

## More Problems for Chiropractic Products

FORMER EMPLOYEE FILES DISCRIMINATION SUIT AGAINST PUBLISHER

Editorial Staff

Still reeling from a lawsuit filed by the U.S. Postal Service last December,<sup>1</sup> Media World Communications, the publisher of *Chiropractic Products*, is now being sued by one of its former employees. Debra Schmitt, who worked for the publication from October 1997 through January 2002, has filed suit in U.S. District Court against Medical World and its subsidiary, Allied Healthcare Group (a.k.a. Novicom), charging the defendants with repeated violations of state and federal law, including religious discrimination; retaliation; gender discrimination; violation of "whistle-blower" provisions; breach of contract; and unjust enrichment.<sup>2</sup>

According to Ms. Schmitt's lawsuit, she began her career with Medical World in October 1997. After allegedly serving as an advertising representative for approximately 18 months, she was promoted to the position of associate publisher of *Chiropractic Products*. In November 2000, she allegedly received another promotion, this time to the position of publisher.

The suit alleges that the trouble began in January 2001, when Anthony Ramos was named president of Allied Healthcare Group/Novicom. According to the complaint, Ms. Schmitt alleges Ramos treated female employees "less favorably" based on sex, and held them to a higher standard than men. Among the allegations:

- Ramos frequently expressed his views as a born-again Christian, including quoting directly from the Bible, which created an uncomfortable workplace environment.
- Ramos stated that according to the Bible, "women are cursed" and wear "dirty rags" - a reference to a woman's menstrual cycle.
- Ramos asserted that women should be at home performing "wifely duties" instead of working.
- Ramos continually attempted to get Schmitt and other employees to convert to Christianity.
- On or about Jan. 8, 2001, Ramos accused Schmitt of being possessed by Satan, and "ordered" Schmitt to pray to cast satan out.

According to the complaint, as a result of the "Satan" incident, Schmitt sent an e-mail to Ramos and Curtis Pickelle, president of Medical World Communications, requesting that Ramos no longer mention religion when speaking to her. After submitting her complaint, Schmitt alleges she was subjected to "heightened scrutiny" by Ramos.

Schmitt's suit alleges that on Jan. 22, 2002, during a telephone conference call with Ramos and the company's human resource manager, she was informed that she was being removed as publisher of *Chiropractic Products* effective immediately; that she was being relocated to Los Angeles, Calif. (*Chiropractic Products'* offices are located in Florida); and that she would be demoted to the position of salesperson, "with a magazine as yet undetermined."

When Schmitt asked that the information be put in writing, Ramos allegedly replied that the offer was "verbal" only, and that she had until the following day to give an answer.

According to the lawsuit, Schmitt was given a letter later that day informing her that she was terminated for "insubordination" during the conference call. This was despite the fact that allegedly one month earlier, in December 2001, she was given approximately \$4,000 as a "performance-based bonus" for her work on *Chiropractic Products*.

According to Schmitt's suit, Medical World refused to pay her for the vacation time she accrued while employed, despite the company's practice of paying employees for accrued vacation upon being terminated. Medical World allegedly also failed to provide any severance pay, and refused to compensate her for legitimate business expenses or commissions earned during her termination.

According to the lawsuit, in June 2002, Schmitt filed a charge of discrimination based on religion, sex and retaliation with the Equal Employment Opportunity Commission (EEOC) and the Florida Commission on Human Relations (FCHR). In November, the EEOC allegedly responded to her charge with a "Notice of Right to Sue," which led to her filing suit in February.

A total of nine counts are listed in the suit, including two each of discrimination based on religion, gender discrimination and retaliation, along with violations of the Whistleblower Act; breach of contract; unpaid wages; and unjust enrichment. Among the damages Schmitt is requesting are the awarding of back pay and the value of lost employment benefits; front pay or reinstatement to her position as publisher of *Chiropractic Products*; compensatory damages for mental anguish, emotional distress, humiliation and loss of reputation; attorney's fees and costs; punitive damages; and any other relief the court deems proper.

### *References*

1. *Chiropractic Products* publisher sued by U.S. Postal Service. *Dynamic Chiropractic*, Feb. 24, 2003. [www.chiroweb.com/archives/21/05/04.html](http://www.chiroweb.com/archives/21/05/04.html).
2. *Debra L. Schmitt v. Medical World Communications Inc., and Novicom Inc., d/b/a Allied Healthcare Group*. Case # 8:03-cv-312-T-30MSS. Filed in the U.S. District Court, Middle District of Florida, Feb. 24, 2003.

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