

**STATE OF RHODE ISLAND
PROVIDENCE, SC.**

SUPERIOR COURT

CHRISTINE CALLAGHAN,

Plaintiff,

vs.

**DARLINGTON FABRICS
CORPORATION and THE MOORE
COMPANY,**

Defendants.

C.A. No. PC 14-

COMPLAINT

1. This complaint arises out of allegations of employment discrimination based on disability and other protected activity.

JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to the Rhode Island Civil Rights Act, G.L. 1956 § 42-112-1 et seq., the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, § 21-28.6-1 et seq. and the Rhode Island Declaratory Judgments Act, G.L. 1956 § 9-30-1 et seq.

PARTIES

3. Plaintiff Christine Callaghan is a female resident of Rhode Island.
4. Defendant The Moore Company is a Rhode Island Corporation that owns and operates the Darlington Fabrics Corporation.
5. Defendant Darlington Fabrics Corporation is a Rhode Island business entity located in Westerly, Rhode Island.

STATEMENT OF FACTS

6. The Plaintiff, Christine Callaghan (“Callaghan” or “Plaintiff”) earned her undergraduate degree from the Savannah College of Art and Design in about May 2011.

7. Plaintiff is currently attending the University of Rhode Island, studying textiles and working toward a Masters' Degree in that field.

8. Callaghan also has a medical condition sufficient to qualify as a disability under Rhode Island state law. For a number of years, she has suffered from debilitating migraine headaches.

9. Callaghan has lawfully participated in Rhode Island's medical marijuana program since February 2013 to help treat her medical condition.

10. Despite her medical condition, she has managed to excel at URI.

11. As part of her Masters' Degree program, Plaintiff needed a two credit internship which requires 60 hours of work per credit.

12. In June 2014, Kevin Crompton ("Crompton") from Defendant Darlington Fabrics discussed with URI Professor Martin Bide ("Professor Bide") Darlington's need for an intern for a project in Darlington's dye lab.

13. Professor Bide referred Plaintiff to Darlington Fabrics for the position.

14. Callaghan contacted Crompton who described the specific project that she would be working on, a project related to sustainability in textiles.

15. Crompton referred Callaghan to Karen McGrath ("McGrath") from Darlington's Human Resources Department who indicated she could start the internship in July 2014.

16. McGrath also scheduled a meeting with Callaghan in late June 2014 to discuss the position and the Plaintiff, McGrath, Crompton and URI officials further discussed the nature and details of the internship, which would be paid, in June and July 2014.

17. Professor Bide forwarded the internship paperwork to Crompton and McGrath necessary for the internship credit and her temporary employment with the Defendant.

18. Callaghan met with McGrath on June 30, 2014.

19. During the meeting on June 30, Callaghan disclosed to McGrath her medical condition and status as a cardholder under Rhode Island's medical marijuana law. She explained to McGrath that she would not bring medical marijuana onto the premises and would not come to work after having taken marijuana, and offered McGrath a copy of her card.

20. Prior to this disclosure, all indications were that Callaghan would have the position and that the meeting was simply a formality.

21. On July 2, McGrath called Callaghan and informed her that also on speakerphone was another Company official. Both informed Plaintiff that they could not employ Callaghan because of her status as a medical marijuana patient.

22. The Plaintiff informed the company officials that she must continue with the medical marijuana program because of her medical status, but also assured them that it would not be brought on to company premises nor would she come to work after having used it. The company officials indicated they would speak with legal staff.

23. McGrath and the other company official later called Callaghan and reiterated that she would not be hired because of her medical marijuana use.

24. Plaintiff was not hired by Defendants.

25. As a result of not being hired by Defendants, among other things, Plaintiff was unable to find replacement summer employment, lost the benefit of a major networking opportunity with one of the only companies left in Rhode Island in her field, lost important and unique experience that Defendants were offering, was forced to disclose her medical marijuana status to her professors, and her ability to graduate on time was placed into jeopardy as a result of having to try to find another internship at the last minute.

COUNT I

Declaratory Judgment G.L. 1956 § 9-30-1

26. Plaintiffs hereby incorporate by reference Paragraphs 1 through 25 of the Complaint as if fully set forth herein.

27. Section § 21-28.6-4 of the Hawkins/Slater Act was enacted by the General Assembly to protect the qualified users of medical marijuana from, among other things, employment discrimination.

28. A potential employer's failure to hire a medical marijuana patient because of, or related to, his or her status as a medical marijuana user and/or cardholder is a direct violation of the Act.

29. Accordingly, Plaintiff requests a declaratory judgment that, among other things, failure to hire a prospective employee based on his or her status as a medical marijuana card holder and user is a violation of the Act.

COUNT II

**Rhode Island Civil Rights Act
G.L. 1956 § 42-112-1 et seq.
(Disability Discrimination)**

30. Plaintiff incorporates by reference Paragraphs 1 through 28 as if fully set forth herein.

31. By the aforesaid actions, Defendants have violated the RICRA.

32. Plaintiff is damaged as a proximate result of the Defendants' conduct.

COUNT III

**Hawkins and Slater Medical Marijuana Act
G.L. 1956 § 21-28.6-1 et seq.
(Employment Discrimination)**

33. Plaintiff incorporates by reference Paragraphs 1 through 32 as if fully set forth herein.

34. By the aforesaid actions, Defendants have violated the Act.

35. Plaintiff is damaged as a proximate result of the Defendants' conduct.

PRAYER FOR RELIEF

Plaintiff prays that this Court:

- (1) declare that the Defendants' actions complained of are unlawful;
- (2) order the Defendants to make the Plaintiff whole;
- (3) order that the Defendants pay Plaintiff compensatory damages;
- (4) order that the Defendants pay Plaintiff punitive damages;
- (5) retain the jurisdiction of this action to ensure full compliance;
- (6) order the Defendants to pay Plaintiff costs and expenses and reasonable attorney's fees;
- (7) grant such other relief to Plaintiff as the court deems just and proper.

Plaintiff's damages are in an amount sufficient to invoke the jurisdiction of this Court.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury.

Plaintiff,
By her Attorney,

/s/ Carly Beauvais Iafrate

Carly Beauvais Iafrate, #6343
Cooperating Attorney,
American Civil Liberties Union
Foundation of RI
129 Dyer Street
Providence, RI 02903
(401) 421-0065
(401) 421-0964 (fax)

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