

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

LaKishia N. Boyd)	
)	
Plaintiff,)	Civil Action No.: 3:20-cv-321
)	
vs.)	
)	Judges: Varlan/Poplin
Youth Opportunity Investments, LLC,)	
)	JURY DEMAND
)	
Defendant.)	
)	

REVISED PRE-TRIAL ORDER

COME the parties, LaKishia N. Boyd and Youth Opportunity Investments, LLC, by and through counsel, and in accordance with the Court’s Scheduling Order [Doc. 12, as modified], submit the following Pretrial Order in this case set for trial October 18, 2022.

I. JURISDICTION

Plaintiff alleges the following causes of action against Defendant:

- (1) Tenn. Code Ann. § 33-2-401 *et. seq.*;
- (2) Tenn. Code Ann. § 37-1-410(b) and Tenn. Code Ann. §37-1-613;

The matter in controversy is between citizens of different states and exceeds the sum or value of \$75,000, exclusive of interests and costs, giving the Court original jurisdiction of this action pursuant to the provisions of 28 U.S.C. § 1332. Jurisdiction of Plaintiff’s claims is uncontested.

II. SHORT SUMMARY OF PLAINTIFFS' THEORY

Plaintiff LaKisha Boyd was employed as a Youth Counselor by Defendant at Roane Academy on an "as needed" basis from August, 2018 until she was terminated in November, 2019. Throughout her employment Plaintiff made verbal complaints to various managers about the facility being under-staffed according to Tennessee regulations; about allegations of sexual relations or inappropriate conduct that could be indicative of a sexual relationship between staff and children; about children being made to wear stained and torn clothing; of children lacking proper hygiene (showers) due to shortages of clothing, shampoo, and deoderant; shortages of bedding for the children; and, about a specific incident involving a child becoming extremely upset about a staff member allegedly having an inappropriate relationship with another child.

Starting in September of 2019, Plaintiff sent written reports on the same issues to Defendant's corporate management. She also called the Tennessee Department of Children's Services hotline to report the alleged child abuse and other allegations. Defendant's Vice President Tyrene Green was aware that Plaintiff reported the matter to DCS. Mr. Green called Plaintiff the week following her written report to him. Plaintiff was reluctant to speak to Mr. Green because she had been warned by a manager not to speak to Mr. Green without a witness, so she did not call him back.

Unknown to Plaintiff, Roane Academy staff had been instructed not to schedule her or allow her to work. Defendant knew of Plaintiff's reports and instructed the Roane Academy staff to not schedule Plaintiff and to not allow her to work if she came to the facility.

After several weeks of not being scheduled to work and no one picking up the telephone when she called the facility, Plaintiff contacted Mr. Green to find out what had happened with her report and when she could work. Mr. Green forwarded Plaintiff's inquiry to the legal department and did not respond to her.

For the next two weeks, Plaintiff continued seeking a return to work and a response to her reports through several layers of management. On November 6, 2019, she emailed Mr. Hill, the company President, with an attachment of the same items provided to Mr. Green in September. When Plaintiff persisted in questioning whether an investigation had been done regarding her reports, she was fired on November 12, 2019, with no listed cause for her termination.

Defendant offered Plaintiff "unconditional reinstatement" in the summer of 2020 but rescinded this offer. It used Plaintiff's 2018 explanation of her criminal history as the basis to deny her reinstatement.

As the direct and proximate result of Defendant's unlawful actions, Plaintiff has suffered actual, consequential, and incidental damages in an amount according to proof, including but not limited to, lost wages, lost interest on wages, past pecuniary losses, future pecuniary losses, embarrassment, humiliation, inconvenience, and other incidental and consequential damages and expenses. Plaintiff is entitled to and seeks all of these damages, along with reinstatement to her former position, or in the alternative, front pay.

Plaintiff is further entitled to and seeks recovery of pre- and post-judgment interest, and costs pursuant to applicable law. If evidence at trial supports a review of the Court's ruling on punitive damages, Plaintiff intends to seek same.

III. SHORT SUMMARY OF DEFENDANT'S THEORY

Ms. Boyd was hired at Defendant's Roane Academy facility in August 2018 as a PRN Youth Care Specialist. Working at Roane Academy was a second job for Ms. Boyd, and she primarily worked on weekends.

Ms. Boyd refused to return to work at Roane Academy after her nephew was terminated on August 26, 2019 for assaulting a youth. Ms. Boyd refused to return even though Roane Academy employees sent her text messages and called her to return to work.

On September 9, 2019, Ms. Boyd sent YOI Vice President Tyrene Green an email outlining various concerns. Over the next several days, Mr. Green attempted to schedule several calls and meetings with Ms. Boyd. She, however, refused to speak with him or meet with him. At one point, on September 14, 2019, Ms. Boyd emailed Mr. Green and advised him that her "legal team" had advised her to "hold off on having a formal meeting" with him, but that she would follow-up later and let him know if a meeting could occur at some point in the future. Ms. Boyd never followed up with Mr. Green. A few days later, having heard nothing from Ms. Boyd, Mr. Green emailed her and asked whether this "mean[s] you will no longer be providing PRN services at the program?" Ms. Boyd never responded.

At the time Mr. Green received Ms. Boyd's September 9 complaint, a DCS representative had already told Mr. Green that DCS was investigating allegations of inappropriate sexual contact between youth and staff at Roane Academy. Nevertheless, Mr. Green reported Ms. Boyd's allegations to DCS.

After 46 days of silence from Ms. Boyd, she resurfaced with a flurry of email activity beginning on October 30, 2019. She made more complaints. She wanted training to get back othe schedule. She baselessly claimed that she was fearful to return to work. All of this came after she refused to communicate with Mr. Green about her complaints.

Ms. Boyd claims that she tried to call the facility to get work during September and October 2019, but that no one would answer her calls. Roane Academy's phone records do not support that theory. Ms. Boyd did not call the facility in September or October 2019. Indeed, the last time Ms. Boyd called the facility was on August 28, 2019.

On November 5, 2019, Casey Jenkins, a therapist at Roane Academy, filled out a grievance against Ms. Boyd, stating that Ms. Boyd had sent her threatening and harassing messages and that Ms. Boyd sent her a screenshot containing confidential information about a youth resident at Roane Academy, a violation of policy and state law. Ms. Boyd was terminated a week later because of information provided by Ms. Jenkins, her refusal to communicate with YOI regarding the investigation, and her refusal to communicate with YOI regarding the details of a return to work.

During the COVID-19 pandemic, YOI struggled to adequately staff the Roane Academy facility. As a result, YOI offered Ms. Boyd an unconditional offer of reinstatement on June 9, 2020. During the pre-employment screening process, YOI learned that Ms. Boyd had previously been untruthful about her criminal record when she submitted a document during her initial stint of employment. Moreover, Ms. Boyd failed to provide YOI with the dispositions for the three criminal charges shown on her record. As a result, Ms. Boyd's offer of reinstatement was rescinded on November 9, 2020.

IV. ISSUES TO BE SUBMITTED TO THE JUDGE

1. Whether Plaintiff Boyd is entitled to pre-judgment and post-judgment interest on any damages and costs awarded to her?
2. Whether Plaintiff Boyd is entitled to reinstatement, or in the alternative, an award of front pay? If front pay, in what amount?
3. If Plaintiff Boyd prevails on any of her claims, how much should she be awarded for costs?

V. ISSUES TO BE SUBMITTED TO THE JURY

1. Did Defendant cause a detrimental change in Plaintiff's employment status because she made a report of serious abuse, dereliction or deficiency in the operation of a licensed mental health service or facility?
2. Did Defendant cause a detrimental change in Plaintiff's employment status because she made a report of child sex abuse?
3. If you find that Defendant terminated Plaintiff Boyd for one or both reasons, what are the damages?
 - A. For back pay?
 - B. For humiliation, embarrassment and inconvenience?

VI. ISSUES IN CONFLICT

All issues of liability and damages as to Plaintiff's claims are in conflict, except as otherwise stipulated herein.

VII. STIPULATIONS OF FACT

The parties stipulate as follows:

1. Defendant was a licensed facility as defined under Tenn. Code Ann. 33-2-401, *et seq.* at all times relevant to this Complaint.

2. Plaintiff Boyd was employed by Defendant from August, 2018 until November 12, 2019.

VIII. NOVEL OR UNUSUAL QUESTIONS OF LAW OR EVIDENCE

None.

IX. ESTIMATED LENGTH OF TRIAL

The parties estimate the trial will take four (4) days.

X. SETTLEMENT

The pleadings are amended to conform to this Pretrial Order, any objections of the parties as set forth herein being preserved and reserved for future determination by the Court.

ENTER

s/ Thomas A. Varlan

Thomas A. Varlan,
U.S. District Judge

/s/Katherine A. Young
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