

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JAMES THORNSBURY,)	
761 Grant Street)	
Lawrence, Kansas 66208)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
STATE OF KANSAS,)	
Serve Clerk of Court)	
Johnson County District Court)	
150 Santa Fe Street)	
Olathe, KS 66061)	
)	
Defendant.)	

COMPLAINT

Plaintiff James Thornsbery states as follows for his causes of action against Defendant State of Kansas.

1. Plaintiff James Thornsbery is a male resident of Lawrence, Douglas County, Kansas.

2. Defendant State of Kansas operates the Johnson County District Court and may be served at the above address.

3. Plaintiff was an employee of defendant in the spring and summer of 2021. He was hired as a Clerk II at the 10th Judicial District, Johnson County

District Court, Clerk's Office in Olathe, Kansas.

4. This case arises under 42 U.S.C. §2000e, et seq. (Title VII of the Civil Rights Act of 1964, as amended, or Title VII), and Kansas common law making jurisdiction appropriate in this court.

5. Defendant subjected Plaintiff to discrimination based on his sex and further retaliated against plaintiff for his reports of the illegal activity of a management employee, resulting in the termination of his employment.

6. Defendant committed the tortious actions described herein in the District of Kansas such that venue is proper in this court.

7. Plaintiff performed his job to the best of his ability and satisfactorily met the legitimate job expectations of defendant.

COUNT I – TITLE VII – SEX DISCRIMINATION

8. Plaintiff incorporates by reference the preceding paragraphs of this petition.

9. On May 12, 2019, plaintiff was terminated by defendant because of his sex. Plaintiff's sex was a determining factor in the decision.

10. Plaintiff was accused of vague allegations of poor performance or misconduct. The accusations were untrue.

11. Upon information and belief, there is no evidence of any specific

errors, poor performance or other misconduct supporting defendant's stated reasons for its actions.

12. Plaintiff was the only male employee in the Clerk's office.

13. Upon information and belief, female employees made errors, had poor performance, or were accused of misconduct, and were treated much more favorably by defendant and were not terminated for such alleged acts.

14. Plaintiff was replaced by a female employee.

15. Defendant's stated reasons for the termination were untrue, unbelievable, and pretextual.

16. As a direct and proximate result of Defendant's unlawful employment practices described herein, Plaintiff sustained damages in the form of lost salary and emotional pain, suffering, inconvenience, loss of enjoyment of life and mental anguish.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, attorney's fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

COUNT II – KANSAS STATE LAW
WHISTLEBLOWER RETALIATION

17. Plaintiff incorporates by reference the preceding paragraphs of this petition.

18. Prior to the termination of his employment, plaintiff reported the illegal conduct of a manager to upper management of defendant.

19. Specifically, plaintiff complained to Human Resources, by email, about the Clerk of the Court refusing to wear a mask in the workplace in violation of the law.

20. This violated the Johnson County Health Department Order in place at the time and the Governor's Executive Order in place at the time.

21. Defendant's stated reasons for the termination were untrue, unbelievable, and pretextual.

22. The termination decision was made by the Clerk of the Court and Human Resources in retaliation for his report of illegal activity.

23. As a direct and proximate result of Defendant's unlawful employment practices described herein, Plaintiff sustained damages in the form of lost salary and emotional pain, suffering, inconvenience, loss of enjoyment of life and mental anguish.

24. Defendant acted with reckless disregard for plaintiff's rights, entitling Plaintiff to an additional amount as punitive damages in such sum that will serve to punish Defendants and to deter Defendants and others from like conduct.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, punitive damages, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable

DESIGNATION OF PLACE OF TRIAL

Plaintiff designates Kansas City, Kansas as the place of trial.

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