

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JILLIAN LANKFORD,

Plaintiff,

v

Case No.  
Hon.

CD

THE SALVATION ARMY,

Defendant.

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**MILLER COHEN, P.L.C.**  
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**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

There is no other civil action pending  
in this Honorable Court or any other Court  
arising out of the same transaction and occurrence.

/s/Keith D. Flynn

Keith D. Flynn

NOW COMES Plaintiff, **JILLIAN LANKFORD**, by and through her attorneys,  
**MILLER COHEN, P.L.C.**, for her Complaint against The Salvation Army, and states as follows:

**INTRODUCTION**

Plaintiff Lankford was a loyal and hard-working employee of The Salvation Army, Defendant, from about August 2007 to on or about October 1, 2018. There, Plaintiff, after several promotions, ultimately served in the position of Executive Assistant. She received praise

throughout her employment, including in December 2017 when she received praise and a discretionary bonus.

In about mid-January 2018, Plaintiff disclosed to Defendant that she was expecting, and that she would need leave under FMLA beginning in July 2018. Plaintiff felt pressure to keep up with her work as Defendant hinted that there was no one else who could perform all of her job tasks and workload. Therefore, Plaintiff stated that maybe she could work during her leave. Plaintiff said this because she was afraid that, otherwise, her leave would not be approved.

Plaintiff continued to receive praise from January 2018 through early May 2018. However, on or about May 15, 2018, Plaintiff sent an email to Defendant stating that after careful consideration, she would be unable to work during her leave. After Plaintiff advised management of her inability to work during leave, Defendant's attitude toward Plaintiff began to change. Management began to act angry and annoyed with Ms. Lankford and her leave. Plaintiff left for her pregnancy and childbirth leave on July 11, 2018. She returned from leave on October 1, 2018 and was terminated that same day.

Under the Pregnancy Discrimination Act, sex discrimination under Title VII is unlawful, which includes discrimination against someone on the basis of pregnancy, childbirth, or related medical conditions. Michigan's Elliott-Larsen Civil Rights Act further prohibits pregnancy and child birth discrimination. Under the FMLA, it is illegal to retaliate against an employee for exercising their right to FMLA leave. Defendant did all of these things when it terminated Plaintiff immediately upon her return from FMLA leave related to pregnancy and childbirth.

Since her termination, Plaintiff has not been able to find comparable employment making what she had made at Defendant. Due to Defendant's actions, Plaintiff lost her job, lost wages and benefits, and has been subjected to emotional harm. Consequently, Plaintiff requests that

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she be made whole for the injuries incurred due to this violation.

**PARTIES**

1. Plaintiff, Jillian Lankford, is a private citizen and, at all material times, has been a resident of the City of Dearborn, County of Wayne, and State of Michigan.

2. Defendant, The Salvation Army, operates a foreign non-profit corporation with a Registered Office Address in East Lansing, Michigan, Ingham County, and which operates out of numerous locations within Michigan, including its Southeast Michigan Adult Rehabilitation Center (ARC) in Detroit, Michigan, Wayne County.

**JURISDICTION AND VENUE**

3. This Court has original jurisdiction over Plaintiff's claims arising under the Family Medical Leave Act, 29 U.S.C. § 2611 et seq., pursuant to 28 U.S.C. § 1331, and 42 U.S.C. § 1981.

4. This Court has original jurisdiction over Plaintiff's claims arising under The Pregnancy Discrimination Act of 1978, 42 U.S.C. §§ 2000e et seq., pursuant to 28 U.S.C. § 1331, and 42 U.S.C. § 1981.

5. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state law claims.

6. This Court is the proper venue pursuant to 28 U.S.C. § 1391(b).

**GENERAL ALLEGATIONS**

7. Plaintiff, Jillian Lankford, was employed by Defendant from around August 2007 until October 1, 2018, most recently working at its Southeast Michigan ARC, Detroit, Michigan.

8. Plaintiff was promoted by Defendant several times and, at the time of her termination, held the position of Executive Assistant.

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9. Plaintiff received praise throughout her employment, including in December 2017 when she received a discretionary bonus.

10. In about mid-January 2018, Plaintiff disclosed to Defendant that she was expecting.

11. In about mid-January 2018, Plaintiff specifically informed Envoy Jacqueline Idzior and Envoy Bob Idzior (both Assistant Administrators) of her pregnancy and that she would need leave under FMLA beginning in July 2018.

12. Plaintiff felt pressure to keep up with her work as Defendant hinted that there was no one else who could perform all of her job tasks and workload.

13. Plaintiff originally told Defendant that maybe she could work during her leave.

14. Plaintiff made the statement described in paragraph 13 above because she was afraid that, otherwise, her leave would not be approved.

15. Plaintiff continued to receive praise from January 2018 through early May 2018.

16. On or about May 15, 2018, Ms. Lankford sent an email to management stating that after careful consideration, she would be unable to work during her leave.

17. After Plaintiff advised Defendant of her inability to work during leave, Defendant began discussing how her job duties would be covered.

18. On June 10, 2018, Major Larry Manzella emailed Ms. Lankford and others that position reviews would be performed during the summer months.

19. Defendant was irritated and angry that it had no one lined up to cover Ms. Lankford's work.

20. On July 9, 2018, Plaintiff emailed Major Manzella and the Envoys and expressed concerns with her job description and asked for consideration.

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21. On July 10, 2018, Plaintiff verbally spoke with Major Manzella expressing her need for clarity on her job performance and responsibilities.

22. On July 11, 2018, Major Manzella emailed Plaintiff telling her that her concerns would be addressed when she returned from leave.

23. Plaintiff began her FMLA leave due to pregnancy and childbirth on July 11, 2018.

24. Plaintiff returned from leave on October 1, 2018.

25. On October 1, 2018, the same day Plaintiff returned from leave, Defendant terminated her.

26. Just before Plaintiff's absence, Defendant indicated to Plaintiff that it temporarily hired a male employee to help perform the job functions of the Plaintiff during her leave.

27. When Plaintiff returned on October 1, all of Plaintiff's personal belongings were packed away in boxes and pushed off to the side of her office, and the male employee who had taken over her job duties had taken over her office.

28. Only after Plaintiff returned on October 1, did it become clear to her that the real reason the Employer hired the male co-worker was to replace her.

29. Defendant discharged Plaintiff in retaliation for her FMLA leave and based on her sex due to her pregnancy and childbirth.

## COUNT I

### VIOLATION OF THE FAMILY MEDICAL LEAVE ACT (FMLA)

30. Plaintiff incorporates by reference all preceding paragraphs.

31. Plaintiff was an "eligible employee" as defined by the Family Medical Leave Act ("FMLA"), 29 U.S.C. § 1211(2)(a):

a. Plaintiff worked for Defendants for more than one year; and

b. Plaintiff worked in excess 1,250 hours for the proceeding 12-month period at all relevant times.

32. Defendant The Salvation Army is an “employer” as defined by the FMLA, 29 U.S.C. § 1211(4)(a), as a public agency who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

33. Plaintiff was entitled to FMLA leave as an eligible employee due to her pregnancy and childbirth.

34. While Defendants granted Plaintiff leave under the FMLA, Defendants retaliated against Plaintiff for taking the leave and for refusing to work during her protected medical leave when they terminated her employment as soon as she returned from leave.

35. Terminating Plaintiff for taking protected medical leave was retaliatory and a violation of the FMLA. 29 U.S.C. § 2615(a)(2).

WHEREFORE Plaintiff respectfully requests this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, liquidated damages in the amount of back pay plus interest, reinstatement, front pay, back and front benefits, interest, attorneys’ fees, costs, and all other such relief this Court deems just and equitable.

## COUNT II

### VIOLATION OF THE PREGNANCY DISCRIMINATION ACT OF 1978 (PDA)

36. Plaintiff incorporates by reference all preceding paragraphs.

37. The Pregnancy Discrimination Act of 1978 (PDA) amended Title VII to clearly establish that discrimination based on pregnancy, childbirth, or related medical conditions is a form of sex discrimination.

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38. Plaintiff is a female who took protected medical leave due to pregnancy and childbirth, and thus she falls under the protection of the PDA.

39. Defendant discharged Plaintiff in retaliation against her based on her sex, because she needed to take leave due to her pregnancy and childbirth.

40. As a direct and proximate result of Defendants' retaliatory conduct, Plaintiff has lost benefits; her future earning capacity has been substantially impaired; she has suffered severe emotional distress, humiliation, embarrassment, pain and suffering and loss of enjoyment of life; and she has suffered other non-pecuniary losses, all of which will be proven at the trial of this action.

WHEREFORE Plaintiff respectfully requests this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, liquidated damages in the amount of back pay plus interest, reinstatement, front pay, back and front benefits, interest, attorneys' fees, costs, and all other such relief this Court deems just and equitable.

### COUNT III

#### **VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT (ELCRA)**

41. Plaintiff incorporates by reference all preceding paragraphs.

42. Michigan's Elliott Larsen Civil Rights Act (ELCRA) prohibits sex discrimination in the workplace, including discrimination based on pregnancy, childbirth, or related conditions. M.C.L. §372.2101, *et seq.*

43. Plaintiff is a female who took protected medical leave due to pregnancy and childbirth, and thus she falls under the protection of the ELCRA.

44. Defendant discharged Plaintiff in retaliation against her based on her sex, because she needed to take leave due to her pregnancy and childbirth.

45. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff has lost benefits; her future earning capacity has been substantially impaired; she has suffered severe emotional distress, humiliation, embarrassment, pain and suffering and loss of enjoyment of life; and she has suffered other non-pecuniary losses, all of which will be proven at the trial of this action.

WHEREFORE Plaintiff respectfully requests this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, liquidated damages in the amount of back pay plus interest, reinstatement, front pay, back and front benefits, interest, attorneys' fees, costs, and all other such relief this Court deems just and equitable.

Respectfully submitted,  
**MILLER COHEN, P.L.C.**

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Dated: September 29, 2020

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**DEMAND FOR TRIAL BY JURY**

NOW COMES Plaintiff, Jillian Lankford, by her attorneys, MILLER COHEN, P.L.C., and hereby demands a trial by jury, for all issues so triable.

Respectfully submitted,  
**MILLER COHEN, P.L.C.**

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