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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

WENDY LOCKWOOD and)	
TALAYA SCHWARTZ,)	
)	
)	
Plaintiffs,)	
)	
vs.)	Case No.:
)	
THE CENTER FOR COUNSELING)	
AND CONSULTATION,)	
)	
Defendant.)	
)	

COMPLAINT

COME NOW the plaintiffs and for their claims against the defendant, allege and state as follows:

1. Wendy L. Lockwood is a female employee of The Center for Counseling and Consultation (the “Center”) located at 5815 Broadway Avenue in Great Bend, KS 67530. She currently serves as CBS Administrative Coordinator. She has been with the Center for over 21 years.

2. Talaya Schwartz is a female, formerly employed at the Center until her discharge on February 6, 2015. At the time of her termination, she served as Director of

Community Support Services and Health Home Services Director. She had been employed by the Center over seven years.

3. The Center holds itself out as a licensed community mental health center. It renders services for, among other things, alcohol and drug abuse, domestic violence, family therapy, marital counseling, as well as rape counseling and sexual abuse treatment. It employs in excess of 85 employees.

4. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 USC §2000 et. seq., and the Kansas Act Against Discrimination (KAAD) K.S.A. 44-1009. The plaintiffs have fully complied with all prerequisites to the jurisdiction of this Court under Title VII. The United States Equal Employment Opportunity Commission has issued a Notice of Right to Sue letter to each plaintiff. The plaintiffs have exhausted all administrative remedies available to them under the Kansas Act Against Discrimination and the EEOC.

5. Dwight Young was, from the 1970s until he was allowed to resign on September 11, 2014, the Executive Director of the Center. The Center's Board of Directors was fully aware that Young was also a serial sexual predator. The Board has had knowledge of Young's inappropriate conduct with both clients and staff of the Center for almost 30 years. Two of the current board member were involved in the Board's 1980s investigation of Young when the following conduct by Executive Director Young was brought to light:

- A. Young became romantically involved with a client of the Center in the 1980s. Young had sexual relations with three clients and an employee of the Center.

- B. Young had a young female client of the Center sit between his legs and talk about masturbation and sexual matters.
 - C. Staff members made numerous reports of sexual harassment of female staff. Women reported that he questioned their sexual habits and seemed preoccupied with sex.
 - D. The Center's former business manager reported that on a trip to Topeka, Young had placed a vibrator and pornographic material on the dresser in her room and had taped the lock to their adjoining rooms. He tried to gain access to her room in the night. When she complained about his conduct, the retaliation was unrelenting and she eventually accepted early retirement.
 - E. If a staff member complained about Young's conduct, she was pushed out of the organization.
 - F. The Menninger Foundation advised the Board in 1985 that Young should not see women with family or marital conflict. In fact, Dr. Logan at Menninger advised that he had serious reservations about whether Young should see any clients.
6. A female employee, A.S., reported Young's sexual harassment to the Board in the mid 1980s. In response, she was treated unfairly, denied raises, and publicly belittled. The Board has a long history of allowing Young to retaliate against staff who complained of his predatory conduct.

Wendy Lockwood

7. Young's conduct did not change after he was reported to the Board of Directors in the 1980s; instead, his conduct continued unabated. Ms. Lockwood endured sexual harassment, innuendo, and touching from 2005-2014. She was afraid to complain as she was aware of what had happened to other employees who had complained. Her fears about reporting Young were increased as Young reminded her on several occasions that he survived a previous 5-4 vote of the Board to dismiss him. She

knew that if she reported him to the Board she would be viewed as an opportunist and either fired or denied future advancement.

8. Following are examples of the conduct by Young that Ms. Lockwood had to endure:

- A. In the Spring of 2008, Lockwood and Young attended a monthly board meeting of the Association of Community Mental Health Centers of Kansas (the “Association”) in Topeka. They attended a movie while in Topeka and during the movie Young placed his hand on Ms. Lockwood’s thigh. She said “no” in an awkwardly loud voice and he removed his hand. Young was both unapologetic and unrepentant.
- B. In the Fall of 2010, Lockwood and Young attended the Association meeting in Kansas City. Lockwood traveled with Young and while in the car he received a call over the speaker phone from a Center staff person. The staff person indicated that the hotel had called to verify the request for adjoining rooms. During that call, Young stated “That is not necessary”; however, when they checked in, he requested a room change to receive an adjoining room to Lockwood. She was terribly embarrassed and uncomfortable that the request had been made in the first place and was known by her peers.
- C. April, 2011: A year after receiving her MBA, Lockwood again asked Young for a raise. He said “Why should I treat you any differently?” She responded that fairness required she be treated the same as three males who received raises the month they received their advanced degrees. Immediately following the Board meeting when her raise was approved, he informed Lockwood saying “See there, you got a seven thousand dollar raise and didn’t even have to take your clothes off”.
- D. At about the same time, Young gave Lockwood a box of strawberry flavored condoms. He indicated that it this would make it “easier to give her husband a blow job.”
- E. In 2012, Young asked Lockwood: “Have I ever told you about my fantasy watching you shower?” With this comment and the previous adjoining room situation, Lockwood did whatever she could to avoid traveling with Young alone.

- F. June 19, 2013: Following the budget presentation to Stafford County Commissioners, Young asked her: “Have I ever told you about when I had sex with a nun?” The ride back to Great Bend was horribly uncomfortable for her as he recounted the details of this alleged event.
- G. In September, 2013, Young texted Lockwood about a news article involving 300 carat diamond going up for auction at Southeby’s. He indicated that “If you were mine, I would make you wear it where no one else could see it! ” At the Association annual conference in Wichita the following week, Young repeated this story and his comment in front of staff who were gathered in the hospitality suite. These comments were incredibly awkward and embarrassing for Lockwood.
- H. September 2013: Prior to attending the conference referenced in the paragraph immediately above, Young suggested to Lockwood that she should not wear underwear when all of the staff went to dinner theater. During the dinner Young went out of his way to orchestrate who would sit where, pointing to chairs and stating “Wendy sit here”.
- I. After the staff dinner, everyone returned to the hospitality suite. As Lockwood was getting a drink he asked her: “Did you wear what I suggested?” Lockwood said “no” and returned to her seat. This comment was overheard by staff and was extremely embarrassing to Lockwood.
- J. The following Monday, Lockwood spoke with Young in his office and let him know that she was uncomfortable with the comments and that the staff hearing his comments was embarrassing. She indicated that she did not want her achievements to be overshadowed by the impression that these comments would give others. He stated that “*Because* you do a good job, we have the occasion to travel to meetings and I can have these conversations.”

9. Following the complaint from Lockwood referenced immediately above, Young’s comments became much less frequent but much more vulgar. A few months later, Young told Lockwood about “research” he was doing on the computer when he “came across a site where men spray cum on women’s faces.” The horrified look on

Lockwood's face brought a laugh and this comment from Young: "It's not like he said clean my cock, bitch".

10. In March, 2014, while in Young's office discussing a personnel matter regarding a case manager who was threatened by her husband, he indicated to Lockwood that this reminded him of some of his "research". He then recounted a scenario in which a woman is under a desk, bottoms up, for the man to use whatever hole he chooses, while he surfs porn on the internet.

11. In July, 2014, in discussing that year's Association Conference, Lockwood's team leader Billie Downum stated that some staff were thinking about not attending this year because Young always directs the conversation to sex and "it gets creepy".

Talaya Schwartz

12. Ms. Schwartz likewise endured sexual harassment and innuendo from Young beginning in October 2008 and lasting until shortly before he resigned. Young engaged in the following conduct:

- A. During her pregnancy, in the winter of 2012-2013, Young would indicate that he was doing research about Schwartz's sex drive and any new positions required during pregnancy. He wanted to know whether her sex drive increased during pregnancy.
- B. He asked about whether she engaged in oral or anal sex and whether she found it pleasurable.
- C. He ask whether she considered herself to be dominant or submissive in a sexual role. He seemed obsessed with the Fifty Shades of Grey trilogy.
- D. He seemed to be preoccupied by rape. He openly suggested that women could achieve orgasm during rape and that

the victim got something out of it. Ms. Schwartz's complaints about this discussion led to comments from Young that, based upon clinical experience, she must have intimacy problems from being sexually abused as a child. Young had also used this response early in her career after the first time she told him that she was uncomfortable discussing her personal life with him. Young referenced his clinical experience often to dismiss his behavior.

- E. In a crowning touch of irony, in the Board meeting in which Young was allowed to resign because of his sexual harassment of staff, he told Ms. Schwartz how sexy she was.

13. Finally, in 2014, the Board hired a Great Bend lawyer, Charles R. Pike, to investigate complaints by a number of women—including the plaintiffs—of sexual harassment by Young. Employees were interviewed by both Pike and Doug McNett, Board Chair. Pike's report to the Board stated that he had found substantial credible evidence that Young had made "verbal statements of a sexual and extremely offensive nature" to four employees of the Center.

The Board Allows Young to Resign

14. As a result of Pike's findings, Young was allowed to resign on September 11, 2014. The Board did not disclose the reason for his resignation in the Board minutes for the meeting. On September 14, Board Chair Doug McNett sent an email to all staff indicating that the Board had accepted Young's resignation but that he would remain on the payroll through mid October. Incredibly, the Board took no action on the allegations of serial sexual harassment.

15. In retaliation for their honest responses to questioning from Pike, the Board began a campaign of retaliation against the complainants. In spite of the fact that Lockwood was clearly the most qualified applicant to serve as acting Executive Director

of the Center, the Board hired its male board chair, Doug McNett, to serve in that position.

16. Lockwood was denied an interview for the position of Executive Director as the Board somehow concluded that she had a “conflict of interest.” Instead, the Board’s hire, Doug McNett, did not even meet the minimum qualifications required for the job and was clearly another indication of the Board’s discrimination against women. McNett was hired even though he had not actually applied for the position.

17. The retaliatory actions by the Board against the plaintiffs followed quickly against Lockwood and Schwartz. Examples of the retaliation are as follows:

- (A) Lockwood was frozen out of contact with the Board of Directors even though she had had extensive contact with the Board before her disclosures. The Center’s Continuity of Operation Plan specifically listed Lockwood as acting Executive Director if Young was absent or incapacitated. Lockwood was the only one who had conducted a board meeting in Young’s absence.
- (B) Lockwood was not allowed to interview for Young’s position when he resigned. Instead, that position was given to a male with virtually no experience who did not meet established criteria to even be considered as a candidate. This was done without an interview.
- (C) After Young resigned, Schwartz was not allowed to lead her department without interference from a new executive director who had no experience.
- (D) The new executive director has created an atmosphere of hostility and mistrust toward the victims of Young’s predatory conduct. He expressed the opinion that the complainants should have enjoyed the perks that their treatment by Young afforded them. He repeatedly attempted to create a feeling of hostility between the complainants and their staff.

- (E) The new executive director has refused to mediate issues with Lockwood pursuant to the provisions of the employment manual. His position is that if she doesn't like how she is now being treated, she can leave.

18. The defendant's conduct has caused great damages to the plaintiffs. Ms. Lockwood has sustained severe financial losses and emotional distress, which continue to this day. Ms. Schwartz and her family have moved from Great Bend because of the lack of suitable employment. She has sustained financial losses and emotional distress as well. The plaintiffs are entitled to damages for loss of income, compensatory and punitive damages and attorneys' fees.

WHEREFORE the plaintiffs pray for a judgment against the defendant as follows: Declaring the above acts by defendant's employees are in violation of Title VII; damages arising from the defendant's illegal conduct, including compensatory and punitive damages in an amount in excess of \$75,000 plus attorneys' fees and any other and further relief as the Court might deem just or equitable.

Respectfully submitted,

DEPEW GILLEN RATHBUN & MCINTEER LC

s/Randall K. Rathbun

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Attorneys for Plaintiffs

DESIGNATION OF PLACE OF TRIAL

COME NOW the plaintiffs and designate Wichita, Kansas, as the place of the trial of this action.

Respectfully submitted,

DEPEW GILLEN RATHBUN & MCINTEER LC

s/Randall K. Rathbun
Randall K. Rathbun #09765
Attorneys for Plaintiffs

REQUEST FOR JURY TRIAL

COME NOW the plaintiffs and respectfully request a trial by jury with regard to the above-captioned action.

Respectfully submitted,

DEPEW GILLEN RATHBUN & MCINTEER LC

s/Randall K. Rathbun
Randall K. Rathbun, #09765
Attorneys for Plaintiffs