

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION**

WHITNEY LAIRD,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 4:25-cv-136-GNS
)	
HENDERSON COMMUNITY)	
COLLEGE/ KENTUCKY COMMUNITY)	
AND TECHNICAL COLLEGE SYSTEM)	
)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

I. NATURE OF THE CASE

1. Plaintiff, Whitney Laird ("Plaintiff"), by Counsel, brings this action against Defendant, Henderson Community College/Kentucky Community and Technical College System ("Defendant") for violating the Americans with Disabilities Act of 1990 ("ADA"), as amended, 42 U.S.C. § 12101 *et. seq.*, the Family and Medical Leave Act of 1993 ("FMLA"), as amended, 29 U.S.C. §2601 *et. seq.* and the Kentucky Civil Rights Act ("KCRA").

II. PARTIES

2. Plaintiff is a resident of Henderson County, Kentucky, who at all relevant times to this action, resided within the geographical boundaries of the Western District of Kentucky.

3. Defendant maintains offices and routinely conducts business within the geographical boundaries of the Western District of Kentucky.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. §1331; 28 U.S.C. §1343; 28 U.S.C §1367; 42 U.S.C. §12117; and 29 U.S.C. § 2617 (a)(2).

5. Defendant is an “employer” as that term is defined by 42 U.S.C. § 12111(5); 29 U.S.C. § 2611 (4); and KCRA § 344.030(2).

6. Plaintiff was an “eligible employee” as the term is defined by 29 U.S.C. § 2611(2) and an “employee” as that term is defined by 42 U.S.C. § 12111(4) and KCRA § 344.030(5).

7. Plaintiff is a “qualified individual with a disability” as defined by the Americans with Disabilities Act, 42 U.S.C. § 12102(2); § 12111(8) and/or Defendant knew of Plaintiff’s disability and/or Defendant regarded Plaintiff as being disabled.

8. Plaintiff exhausted her administrative remedies by timely filing a Charge of Discrimination against Defendant with the U.S. Equal Employment Opportunity Commission, claiming disability discrimination. Plaintiff has filed her Complaint within ninety (90) days of receipt of her Notice of Suit Rights.

9. A substantial portion of the events, transactions, and occurrences concerning this case have arisen in the geographical environs of the Western District of Kentucky, thus venue is proper in this Court.

IV. FACTUAL ALLEGATIONS

10. Laird was hired by Defendant on or about August 1, 2016, as Coordinator of Financial Aid at Henderson Community College. On or about July 1, 2020, Laird was promoted to the Director of Financial Aid & Veterans Affairs.

11. At all relevant times, Laird met or exceeded Defendant's legitimate performance expectations and her contract of employment was consistently renewed, up to as recently as July 1, 2024.

12. Laird suffers from anxiety, depression, and PTSD. In or about May 2024, Laird was approved for intermittent FMLA.

13. Later, Laird utilized FMLA leave and was approved for leave from September 18, 2024, to October 6, 2024. In or about September 2024, Laird tragically lost her husband. In the aftermath of this tragic event, Laird's conditions worsened and substantially limited Laird's major life activities of thinking, concentrating and regulating her emotions.

14. As a result, Laird submitted an updated FMLA request to extend her leave and was approved for intermittent FMLA leave from October 7, 2024, to January 7, 2025. Laird returned to work on or about October 14, 2024. Immediately upon return, Laird was met with hostility and manufactured allegations of performance issues such as "errors and compliance issues" that arose while Laird was on medical leave.

15. Later in October 2024, Laird had difficulty adjusting to her return to work and requested accommodation. Rather than engage in the interactive process, Defendant heightened expectations for Laird and terminated Laird's employment on or about November 12, 2024, for alleged "errors and compliance issues." However, Laird never received any write ups or discipline during her employment.

16. Similarly situated employees outside of Laird's protected classes received more favorable treatment. For example, Pam Buchanan was promoted while on a Performance Improvement Plan ("PIP"), while Laird was terminated without ever being placed on a PIP.

17. Defendant's reason for Laird's termination is pretext for disability discrimination.

COUNT I: ADA & KCRA – DISABILITY DISCRIMINATION

18. Laird hereby incorporates paragraphs one (1) through seventeen (17) of her Complaint.
19. Defendant discriminated against Laird on the basis of her disability by subjecting her to disparate treatment and increasing expectations for her.
20. Defendant discriminated against Laird on the basis of her disability by terminating her employment.
21. Defendant's actions were intentional, willful and in reckless disregard of Laird's rights as protected by the ADA and KCRA.
22. Laird has suffered damages as a result of Defendant's actions.

COUNT II: ADA & KCRA – FAILURE TO ACCOMMODATE

23. Laird hereby incorporates paragraphs one (1) through twenty-two (22) of her Complaint.
24. Laird requested accommodation but was not acknowledged by Defendant, who failed to engage in the interactive process.
25. Defendant's actions were intentional, willful, and in reckless disregard of Laird's rights as protected by the ADA and the KCRA.
26. Laird has suffered damages as a result of Defendant's unlawful actions.

COUNT III: FMLA RETALIATION

27. Laird hereby incorporates paragraphs one (1) through twenty-six (26) of her Complaint.
28. Laird engaged in protected activity by utilizing protected leave under the FMLA.

29. Defendant retaliated against Laird for exercising her rights under the FMLA by terminating her employment shortly after her return from medical leave.

30. Defendant's actions were intentional, willful, and taken in reckless disregard of Laird's rights as protected by the FMLA.

31. Laird has suffered damages as a result of Defendant's unlawful actions.

I. REQUESTED RELIEF

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

1. Permanently enjoin Defendant from engaging in any employment policy or practice that discriminates against an employee based on their disability;
2. Reinstate Plaintiff to the position, salary, and seniority level she would have enjoyed but for Defendant's unlawful employment actions, or award her front pay in lieu thereof;
3. Award Plaintiff all wages, benefits, compensation, and other monetary loss suffered as a result of Defendant's unlawful actions;
4. Award Plaintiff compensation for any and all other damages suffered as a consequence of Defendant's unlawful actions;
5. Compensatory damages for violations of the ADA and KCRA;
6. Punitive damages for violations of ADA and KCRA;
7. Liquidated damages for Defendant's violations of the FMLA;
8. All costs and attorney's fees incurred as a result of bringing this action;
9. Pre- and post-judgment interest on all sums recoverable; and
10. All other legal and/or equitable relief this Court sees fit to grant.

Respectfully submitted,

/s/ Elizabeth Gatten

Elizabeth Gatten
BIESECKER DUTKANYCH & MACER, LLC
101 N. Seventh Street
Louisville, KY 40202
Telephone: (502) 561-3484
Email: egatten@bdlegal.com

Counsel for Plaintiff, Whitney Laird

DEMAND FOR JURY TRIAL

Plaintiff Whitney Laird, by counsel, requests a trial by jury on all issues deemed so triable.

Respectfully submitted,

/s/ Elizabeth Gatten

Elizabeth Gatten
BIESECKER DUTKANYCH & MACER, LLC
101 N. Seventh Street
Louisville, KY 40202
Telephone: (502) 561-3484
Email: egatten@bdlegal.com

Counsel for Plaintiff, Whitney Laird

CIVIL COVER SHEET

4:25-cv-136-GNS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

WHITNEY LAIRD

(b) County of Residence of First Listed Plaintiff HENDERSON
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Elizabeth Gatten, BIESECKER, DUTKANYCH & MACER, LLC,
101 N. Seventh Street, Louisville, KY 40202
502-561-3484

DEFENDANTS

Henderson Community College/ Kentucky Community and Technical College System

County of Residence of First Listed Defendant HENDERSON
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	Click here for: Nature of Suit Code Descriptions.
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		
FEDERAL TAX SUITS				
		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 751 Family and Medical Leave Act		
		<input type="checkbox"/> 790 Other Labor Litigation		
		<input type="checkbox"/> 791 Employee Retirement Income Security Act		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Americans with Disabilities Act of 1990

VI. CAUSE OF ACTION

Brief description of cause:
Alleging discrimination based on disability and retaliation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/05/2025

s/Elizabeth Gatten

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print**Save As...****Reset**

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
for the
Western District of Kentucky

WHITNEY LAIRD,)	
_____ <i>Plaintiff</i>)	
v.)	Civil Action No. 4:25-cv-136-GNS
Henderson Community College/ Kentucky Community and Technical College System,)	
_____ <i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Henderson Community College/ Kentucky Community and Technical College System
c/o MEGAN STITH, KCTCS FOUNDATION, INC.
300 NORTH MAIN STREET
VERSAILLES, KY 40383

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Elizabeth Gatten

Biesecker Dutkanych & Macer, LLC
101 N. Seventh Street
Louisville, KY 40202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 4:25-cv-136-GNS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: