

Laura Henrie, Bar No. 12449
Lakshmi Vanderwerf, Bar No. 17336
Maya Anderson, Bar No. 17559
DISABILITY LAW CENTER
960 S Main Street
Salt Lake City, Utah 84101
Phone: (801) 363-1347
Email: lhenrie@disabilitylawcenter.org
lvanderwerf@disabilitylawcenter.org
mvanderson@disabilitylawcenter.org

Attorneys for the Plaintiff

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION**

BAILEY RAGSDALE,

Plaintiff,

v.

PRADO'S POOCH PLACE LLC,

Defendant.

**COMPLAINT
JURY DEMANDED**

Case No. 2:23-cv-00254-DAK

Judge Dale A. Kimball

Plaintiff Bailey Ragsdale (“Ms. Ragsdale” or “Plaintiff”), by and through her attorneys hereby complains and alleges against Defendant Prado’s Pooch Place LLC (“Prado’s Pooch Place” or “Defendant”), as follows:

PRELIMINARY STATEMENT

1. This Complaint is a civil action brought under the Americans with Disabilities Amendments Act as Amended in 2008, codified at 42 U.S.C. §§ 12101 *et seq.* (“ADA-AA” or “ADA”), for disability discrimination and retaliation. Ms. Ragsdale seeks

1 injunctive relief prohibiting Defendant from continuing its misconduct in violation of the
2 ADA and prohibiting Defendant from engaging in similar misconduct in the future. Ms.
3 Ragsdale seeks monetary relief as compensation for Defendant’s violation of her rights
4 under the ADA pursuant to 42 U.S.C. § 12188. Ms. Ragsdale seeks attorney fees and
5 court costs pursuant to 42 U.S.C. § 12205.

6 **PARTIES**

- 7 2. Ms. Ragsdale is an individual residing in Salt Lake County, Utah. Ms. Ragsdale resided
8 in Salt Lake County, Utah at all relevant times.
- 9 3. At all relevant times, Defendant Prado’s Pooch Place LLC, doing business as Camp Bow
10 Wow, was a Utah limited liability corporation and a franchisee of Camp Bow Wow
11 Franchising, Inc. (“Camp Bow Wow”).
- 12 4. At all relevant times, Prado’s Pooch Place conducted business at 475 West 3600 South,
13 Suite A, Salt Lake City, Utah, 84115.
- 14 5. At all relevant times, Prado’s Pooch Place continuously employed at least fifteen
15 employees.

16 **JURISDICTION AND VENUE**

- 17 6. Ms. Ragsdale has exhausted administrative remedies, and now seeks relief in Federal
18 Court.
- 19 7. After submitting a timely Charge of discrimination with the Equal Employment
20 Opportunity Commission, Ms. Ragsdale received Notice of a Right to Sue via the
21 EEOC’s electronic portal on January 26, 2023.
- 22 8. This Court has subject matter jurisdiction to hear and decide Ms. Ragsdale’s claims

1 pursuant to 28 U.S.C. § 1331 and the ADA-AA, 42 U.S.C. §§ 12101 through 12213.

2 9. This Court has personal jurisdiction over the Defendant, which is a Utah Limited
3 Liability Corporation.

4 10. This Court is the appropriate venue for this action pursuant to 28 U.S.C. §§ 1391(b) and
5 (c) as the Defendant resides in the District of Utah, Central Division.

6 **STATEMENT OF FACTS**

7 11. Ms. Ragsdale has non-epileptic seizures.

8 12. Ms. Ragsdale has psychiatric diagnoses which include bipolar disorder- unspecified,
9 attention deficit disorder (“ADD”), generalized anxiety disorder (“anxiety”), borderline
10 personality disorder, and posttraumatic stress disorder (“PTSD”).

11 13. Based on the above-listed disabilities, Ms. Ragsdale received vocational rehabilitation
12 services from the Utah State Office of Rehabilitation Services (“USOR”).

13 14. On or about February 4, 2020, Ms. Ragsdale interviewed for a “camp counselor” position
14 at Prado’s Pooch Place.

15 15. Ms. Ragsdale’s interview was conducted by the owner of Prado’s Pooch Place, Juan
16 Carlos Prado (“Mr. Prado”).

17 16. During the interview, Ms. Ragsdale verbally informed Mr. Prado of her medical
18 conditions. Ms. Ragsdale informed Mr. Prado that because of her disability she is unable
19 to drive and would prefer afternoon shifts which were more compatible with the
20 schedules of public transit and drivers available to her. Mr. Prado replied that her medical
21 needs would not be a problem, and that if Ms. Ragsdale needed a break, she should
22 inform a supervisor. Mr. Prado stated that all employees receive a ten minute break

1 during each shift.

2 17. During the interview, Ms. Ragsdale verbally informed Mr. Prado of her pre-seizure
3 symptoms which include a headache and feeling lightheaded. Ms. Ragsdale informed Mr.
4 Prado that during her seizures she will “black out” and outwardly appear to twitch or
5 make “butterfly” eye movements. Ms. Ragsdale informed Mr. Prado that the duration of
6 her seizures was usually no more than a few minutes. Mr. Prado asked Ms. Ragsdale to
7 obtain a medical identification bracelet and wear it to work.

8 18. During the interview, Ms. Ragsdale verbally informed Mr. Prado that she would be
9 accompanied on some of her shifts by a job coach.

10 19. On or about February 4, 2020, Ms. Ragsdale was hired by Prado’s Pooch Place as a
11 “camp counselor.”

12 20. On or about February 4, 2020, Ms. Ragsdale received onboarding training from her direct
13 supervisor, Aubrey Frederickson (“Ms. Frederickson”). Ms. Frederickson stated that Ms.
14 Ragsdale lied about the hours she was available.

15 21. On or about February 9, 2020, Ms. Ragsdale sent a text message to Mr. Prado, letting him
16 know that she had been seen in the hospital, had been advised to remain off work until
17 February 12, 2020, would therefore be unavailable to start her first shift on the following
18 day February 10, 2020, and that she would provide a doctor’s note verifying her
19 statements.

20 22. On or about February 10, 2020, Ms. Ragsdale, via her mother Roberta “Bobbie”
21 Ragsdale (“Roberta Ragsdale”), provided a copy of the doctor’s note verifying that Ms.
22 Ragsdale was advised not to work until February 12, 2020, to Prado’s Pooch Place.

1 Roberta Ragsdale provided the doctor’s note to Ms. Frederickson, who took a copy of the
2 note and returned the original to Roberta Ragsdale.

3 23. Despite prior notice from Ms. Ragsdale that she would be unable to work and subsequent
4 verification of her medical information, Prado’s Pooch Place considered her absence
5 unexcused.

6 24. During February 2020, Ms. Ragsdale experienced a seizure and Ms. Frederickson stated
7 that Ms. Ragsdale should have clocked out prior to experiencing the seizure.

8 25. On or about February 18, 2020, Ms. Ragsdale and her job coach Juanita DeGregoria
9 (“Ms. DeGregoria”) brought up concerns about reasonable accommodations to Prado’s
10 Pooch Place. Ms. Ragsdale and Ms. DeGregoria reiterated Ms. Ragsdale's request for
11 afternoon shifts and explained that Ms. Ragsdale required breaks as a reasonable
12 accommodation of her disability.

13 26. On or about February 27, 2020, Ms. Ragsdale and her job coaches Ms. DeGregoria and
14 Michael Hollinger (“Mr. Hollinger”), spoke with Prado’s Pooch Place owner April Prado
15 (“Ms. Prado”).

16 27. During that conversation Ms. Prado stated that Ms. Ragsdale asked for time off on a
17 holiday and that Ms. Ragsdale should not do that.

18 28. On or about February 27, 2020, Ms. Ragsdale and Ms. DeGregoria educated Ms.
19 Frederickson about Ms. Ragsdale’s seizures and how the seizures may outwardly
20 manifest.

21 29. During her employment at Prado’s Pooch Place, Ms. Ragsdale asked for the following
22 reasonable accommodations for her disabilities: a lunch break, an additional ten-minute

1 break, and afternoon shifts.

2 30. Ms. Ragsdale was scheduled for morning shifts on at least ten days, between February
3 18, 2020, and March 14, 2020.

4 31. Ms. Ragsdale rarely received breaks during her employment at Prado's Pooch Place.

5 32. On multiple occasions, Ms. Ragsdale went to the breakroom of her own accord to prevent
6 a seizure when she felt onset symptoms.

7 33. On or about March 6, 2020, Ms. Ragsdale was scheduled for morning shifts by Ms.
8 Frederickson. Ms. Ragsdale reiterated her request for afternoon shifts based on her
9 disability interfering with her transportation options, and Ms. Frederickson stated that
10 morning shifts were required.

11 34. On or about March 6, 2020, Ms. Ragsdale called the franchisor Camp Bow Wow and
12 reported that she was having a hard time getting reasonable accommodations and that Ms.
13 Frederickson yelled at her for not clocking out during the seizure. The Camp Bow Wow
14 representative stated that Camp Bow Wow would get back in touch with Ms. Ragsdale
15 about those issues.

16 35. On or about March 7, 2020, Ms. Ragsdale was injured at Prado's Pooch Place while she
17 was working. Ms. Ragsdale sought medical attention when she discovered the injury after
18 her shift.

19 36. On or about March 8, 2020, Mr. Prado instructed Ms. Ragsdale to go to Work Med to
20 have the injury seen. Ms. Ragsdale was transported to Work Med by her job coach Nicole
21 Bor.

22 37. Ms. Ragsdale was instructed to limit lifting to under fifteen pounds of weight, and to

1 avoid stooping or prolonged walking and standing. Ms. Ragsdale provided Mr. Prado the
2 paperwork verifying her medical limitations.

3 38. Ms. Frederickson insisted that Ms. Ragsdale clean dog kennels in violation of the medical
4 restrictions. Ms. Ragsdale asked for alternative job duties due to her medical restrictions.
5 Ms. Frederickson reiterated her insistence on Ms. Ragsdale cleaning kennels and Ms.
6 Ragsdale reiterated her medical restrictions.

7 39. Ms. Ragsdale reported Ms. Frederickson's violation of the medical limitations to Mr.
8 Prado. Mr. Prado instructed Ms. Ragsdale to sit and supervise small dogs. Ms.
9 Frederickson criticized Ms. Ragsdale for doing as Mr. Prado instructed.

10 40. During March, Ms. Ragsdale called the franchisor Camp Bow Wow again and reiterated
11 her lack of reasonable accommodation, her concerns about Ms. Frederickson's treatment
12 of her, and reported her injury. The Camp Bow Wow representative provided
13 information, including an identification number, necessary for Ms. Ragsdale to seek
14 workman's compensation for an on-the-job injury.

15 41. On or about March 12, 2020, Ms. Ragsdale met with Mr. Prado, Ms. Prado, and Ms.
16 Frederickson. Ms. Ragsdale's job coach Nicole Bor ("Ms. Bor") was present at that
17 meeting.

18 42. During this meeting, Mr. Prado stated that Prado's Pooch Place was considering
19 terminating Ms. Ragsdale's employment. Mr. Prado stated that the reasons for
20 termination were that Ms. Ragsdale sought too many accommodations particularly
21 breaks, that Ms. Ragsdale should not have reported her injury to Work Med, and that Ms.
22 Ragsdale reported concerns to the franchisor Camp Bow Wow.

1 43. During this meeting, Prado's Pooch Place agreed not to terminate Ms. Ragsdale.

2 44. On or about March 13, 2020, Ms. Ragsdale, accompanied by job coach Ms. Bor and job
3 coach Brinton Pyle-Valli ("Mr. Valli"), worked at Prado's Pooch Place. Ms. Bor spoke to
4 Mr. Prado about letting Ms. Ragsdale leave work early that day due to the emergency
5 hospitalization of Ms. Ragsdale's fiancé, because stress is a trigger factor for Ms.
6 Ragsdale's seizures. Mr. Prado drove Ms. Ragsdale to the hospital.

7 45. On the way to the hospital, Ms. Ragsdale told Mr. Prado that she forgot to clock in that
8 day and noticed her error when she was unable to clock out. Mr. Prado said that he would
9 fix her timecard.

10 46. On or about March 15, 2020, Mr. Prado provided an employment verification letter to
11 Ability and Choice which stated that Ms. Ragsdale was employed by Prado's Pooch
12 Place from February 4, 2020, until March 15, 2020.

13 47. On or about March 16, 2020, Ms. Ragsdale was treated for viral bronchitis and obtained a
14 doctor's note requesting she be excused from work from March 16, 2020, until March 21,
15 2020.

16 48. On or about March 17, 2020, Ms. Ragsdale was notified of her termination by a phone
17 call from Mr. Prado, Ms. Prado, and Ms. Frederickson. During this call, Ms. Prado stated
18 that Ms. Ragsdale's disabilities were too much to handle, and that Ms. Ragsdale should
19 not have called the franchisor Camp Bow Wow while Ms. Ragsdale was at work.

20 49. Following news of her termination, Ms. Ragsdale experienced significant distress.
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22

1 **FIRST CLAIM FOR RELIEF**

2 **Failure to Provide Reasonable Accommodation in Violation of the ADA, 42 U.S.C. §**
3 **12112(b)(5)(A).**

4 Ms. Ragsdale incorporates by reference all allegations made in previous paragraphs, and further
5 alleges as follows:

6 50. Ms. Ragsdale is a person with a disability as defined by the ADA, 42 U.S.C. § 12102.

7 51. Ms. Ragsdale was qualified to perform the essential functions of a “camp counselor.”

8 52. Defendant was aware of Ms. Ragsdale's disabilities.

9 53. Ms. Ragsdale requested reasonable accommodation of her disability by requesting breaks
10 and afternoon shifts.

11 54. Defendant denied Ms. Ragsdale's requested accommodation of her disability by requiring
12 Ms. Ragsdale to work morning shifts.

13 55. Defendant denied Ms. Ragsdale's requested accommodation of her disability by failing to
14 consistently provide breaks.

15 **SECOND CLAIM FOR RELIEF**

16 **Retaliation for Engaging in Protected Activity in Violation of the ADA, 42 U.S.C. § 12203.**

17 Ms. Ragsdale incorporates by reference all allegations made in previous paragraphs, and further
18 alleges as follows:

19 56. Ms. Ragsdale engaged in a statutorily protected activity when she requested reasonable
20 accommodations from Defendant.

21 57. Ms. Ragsdale engaged in a statutorily protected activity when she made complaints about
22 disability discrimination to franchisor Camp Bow Wow.

1 58. Defendant was aware of Ms. Ragsdale's calls to franchisor Camp Bow Wow.

2 59. Mr. Prado stated that Defendant was considering terminating Ms. Ragsdale's
3 employment because she made too many requests for accommodation and placed calls to
4 the franchisor Camp Bow Wow.

5 60. Ms. Ragsdale was terminated from her employment because of her requests for
6 reasonable accommodation and her protected complaints to franchisor Camp Bow Wow.

7 61. Ms. Ragsdale was informed that these were the reasons for her termination by Ms. Prado
8 on the March 17, 2020, phone call.

9 62. Ms. Ragsdale and her job coaches were informed by Mr. Prado that these were reasons
10 her termination was being considered on March 12, 2020.

11 63. Defendant's unlawful acts were done with malice or reckless indifference to Ms.
12 Ragsdale's rights.

13 **THIRD CLAIM FOR RELIEF**

14 **Disparate Treatment (Wrongful Termination) in Violation of the ADA, 42 U.S.C. § 12112.**

15 Ms. Ragsdale incorporates by reference all allegations made in previous paragraphs, and further
16 alleges as follows:

17 64. Ms. Ragsdale is a person with a disability as defined by the ADA, 42 U.S.C. § 12102.

18 65. Ms. Ragsdale was qualified to perform the essential functions of a "camp counselor."

19 66. Defendant was aware of Ms. Ragsdale's disabilities.

20 67. Ms. Ragsdale was terminated from her employment because of her disabilities.

21 68. Ms. Prado informed Ms. Ragsdale that this was a reason for her termination on the March
22 17, 2020, phone call.

1 69. Defendant's unlawful acts were done with malice or reckless indifference to Ms.
2 Ragsdale's rights.

3 **REQUESTED RELIEF**

4 Wherefore, Plaintiff Ms. Ragsdale requests that this Court:

- 5 1. Enter a permanent injunction enjoining Defendant from engaging in employment
6 practices that discriminate on the basis of disability or retaliate against employees for
7 engaging in protected activity;
- 8 2. Enter an order requiring Defendant to make Ms. Ragsdale whole by placing Ms.
9 Ragsdale in the position she would have occupied in the absence of discrimination,
10 including back-pay, front-pay, interest, and other benefits that would have accrued;
- 11 3. Enter an order requiring Defendant to pay compensatory and punitive damages;
- 12 4. Award Ms. Ragsdale her reasonable attorney's fees and costs, pursuant to 42 U.S.C.
13 §12205; and
- 14 5. Award other further relief as the interests of justice require.

15 **DEMAND FOR A JURY TRIAL**

16 Plaintiff, Ms. Ragsdale hereby requests a jury trial on all issues so triable.
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1 RESPECTFULLY SUBMITTED this the 24th day of April, 2023.

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3 DISABILITY LAW CENTER

4
5 By /s/Lakshmi Vanderwerf
6 Laura Henrie
7 Lakshmi Vanderwerf
8 Maya Anderson

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Attorneys for the Plaintiff