

IN THE SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA

ANNE HINETT,)
Elite 1 Compound)
Apartment 201)
3912 Ahmad As Sidayri)
AR Rawdah District)
Jeddah 23432)
Saudi Arabia)
)
Plaintiff,)
)
v.)
)
BRITISH SCHOOL OF WASHINGTON, LLC)
)
Serve: CT Corporation System, Registered Agent)
1015 15th Street, N.W., #1000)
Washington, DC 20005)
)
Defendant.)

COMPLAINT

1. The British School of Washington failed reasonably to accommodate the known respiratory disability of one of its employees, and fired her after recklessly failing to warn her of conditions at the school that triggered an acute, life-threatening respiratory crisis. The employee now seeks relief, under the District of Columbia Human Rights Law, D.C. Code §2-1401.01 *et seq.* (“DCHRL”). This court has jurisdiction under D.C. Code §11-921.

Parties

2. Plaintiff Anne Hinett is a citizen of the United Kingdom. At all times relevant to this action she was a longtime resident of the Washington metropolitan area and a career teacher at the British International School of Washington, formerly known as the British School of

Washington (“BSW” or “the school”). She is a handicapped person within the meaning of the DCHRL.

3. Defendant British School of Washington, L.L.C., is a corporation that operates BSW, a private day school in Georgetown, Washington DC, offering education for pre-K to grade 12. At all relevant times, the school employed Ms. Hinett as a kindergarten teacher. British School of Washington, L.L.C. is an employer within the meaning of the DCHRL.

Claim For Relief

4. Ms. Hinett was employed as a teacher at BSW from August 24, 2000 to November 2013. She was a well-respected member of the BSW faculty, loved by her students and their parents alike, admired and respected by her colleagues, and valued for her professionalism and talent by many administrators during her tenure at BSW. At the time of the incidents giving rise to this action, she was a full-time teacher in charge of a class of 4-year old students at the school.

5. Ms. Hinett suffers, and at relevant times suffered, from severe, life-threatening allergies triggered by exposure to certain types of airborne particulate matter, including that caused by building construction. Ms. Hinett takes a mask, medication and an epinephrine autoinjector (epipen) with her wherever she goes, so as to prevent the onset of life-threatening anaphylactic shock were she inadvertently or unknowingly exposed to construction dust.

6. Ms. Hinett had with her at all times a mask to cover her nose and mouth, an inhaler, and a kit containing Benadryl tablets and an epipen. When in the classroom, Ms. Hinett stored these items out of the reach of her students. All of the foregoing she did with the knowledge and approval of the school.

7. Given the care with which Ms. Hinett has historically managed her condition, at no time did it prevent her from properly discharging her professional obligations at BSW.

8. In 2012, Ms. Hinett experienced an episode of respiratory distress while teaching caused by airborne dust emanating from construction on school grounds. BSW had her taken by ambulance to a local emergency room. Several days later she returned to work with a letter from her doctor explaining that she had suffered a severe anaphylactic reaction to construction dust and recommending that BSW inform her in advance of future construction so that she might take any necessary precautions. BSW agreed to do so. The doctor's letter was placed in her school file maintained by administrative personnel.

9. On several additional occasions prior to November 7, 2014, Ms. Hinett suffered respiratory distress because airborne contaminants from construction at the school. On these occasions she was either treated by the school nurse and sent home to recover, or, on two occasions, taken from school to the hospital for treatment.

10. On each occasion that Ms. Hinett was forced to leave school due to respiratory distress, she returned to work. On each occasion, school officials, made aware of what had occurred, gave her support and encouragement. The school also provided her with an air purifier for her classroom.

9. At approximately 10:40 a.m. on November 7, 2014, while reading a story to her students, Ms. Hinett began to experience warning signs of an oncoming allergic reaction. Unknown to her, there was a construction or repair project in progress near her classroom was located. In derogation of the accommodations that had been put in place for Ms. Hinett, school officials had not alerted her to the construction or repair project.

10. Given the nature, rapid onset and severity of her reactions to respiratory allergies, Ms. Hinett understood her life would be in danger if she did not react quickly. She immediately requested her classroom assistant, Belinda Dimmock-Smith, to continue the story she had been reading to the class, and moved to the back of the room to attend to herself.

11. Ms. Hinett removed her medical kit from where it was kept out of the children's reach, took one tablet from an in-foil tray of Benadryl, and placed the remaining in-foil pills on a small table nearby for possible use on an as-needed basis. She was beginning to experience acute cramps in her abdomen and was finding it hard to catch her breath. Becoming weak from her respiratory distress, she fought to suppress a growing sense of panic. She knew from past experience that the best thing for her to do was to sit or lie flat. She sat down on a chair with her medical kit in her lap.

12. From her kit Ms. Hinett removed her inhaler and took several puffs, having turned away from the children so as not to distress them. She also checked her kit for her epipen should her condition become dire.

13. Ms. Dimmock-Smith came to over to Ms. Hinett to see how she was doing. Ms. Hinett told her that she felt woozy and unwell, although she felt that the medications were beginning to work. Worried, nevertheless, about Ms. Hinett's grey color, Ms. Dimmock-Smith telephoned the front office and the school nurse to report that Ms. Hinett did not look or sound well.

14. The school nurse responded to the classroom and went to where Ms. Hinett was sitting. She then escorted Ms. Hinett to the nurse's office, where Ms. Hinett lay down and proceeded to fall in and out of consciousness. After about an hour she began to feel better. Upon the nurse's recommendation, Ms. Hinett was sent home for the rest of the day.

15. When Ms. Hinett left her classroom with the nurse, in her debilitated and foggy state she forgot to retrieve the few foil-wrapped Benadryl pills from the table in the back of the classroom where she had placed them when taking one. Neither the nurse nor Ms. Dimmick-Smith noticed this either. Sometime later the pills were secured.

16. None of the pills was ingested by any of the children, who on information and belief could not even open the foil wrapping.

17. A school representative thereafter apologized to Ms. Hinett for not having alerted her to the construction giving rise to the dust that Ms. Hinett could not tolerate.

18. When Ms. Hinett returned to work the following week, she was told that she had been suspended from her job. The alleged basis for the suspension was her allegedly endangering children by leaving the foil pack of Benadryl tablets on a table in her classroom. No disciplinary steps were taken towards the nurse or Ms. Dimmock-Smith, both of whom failed to secure the pills, in full view on the table where Ms. Hinett had placed them, notwithstanding that they were not suffering from pre-anaphylactic shock and in full possession of their faculties.

19. Ms. Hinett was escorted unceremoniously out of the school past children and parents who knew her, and forbidden to talk to any of them. She was then terminated for the same alleged reason.

20. Ms. Hinett was in the United States on a work visa authorized by BSW. Within days, Ms. Hinett was advised by BSW's office of human relations that her visa to remain in the United States, which was contingent on her working at BSW, would expire in three weeks. She was also informed that her health insurance had been cancelled, effective immediately.

21. The consequences of BSW's abrupt and unwarranted termination of Ms. Hinett's employment had a devastating effect upon her life. She lost her income, her career of fourteen years and her home. She was forbidden by BSW to talk with any of her former colleagues at the school, leaving her – a single woman with no family in the USA – without any support system to help her through this crisis. She had to ship her belongings to England, find a tenant for her home in Washington, DC, book a flight home to England and begin looking for new employment. The school refused to provide her with a reference or provide requested information to potential employers, thus further hampering her ability to secure employment. For months thereafter she was unemployed and without an income, forcing her to return to live with her father which caused her embarrassment and humiliation. Eventually, she secured employment overseas at markedly reduced compensation than what she had obtained at BSW. She suffered not only physical distress but emotional distress because of the actions of BSW as set forth above and its consequences in completely upending her life.

Exhaustion of Remedies

22. Ms. Hinett filed a timely charge of discrimination against BSW with the DC Office of Human Rights, which on August 18, 2017, issued her a notice of right to sue.

Causes of Action

Count I: Failure to Provide Reasonable Accommodation

23. BSW's failure to provide a reasonable accommodation for Ms. Hinett's life-threatening allergy, by failing to warn her of construction or repairs in her vicinity, caused the sudden and severe respiratory attack she experienced in her classroom on November 7, 2014, and caused, as well, her temporary disorientation that left her oblivious to having left in-foil Benadryl tablets on a desk in her classroom, in violation of the District of Columbia Human Rights Law.

Count II: Discriminatory Termination

24. Blaming the victim of its own irresponsibility, BSW fired Ms. Hinett for having experienced the symptoms of her disability brought about by BSW's irresponsibility, in violation of the District of Columbia Human Rights Law.

* * * * *

Wherefore, Ms. Hinett seeks the following relief from this court:

- reinstatement and back pay,
- an award of her actual damages and punitive damages in amounts appropriate to proof at trial,
- an award of her reasonable attorneys fees and costs, and
- such other relief as is just.

Ms. Hinett requests trial by jury.

Respectfully submitted,

ANNE HINETT,

By counsel

Dated: August 29, 2017

Counsel for Plaintiff:

//s// Victor M. Glasberg

Victor M. Glasberg, #927798

Victor M. Glasberg & Associates

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HinettAnne\Pleadings\Complaint

//s// Maxwelle C. Sokol

Maxwelle C. Sokol, *pro hac vice* pending

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Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

ANNE HINETT

Case Number: _____

vs

Date: 08/29/2017

British School of Washington LLC

One of the defendants is being sued in their official capacity.

Name: (Please Print) <u>VICTOR M. GLASBERG</u>	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Firm Name: <u>VICTOR M. GLASBERG & ASSOCIATES</u>	
Telephone No.: <u>703.684.1100</u> Six digit Unified Bar No.: <u>927798</u>	

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury

Demand: \$ _____

Other: REINSTATEMENT, BACKPAY & DAMAGES

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: (Check One Box Only)

A. CONTRACTS

COLLECTION CASES

- | | | |
|---|---|---|
| <input type="checkbox"/> 01 Breach of Contract | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 27 Insurance/Subrogation | <input type="checkbox"/> 26 Insurance/Subrogation |
| <input type="checkbox"/> 07 Personal Property | <input type="checkbox"/> Over \$25,000 Pltf. Grants Consent | <input type="checkbox"/> Over \$25,000 Consent Denied |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation | <input type="checkbox"/> 34 Insurance/Subrogation |
| <input type="checkbox"/> 15 Special Education Fees | <input type="checkbox"/> Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> Under \$25,000 Consent Denied |
| | <input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only) | |

B. PROPERTY TORTS

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|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|---|--|---|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input checked="" type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE IF USED