

KARA GANNON

vs.

MONTGOMERY COUNTY

NO. 2019-05642

NOTICE TO DEFEND - CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19404-0268

(610) 279-9660, EXTENSION 201

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

KARA GANNON

vs.

MONTGOMERY COUNTY

NO. 2019-05642

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: PETER M NEWMAN, Esq., ID: 66426

Self-Represented (Pro Se) Litigant

Class Action Suit Yes No

MDJ Appeal Yes No

Money Damages Requested

Commencement of Action:

Amount in Controversy:

Complaint

More than \$50,000

Case Type and Code

Miscellaneous:

Other

Other: CRIMINAL HISTORY RECORD INFORMATION ACT

PUBLIC INTEREST LAW CENTER

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KARA GANNON,
6000 Ruby Crest Drive, Apt. 6202
Malvern, Pa 19355
Plaintiff,

v.

MONTGOMERY COUNTY,
One Montgomery Plaza, Suite 800
Norristown, PA 19404
Defendant.

MONTGOMERY COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

No: _____

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COMPLAINT – CIVIL ACTION

Criminal background checks have become a ubiquitous part of the job application process. But a criminal history report that is anything but blank can severely undermine a person’s employment opportunities, resulting in collateral consequences that exact a punishment far beyond that originally contemplated by the criminal justice system. For that reason, Pennsylvania law provides important protections to job applicants with criminal records.

In violation of that law, Defendant Montgomery County has a policy and practice of discriminating against job applicants with criminal records. Indeed, the County has twice denied Plaintiff Kara Gannon employment on the basis of two old misdemeanors that were wholly unrelated to the jobs for which she applied, and repeatedly failed to provide Ms. Gannon with written notice of the true basis of those denials, as required under state law.

Accordingly, Ms. Gannon states the following:

INTRODUCTION

1. Plaintiff Kara Gannon (“Plaintiff” or “Ms. Gannon”) brings this action against Montgomery County (“Defendant” or “County”) for violation of her rights under Pennsylvania’s Criminal History Record Information Act (“CHRIA”), 18 Pa.C.S. § 9125.

2. Over the course of seven months, Defendant wrongfully denied Ms. Gannon two different employment opportunities with the County because of Ms. Gannon’s criminal record. Each time, Defendant then refused to disclose in writing the true basis for its hiring decisions.

3. In May of 2018, Ms. Gannon sought employment as a caseworker in the Montgomery County Department of Health and Human Services’ Office of Children & Youth (“MCOCY”). After a successful job interview in which MCOCY told her she was qualified for the position, the County asked Ms. Gannon to submit a criminal background check and Ms. Gannon disclosed that she had two old misdemeanor convictions on her record.

4. Defendant violated CHRIA by denying Ms. Gannon employment based on these 8- and 10-year-old convictions, which bore no relationship to Ms. Gannon's suitability for the position for which she applied. Section 9125(b) of CHRIA prohibits consideration of felony and misdemeanor convictions unless they are job related. *See* 18 Pa.C.S. § 9125(b).

5. In addition, Defendant violated CHRIA by failing to provide Ms. Gannon with written notice of the fact that the County's employment denial was based on Ms. Gannon's criminal history record information. *See* 18 Pa.C.S. § 9125(c).

6. CHRIA's notice requirement is an essential safeguard for ensuring that employers have complied with CHRIA's limitations on how and when criminal history record information can be considered. By disregarding this provision, Defendant denied Ms. Gannon the ability to assert her rights under the Act.

7. In November of 2018, Ms. Gannon subsequently sought employment as a caseworker in the Montgomery County Office of Aging & Adult Services ("MCAAS"). After a successful interview, the County offered Ms. Gannon the position and asked her to submit a criminal background check. Two days after Ms. Gannon disclosed her old, unrelated criminal convictions, Defendant retracted Ms. Gannon's offer and failed to inform her of the true basis for the retraction, once again violating Section 9125(b) and (c) of CHRIA.

8. In each instance, Defendant willfully violated the above-mentioned provisions of CHRIA.

9. Ms. Gannon seeks injunctive and declaratory relief; statutory damages; exemplary and punitive damages; pre-judgment and post-judgment interest; and reasonable attorneys' fees, costs, and expenses associated with this action.

JURISDICTION AND VENUE

10. This Court has jurisdiction pursuant to 42 Pa.C.S. § 931(a).

11. Venue is proper pursuant to Pa.R.C.P. 2179(a) because a transaction or occurrence giving rise to Plaintiff's cause of action took place in Montgomery County and Defendant regularly conducts business in Montgomery County.

PARTIES

Plaintiff

12. Ms. Gannon is a 56-year-old resident of Malvern, Pennsylvania. A single mother with a long and successful employment history, over the past several years Ms. Gannon has worked in human services helping vulnerable children and families.

13. Ms. Gannon is an employment applicant and person aggrieved for the purposes of CHRIA, 18 Pa.C.S. § 9183.

Defendant

14. Montgomery County is a municipal government entity in the Commonwealth of Pennsylvania located at One Montgomery Plaza in Norristown, Pennsylvania. Montgomery County manages and oversees the Department of Health and Human Services' Office of Children & Youth¹ and Office of Aging & Adult Services.²

15. At all relevant times, Montgomery County has been an "employer" and a "person" and/or an "organization" for purposes of CHRIA.

STATEMENT OF FACTS

16. Ms. Gannon has a bachelor's degree in psychology and a certificate in drug and alcohol counseling, and has successfully held a number of positions in mental health, human services,

¹ The Office of Children & Youth is also sometimes referred to as the Office of Children, Youth and Family Services.

² The Office of Aging is also sometimes referred to as the Office of Aging and Disabilities Services.

and social welfare. Since 2013, Ms. Gannon has served as a case manager at a social service agency serving families of children with severe social, emotional, and behavioral disorders; a coordinator for an organization providing peer-based recovery services; and a prevention specialist for a youth services organization, where she led programs for elementary and middle school students about the effects of drugs and alcohol.

Facts Related to Ms. Gannon's Application to MCOCY

17. In May of 2018, Ms. Gannon submitted an online application for a full-time caseworker position with Montgomery County's MCOCY. As a caseworker, Ms. Gannon would have provided a wide range of services to families involved in child protection and custody cases.

18. The online application for the caseworker position did not ask for criminal history record information.

19. On May 23, 2018, Ms. Gannon interviewed for the position with two MCOCY social workers, Kerry Greene and Liz Socki. At that interview, Ms. Gannon discussed her qualifications, including her training and experience in child welfare and mental health.

20. Ms. Greene and Ms. Socki told Ms. Gannon that there were multiple positions open. They outlined three different opportunities, asked Ms. Gannon which she would be most interested in, and stated that the County was hoping to hire caseworkers to start employment in July and August.

21. The interview went very well. As the meeting was concluding, Ms. Greene and Ms. Socki stated, in sum and substance, "when that call comes in from HR, be sure to get it!"

22. On June 7, 2018, the Personnel & Policy Administrator/Hiring Manager for MCOCY, Michele Kristofco, called Ms. Gannon and said, in sum and substance, "I heard your interview went very well, we'd like to move forward with the next steps to fill the position."

23. Ms. Kristofco explained that Ms. Gannon needed to submit her college transcript and three references, and that Ms. Gannon would also need to supply up-to-date clearances within 90 days of her hire.

24. Ms. Gannon confirmed that Ms. Kristofco had received her transcript and references and, in an effort to be upfront, also offered to provide Ms. Kristofco a recent copy of her criminal record report in advance of the clearance process, which generally takes some time to complete.

25. After they spoke, Ms. Gannon emailed Ms. Kristofco a set of documents with a cover email that stated, "As we discussed, attached are my clearances. They will be the same when they are run in the next 90 days."

26. The documents Ms. Kristofco received included a copy of Ms. Gannon's criminal record issued by the Pennsylvania State Police Central Repository. The report accurately reflected a 2008 misdemeanor conviction for unlawful possession of retail merchandise and a 2010 misdemeanor conviction for driving under the influence.

27. The documents also included a determination letter from the Pennsylvania Department of Human Services' criminal verification unit. The letter stated, "Record exists, but conviction(s) **does not prohibit hire** in a childcare position according to the Child Protective Services Law."

28. A few minutes after Ms. Gannon sent the email, she called Ms. Kristofco to confirm receipt. Ms. Kristofco said, in sum and substance, "I received the clearances, hang tight, I'm reviewing."

29. On June 11, 2018, Ms. Kristofco sent Ms. Gannon a follow-up email saying, "Thank you for your PA State Police Clearance. In order for us to give further consideration you may provide a written explanation of your record and any reasons why things may or may not be different for you now as compared to the time of the charges."

30. Ms. Gannon responded immediately, writing, "I am a person in long-term recovery. At the time of the charges, I was impaired. Since getting sober, I have been able to help other people both personally and professionally. I have never looked back. My record does not reflect who I am today. They were painful mistakes that occurred due to my addiction that I have paid the highest price for since they happened 8 and 10 years ago. I hope this response is helpful; I remain willing to discuss further if necessary. I am grateful that you gave me this opportunity to explain myself."

31. Ms. Gannon did not hear from the County for a week.

32. On June 18, 2018, Ms. Gannon called Ms. Kristofco to follow up. Ms. Kristofco informed Ms. Gannon that she had to present Ms. Gannon's record to the Montgomery County Solicitors Office, which would make a recommendation about whether to hire Ms. Gannon.

33. On June 21, 2018, Ms. Kristofco called Ms. Gannon and told her that Montgomery County would not be offering her a job.

34. Ms. Gannon asked for more information about how the determination was made, pointing out that everything had been proceeding towards an offer until Ms. Gannon had disclosed her criminal record.

35. Ms. Kristofco replied that she had no answer except that she was not being given the "green light" to hire Ms. Gannon, adding, in sum and substance, "we have since gotten a huge pool of very qualified applicants and I'll be honest with you, your record isn't helping. No one in Montgomery Children and Youth has a criminal record."

36. CHRIA prohibits employers from considering convictions in hiring decisions except "to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied." 18 Pa.C.S. § 9125(b). Ms. Gannon's conviction history was irrelevant to Ms. Gannon's suitability for the caseworker position, for reasons including the nature of the crimes and the fact that the convictions were 8 and 10 years old.

37. Studies show that after a certain period of time, the likelihood that someone with a conviction will reoffend is no greater than the likelihood that someone with no record will commit an offense.³ Federal policy guidelines and longitudinal studies both recognize that after six or seven years, there is little difference in the risk of re-arrest between former offenders and nonoffenders.⁴

38. Moreover, neither of Ms. Gannon's convictions has any bearing on her judgment, dependability, or ability, especially in light of her professional training and her proven ability to succeed in similar jobs in the past. Ms. Gannon, who has years of experience in child mental health, social services, and case management, was extremely qualified for the MCOCY caseworker position.

39. CHRIA further provides that "[t]he employer shall notify in writing the applicant if the decision not to hire the applicant is based in whole or in part on criminal history record information." 18 Pa.C.S. § 9125(c). Despite the fact that the County's decision not to hire Ms. Gannon was based on her criminal record, the employment denial letter issued by the County and signed by Ms. Kristofco provided no written explanation of the County's determination. *See* Ex. A.

40. On June 21, 2018, Ms. Gannon submitted a complaint to the Montgomery County Commissioners asking for an investigation and reconsideration of the hiring decision.

41. On July 2, 2018, Ms. Gannon received an email from the County's Director of Human Resources, Donna Pardieu. Ms. Pardieu stated that she was following up on Ms. Gannon's complaint

³ *See, e.g.,* Alfred Blumstein & Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, 47 CRIMINOLOGY 327 (2009).

⁴ *See, e.g.,* Equal Employment Opportunity Commission, *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, 42 U.S.C. § 2000e et seq., Section II (Apr. 25, 2012); Megan C. Kurlychek et al., *Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending?*, 5 CRIMINOLOGY & PUB. POL'Y 483 (2006).

to the Commissioners and that she had “reached out to [MCOCY] to clarify the circumstances” of Ms. Gannon’s denial.

42. Ms. Pardieu admitted that Ms. Gannon had been one of three finalists for the caseworker position, chosen out of 126 applications.

43. However, Ms. Pardieu claimed that Ms. Gannon had been denied employment because Ms. Gannon had not followed the “formal guidelines” for moving forward in the hiring process. In sum and substance, Ms. Pardieu represented that Ms. Gannon had been disqualified for failing to provide updated clearances.

44. Ms. Pardieu’s explanation for Ms. Gannon’s employment denial is pretextual and contrary to fact.

45. In order to meet the County’s hiring requirements, Ms. Gannon was told that she was obligated to submit clearances within 90 days of her hire. This 90-day period had not begun to run at the time Ms. Gannon was denied employment and therefore is not a proper basis for her denial.

46. Ms. Kristofco never cited missing clearances, or any other failure to follow “formal guidelines,” as a basis for Ms. Gannon’s rejection.

47. Moreover, Ms. Gannon had clearly conveyed that the criminal history information she provided Ms. Kristofco was in advance of, not instead of, the required documentation. As Ms. Gannon noted in her June 11 email enclosing her clearances, “they will be the same *when they are run* in the next 90 days.”

48. In addition, the fact that the County was interviewing caseworkers in May to start in July and August – well before any applicable 90-day period would have expired – suggests that the County does not have a policy requiring applicants to provide updated clearances before they are allowed to “move on” in the process.

49. Upon information and belief, the County proffered this pretextual explanation in order to avoid telling Ms. Gannon that it was denying her the caseworker position because of her criminal record and notifying her of that fact in writing.

Facts related to Ms. Gannon's Application to MCAAS

50. In November of 2018, Ms. Gannon submitted an online application for a full-time intake caseworker position with Montgomery County's MCAAS. As an intake caseworker, Ms. Gannon would have assisted disabled adults and senior citizens obtain services to help them maintain their self-sufficiency and independence.

51. The online application for the intake caseworker position did not ask for criminal history record information.

52. On January 4, 2019, Ms. Gannon interviewed for the intake caseworker position with three MCAAS employees, including two MCAAS supervisors, Charnee Genuardi and Scott Goetter.

53. Ms. Genuardi and Mr. Goetter explained that the intake caseworker job consisted of two new, fully-funded permanent positions.

54. During the interview, Ms. Gannon discussed her qualifications for the job, including her experience working with vulnerable individuals to help them access important services and supports.

55. On January 14, 2019, Ms. Genuardi sent Ms. Gannon an email offering her the intake caseworker position. *See* Ex. B.

56. In the email, Ms. Genuardi stated that if Ms. Gannon decided to accept the position, she would need to provide, *inter alia*, Pennsylvania State Police and Child Abuse Clearances. *Id.*

57. Ms. Genuardi also informed Ms. Gannon that her tentative start date would be February 11 and that the County's "[s]alary board" would be meeting on February 7 to "approve the positions." *Id.*

58. Ms. Gannon immediately replied to Ms. Genuardi's email to thank her for the offer and to ask some questions about the salary and benefits associated with the position. In response, Ms. Genuardi referred Ms. Gannon to MCAAS's Office Manager Edward Beasley.

59. Mr. Beasley called Ms. Gannon right away. When Ms. Gannon asked whether there was a chance the offer could fall through as a result of the salary board meeting referenced in the offer email, Mr. Beasley reassured her, saying, in sum and substance, "I have never seen the Commissioners revoke or not approve a position at any of these meetings." At the conclusion of the call, Mr. Beasley encouraged Ms. Gannon to call him again if she had any additional questions.

60. Later on January 14, Ms. Gannon emailed Ms. Genuardi to confirm how to submit the clearances. Ms. Genuardi responded right away, saying, "I'm glad to hear you are interested in the position. You can scan and send to me via e-mail. I look forward to working with you."

61. That evening, Ms. Gannon emailed Ms. Genuardi her Pennsylvania State Police Clearance.

62. The next day, January 15, Ms. Gannon sent a follow up email asking a few additional questions and informing Ms. Genuardi that she had submitted the request for her Child Abuse Clearance. Ms. Genuardi did not respond.

63. On January 16, Ms. Gannon called Mr. Beasley to ask some questions about benefits and left a voicemail asking him to call her back. Mr. Beasley did not return her call.

64. On January 17, Ms. Gannon emailed Ms. Genuardi her completed Child Abuse Clearance. Ms. Genuardi did not respond. Instead, Ms. Gannon received an out-of-office reply stating that Ms. Genuardi was out of the office.

65. On January 22, Ms. Gannon received a letter from MCAAS dated January 17 and postmarked January 18. The letter stated that "we have retracted t[he] position [of caseworker] as the County has decided it is not required at this time." See Ex. C. The letter was signed by Mr. Beasley.

66. On January 29, Ms. Gannon received another letter from MCAAS that was dated and sent by certified mail on January 24. The letter was identical to the first, once again stating that “we have retracted t[he] position [of caseworker] as the County has decided it is not required at this time.” See Ex. D. It was signed by Doreen Hespell, an administrator for MCAAS.

67. Ms. Gannon was extremely qualified for the intake caseworker position, as evidenced by the County’s January 14 job offer.

68. Until Ms. Gannon submitted her Pennsylvania State Police Clearance, the County was proactive and enthusiastic about hiring Ms. Gannon. MCAAS employees responded immediately to her questions, gave her a start date, and reassured her that the position was secure and that she could safely give notice to her current employer.

69. Upon information and belief, Defendant denied Ms. Gannon the position after learning that Ms. Gannon had two old misdemeanors on her record. As soon as Ms. Gannon submitted her clearance, the County abruptly cut off all communication with her, ignoring her emails and calls before mailing her a three-sentence denial letter.

70. For the reasons set forth in Paragraphs 36 through 38 above, those convictions are completely unrelated to Ms. Gannon’s suitability for the job and Defendant was not permitted to consider them under Section 9125(b).

71. Moreover, upon information and belief, the County’s claim that they withdrew Ms. Gannon’s offer because the position was no longer required is pretextual. The County had consistently represented that the caseworker job was a permanent, fully funded position and that in fact the County needed two full-time employees to serve as intake caseworkers. Moreover, both denial letters claiming the position had been retracted were sent before the February 7 salary board meeting at which the position would have been approved or eliminated.

72. By proffering this pretextual explanation, the County violated Ms. Gannon's right to written notice of the true basis for her rejection under Section 9125(c), denying her the opportunity to contest the determination that her convictions affected her suitability for the intake caseworker position.

73. Through its actions, the County has acted willfully in violating the requirements of CHRIA and depriving Ms. Gannon of her rights under the statute. Defendant knew or should have known its obligations under CHRIA, which are well established by the plain language of the statute and longstanding case law.

COUNT I

Defendant's Improper Consideration of Criminal History Record Information for the MCOCY Caseworker Position in Violation of CHRIA, 18 Pa.C.S. § 9125(b)

74. Plaintiff hereby incorporates and adopts each and every allegation set forth in Paragraphs 1 through 73 above.

75. Ms. Gannon applied for employment with Montgomery County's Office of Children & Youth.

76. Ms. Gannon is qualified for the position.

77. Montgomery County willfully decided not to hire Ms. Gannon based on information that was part of her criminal history record information file.

78. Ms. Gannon's convictions did not relate to her suitability for employment in the MCOCY caseworker position in Montgomery County for which she applied.

79. Montgomery County's actions injured Ms. Gannon, including by causing significant damages in lost wages and benefits, mental and emotional harm, and harm to her reputation.

80. Accordingly, Montgomery County willfully violated 18 Pa.C.S. § 9125(b).

COUNT II

Defendant's Failure to Provide Written Notice for the MCOCY Caseworker Position Denial in Violation of CHRIA, 18 Pa.C.S. § 9125(c)

81. Plaintiff hereby incorporates and adopts each and every allegation set forth in Paragraphs 1 through 80 above.

82. Despite the fact that Ms. Gannon was denied employment with Montgomery County's Office of Children & Youth because of her criminal record, the written job denial letter Montgomery County provided Ms. Gannon willfully failed to state the County's actual basis for Ms. Gannon's employment denial.

83. Defendant has never notified Ms. Gannon in writing that its decision not to hire her was based in whole or in part on her criminal history record information.

84. Montgomery County's actions injured Ms. Gannon, including by depriving her of the opportunity to contest the County's determination that her 8- and 10-year-old misdemeanor convictions were job-related, and thus depriving her of significant damages in lost wages and benefits, mental and emotional harm, and harm to her reputation.

85. Accordingly, Montgomery County willfully violated 18 Pa.C.S. § 9125(c).

COUNT III

Defendant's Improper Consideration of Criminal History Record Information for the MCAAS Intake Caseworker Position in Violation of CHRIA, 18 Pa.C.S. § 9125(b)

86. Plaintiff hereby incorporates and adopts each and every allegation set forth in Paragraphs 1 through 85 above.

87. Ms. Gannon applied for employment with Montgomery County's Office of Aging & Adult Services.

88. Ms. Gannon is qualified for the position.

89. Montgomery County willfully decided not to hire Ms. Gannon based on information that was part of her criminal history record information file.

90. Ms. Gannon's convictions did not relate to her suitability for employment in the MCAAS intake caseworker position in Montgomery County for which she applied.

91. Montgomery County's actions injured Ms. Gannon, including by causing significant damages in lost wages and benefits, mental and emotional harm, and harm to her reputation.

92. Accordingly, Montgomery County willfully violated 18 Pa.C.S. § 9125(b).

COUNT IV

Defendant's Failure to Provide Written Notice for the MCAAS Intake Caseworker Denial in Violation of CHRIA, 18 Pa.C.S. § 9125(c)

93. Plaintiff hereby incorporates and adopts each and every allegation set forth in Paragraphs 1 through 92 above.

94. Despite the fact that Ms. Gannon was denied employment with Montgomery County's Office of Aging & Adult Services because of her criminal record, the written job denial letter Montgomery County provided Ms. Gannon willfully failed to state the County's actual basis for Ms. Gannon's employment denial.

95. Defendant has never notified Ms. Gannon in writing that its decision not to hire her was based in whole or in part on her criminal history record information.

96. Montgomery County's actions injured Ms. Gannon, including by depriving her of the opportunity to contest the County's determination that her 8- and 10-year-old misdemeanor convictions were job-related, and thus depriving her of significant damages in lost wages and benefits, mental and emotional harm, and harm to her reputation.

97. Accordingly, Montgomery County willfully violated 18 Pa.C.S. § 9125(c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in her favor and against Defendant, and:

- (a) Award injunctive relief pursuant to 18 Pa.C.S. § 9183(a) enjoining Defendant from denying Ms. Gannon and similarly situated applicants employment on the basis of criminal history information that has no bearing on their suitability for employment, in violation of 18 Pa.C.S. § 9125, and compelling Defendant to implement a system for monitoring compliance with Section 9125 of CHRIA;
- (b) Award all statutory damages awardable for violations of Section 9125(b) of CHRIA, including actual and real damages for each violation, and exemplary and punitive damages for each violation found to be willful, pursuant to 18 Pa.C.S. § 9183(b)(2);
- (c) Award all statutory damages awardable for violations of Section 9125(c) of CHRIA, including actual and real damages for each violation, and exemplary and punitive damages for each violation found to be willful, pursuant to 18 Pa.C.S. § 9183(b)(2);
- (d) Award costs incurred herein, including reasonable attorneys' fees to the extent allowable by law, pursuant to 18 Pa.C.S. § 9183(b)(2);
- (e) Pre-judgment and post-judgment interest, as provided by law; and
- (f) Award such other and further legal and equitable relief as this Honorable Court deems just and appropriate.

Dated: March 25, 2019

/s/ Claudia De Palma

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/s/ Peter M. Newman

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Attorneys for Plaintiff

VERIFICATION

The undersigned, having read the foregoing Complaint, verifies that the language of the document is that of counsel based upon information furnished to and gathered by counsel and, to the extent the Complaint is based upon information provided to counsel by the undersigned, the facts are true and correct to the best of the undersigned's knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Dated: March 21, 2019



Kara Gannon

Exhibit “A”

Case# 2019-05642-0 Docketed at Montgomery County Prothonotary on 03/25/2019 12:47 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

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**MONTGOMERY COUNTY
DEPT. OF HEALTH & HUMAN SERVICES
OFFICE OF CHILDREN & YOUTH**

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LAURIE O'CONNOR
ADMINISTRATOR

June 19, 2018

Ms. Kara Gannon
6000Ruby Crest Drive, #6202
Malvern, PA 19355

Dear Ms. Gannon,

I would like to thank you on behalf of the Selection Committee for participating in an interview for the position of Caseworker in the Office of Children & Youth.

Interviews have been completed and the position was offered to another candidate. We wish you success in your job search. Thank you for your interest in the Office of Children & Youth.

Sincerely,

Michele Kristofco
Community Relations Specialist/Personnel & Policy Administrator/Hiring Manager
Office of Children & Youth
Montgomery County Department of Health and Human Services

Exhibit “B”

Case# 2019-05642-0 Docketed at Montgomery County Prothonotary on 03/25/2019 12:47 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



Kara <karagannon17@gmail.com>

Intake Caseworker Position

3 messages

Genuardi, Charnee <CGenuard@montcopa.org>
to: Kara <karagannon17@gmail.com>

Mon, Jan 14, 2019 at 10:11 AM

Good morning Kara,

I would like to offer you the position for Intake Caseworker. We can offer you a starting salary of \$43,242.85. If you decide to accept this position, we will need the following documentation from you.

- Police and Child Abuse clearances
- Social Security number
- ID(driver's license)
- Copy of diploma
- Unofficial College Transcripts(highest degree)

We have a tentative start date of February 11, 2019. Salary board will meet on February 7th to approve positions. It will be helpful to have all of this documentation by the end of the month. I look forward to hearing from you and working with you!

Charnee Genuardi
 Supervisor III
 Aging & Adult Services
 Montgomery County Department of Health & Human Services
 PO Box 311
 Norristown, PA 19404-0311
 (P)610-278-3601x3596
 (F)610-278-3769
 cgenuard@montcopa.org
 www.montcopa.org

Exhibit “C”

Case# 2019-05642-0 Docketed at Montgomery County Prothonotary on 03/25/2019 12:47 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**
VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER

**MONTGOMERY COUNTY
DEPARTMENT OF HEALTH & HUMAN SERVICES**
AGING & ADULT SERVICES • 1430 DEKALB STREET • PO BOX 311
NORRISTOWN, PA 19404-0311
610-278-3601
FAX: 610-278-3769
WWW.MONTCOPA.ORG
DOREEN L. HESPELL
ADMINISTRATOR

January 17, 2019

Kara Gannon
6000 Ruby Crest Drive
#6202
Malvern, PA 19355

Dear Ms. Gannon,

I would like to thank you for participating in an interview for the position of caseworker in the Office of Aging and Adult Services.

We have retracted this position as the County has decided it is not required at this time.

Thank you for your interest in the Office of Aging & Adult Services.

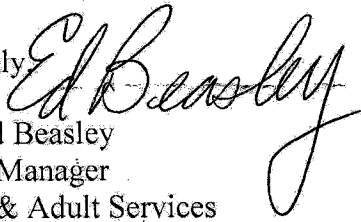
Sincerely, 
Edward Beasley
Office Manager
Aging & Adult Services

Exhibit “D”

Case# 2019-05642-0 Docketed at Montgomery County Prothonotary on 03/25/2019 12:47 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

ASH SHAPIRO, CHAIR
LERIE A. ARKOOSH, MD, MPH, VICE CHAIR
SEPH C. GALE, COMMISSIONER

HEALTH AND HUMAN SERVICES

HUMAN SERVICES CENTER • 1430 DEKALB STREET • PO BOX 311
NORRISTOWN, PA 19404-0311
610-278-3182
FAX: 610-278-5943
WWW.MONTCOPA.ORG

DOREEN HESPELL
ADMINISTRATOR

January 24, 2019

Kara Gannon
6000 Ruby Crest Drive #6202
Malvern, PA 19355

Dear Ms. Gannon,

I would like to thank you for participating in an interview for the position of caseworker in the Office of Aging and Adult Services.

We have retracted this position as the County has decided it is not required at this time.

Thank you for your interest in the Office of Aging and Adult Services.

Sincerely,

Doreen Hespell
Administrator
Aging and Adult Services