregnancy, and for reporting and opposing unlawful employment practices, in violation of ORS 659A.030 and ORS 659A.147. BOLI issued a 90-day right to sue notice.

FIRST CLAIM FOR RELIEF

TITLE VII – 42 U.S.C. SEC. 2000E ET SEQ

DISCRIMINATION BECAUSE OF SEX, RETALIATION

Plaintiff repeats and realleges paragraphs 1 through 19 as though fully set forth herein.

20.

Defendants subjected Muse to discrimination based on sex by cutting her hours and moving her to a less lucrative shift, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000e-2(a)(1). Defendants then further discriminated and retaliated against Muse for reporting and opposing that discrimination by terminating her employment, in violation of 42 U.S.C. sec. 2000e-3.

21.

Muse lost valuable wages because of Defendants' discrimination. She also suffered humiliation, injustice, reputational damage, and other emotional distress.

22.

Muse is entitled to backpay, compensatory damages in an amount to be determined by the jury, and reinstatement.

23.

Defendants' discrimination was intentional or taken in reckless disregard for Muse's rights. Punitive damages in an amount to be determined by the jury should be awarded to punish Defendants and to deter them and others from acting in a similar manner in the future.

24.

Muse is further entitled to her reasonable attorney fees and costs.

SECOND CLAIM FOR RELIEF

ORS 659A.030 – DISCRIMINATION BECAUSE OF SEX, RETALIATION

Plaintiff repeats and realleges paragraphs 1 through 24 as though fully set forth herein.

25.

Defendants subjected Muse to discrimination based on sex by cutting her hours and moving her to a less lucrative shift, in violation of ORS 659A.030. Defendants then further discriminated and retaliated against Muse for reporting and opposing that discrimination by terminating her employment.

26.

Muse lost valuable wages because of Defendants' discrimination. She also suffered humiliation, injustice, reputational damage, and other emotional distress.

27.

Muse is entitled to backpay, compensatory damages in an amount to be determined by the jury, and reinstatement.

28.

Defendants' discrimination was intentional or taken in reckless disregard for Muse's rights. Punitive damages in an amount to be determined by the jury should be awarded to punish Defendants and to deter them and others from acting in a similar manner in the future.

29.

Muse is further entitled to her reasonable attorney fees and costs.

THIRD CLAIM FOR RELIEF

ORS 659A.147—DISCRIMINATION BECAUSE OF PREGNANCY

Plaintiff repeats and realleges paragraphs 1 through 29 as though fully set forth herein.

30.

Defendants discriminated against Muse by requiring her to accept an accommodation that she did not want and that was unnecessary for her to perform the essential duties of her job, in violation of ORS 659A.147(1)(d).

31.

Muse lost valuable wages because of Defendants' discrimination. She also suffered humiliation, injustice, reputational damage, and other emotional distress.

32.

Muse is entitled to backpay and compensatory damages in an amount to be determined by the jury.

33.

Defendants' discrimination was intentional or taken in reckless disregard for Muse's rights. Punitive damages in an amount to be determined by the jury should be awarded to punish Defendants and deter them and others from acting in a similar manner in the future.

34.

Muse is further entitled to her reasonable attorney fees and costs.

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WHEREFORE, Plaintiff requests that this Court enter judgment in her favor and award the following relief:

1. Declare that Defendants engaged in unlawful sex discrimination, pregnancy discrimination, and retaliation against Cory Muse;
2. Issue an order reinstating Cory Muse to her prior shift and hours;
3. Award back pay to compensate Cory Muse for lost wages and benefits, together with prejudgment interest;
5. Award compensatory damages in an amount to be determined by the jury;
6. Award punitive damages in an amount to be determined by the jury; and
7. Grant all other relief as this Court deems just and proper.

Respectfully submitted this 2nd day of May, 2022.

JOHNSON JOHNSON LUCAS & MIDDLETON, P.C.

/s/ Caitlin V. Mitchell

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