

STATE OF RHODE ISLAND
WASHINGTON, SC.

SUPERIOR COURT

ELIZABETH GOODING

VS.

C.A. FILE NO.: WC-2017-

OCEAN COMMUNITY YMCA,
MAUREEN N. FITZGERALD, in her official
capacity as PRESIDENT and CEO,
TIM BABCOCK, in his official capacity as
VP OF OPERATIONS, and
JOHN MCKEAG, in his official capacity as
FINANCE DIRECTOR

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

STATEMENT OF THE CASE

This complaint and civil action pursuant to the Uniform Declaratory Judgment Act, RIGL §9-30-1 et seq, seeks to enforce the rights of the Plaintiff pursuant to the Breastfeeding in Public Places Statute, RIGL §23-13.5-1 et seq, and the Civil Rights Act of 1990 as amended in 2009, RIGL § 42-112-1 et seq. Defendants on multiple occasions denied Plaintiff her right to breastfeed her child at the Ocean Community YMCA and to bring her baby to the “mother and child” yoga class which Plaintiff taught. The Plaintiff seeks declaratory relief, compensatory relief, costs and expenses as well as reasonable legal fees.

PARTIES

1. Plaintiff, Elizabeth Gooding, is a resident of the Town of Hopkinton, Rhode Island.

2. Co-Defendant, Ocean Community YMCA is a 501(c) non-profit organization with its principal place of business located in Westerly, Rhode Island.

3. Co-Defendant, Maureen N. Fitzgerald, is the President and CEO of Ocean Community YMCA.

4. Co-Defendant, Tim Babcock, is the Vice-President of Ocean Community YMCA.

5. Co-Defendant, John McKeag, is the Finance Director of Ocean Community YMCA,

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to the Uniform Declaratory Judgments Act, RIGL § 9-30-1 et seq.

7. The venue of this action properly lies in the Superior Court for Washington County.

COUNT ONE

8. Plaintiff was employed by Defendant Ocean Community YMCA as a part-time certified yoga instructor in 2010.

9. Plaintiff taught both adult and mom/baby yoga classes.

10. As an employee of the YMCA, the Plaintiff was also a member of the YMCA.

11. Plaintiff is the mother of three children, the youngest of whom was born on January 30, 2014.

12. On February 16, 2015, while breastfeeding her one-year old infant in the daycare area of the YMCA, the Plaintiff was told by a YMCA daycare employee that she was no longer allowed to breastfeed her child in any public area inside the YMCA.

13. Plaintiff spoke with two female supervisors named Jennifer and Maryanne who confirmed that Plaintiff could not openly breastfeed in any public area inside the YMCA due to the concern that young boys could view the Plaintiff breastfeeding.

14. Plaintiff then spoke to Defendant, Tim Babcock who told Plaintiff that covering up was her best option while breastfeeding if she wanted to breastfeed at the YMCA.

15. On March 4, 2015, Plaintiff began to breastfeed her daughter at the YMCA without a cover-up when she was told by the same YMCA daycare employee that she had to relocate to a gated area if she wanted to breastfeed her child.

16. Plaintiff then spoke directly with Defendant, Maureen Fitzgerald who advised the Plaintiff that she must be more discreet when breastfeeding her child in the YMCA,

17. During March and April of 2015, while Plaintiff was still employed by the YMCA, Plaintiff was told that she could no longer bring her baby to her mom/baby yoga classes.

18. As of August of 2015, Plaintiff was no longer an employee of Ocean Community YMCA.

WHEREFORE, Plaintiff seeks the following relief under the Breastfeeding in Public Places Statute: RIGL §23-13.5-1 et seq;

- A. A declaration that Defendants violated Plaintiff's rights under this Statute.
- B. That Defendants develop and publish a breastfeeding policy consistent with the requirements of this statute as well as the Civil Rights Act of 1990 as amended in 2009.

C. That Defendants train all staff and volunteers concerning the rights of female employees and patrons to breastfeed in public places in all of its facilities.

D. That Defendants compensate Plaintiff for lost employment opportunities and for their violations of her rights under law.

E. That Defendants pay Plaintiff's reasonable attorneys' fees, costs and expenses.

COUNT TWO

19. Plaintiff repeats and restates each and every allegation set forth in Paragraphs 1-18 above and incorporates them as Paragraphs 1-18 of this Second Count.

20. RIGL §42-112-1 prohibits sex discrimination and Defendants failure to honor Plaintiff's rights to breastfeed her child in public is a violation of her civil rights under the Civil Rights Act of 1990.

WHEREFORE, Plaintiff seeks the following relief under the Civil Rights Act of 1990 as amended in 2009, RIGL §42-112-1 et seq;

A. A declaration that Defendants violated Plaintiff's rights under this Statute.

B. That Defendants develop and publish a breastfeeding policy consistent with the requirements of this statute as well as, the Breastfeeding in Public Places Statute, RIGL §23-13.5-1 et seq.

C. That Defendants train all staff and volunteers concerning the rights of women to breastfeed in public places in all of its facilities.

D. That Defendants compensate Plaintiff for lost employment opportunities and for their violations of her rights under law.

E. That Defendants pay Plaintiff's reasonable attorneys' fees, costs and expenses.


ELIZABETH GOODING

Subscribed and sworn to before me in Wakefield, Rhode Island, on this the 9th
day of May, 2017.


H. Jefferson Melish
Notary Public
My Commission Expires:
6/18/17

Plaintiff,
By her Attorney

/s/ H. Jefferson Melish

H. Jefferson Melish, #3100
74 Main Street
Wakefield, RI 02879
(401)783-6840 telephone
(401)782-2490 Fax
hj.melish@verizon.net
Cooperating Attorney
ACLU Foundation of Rhode Island

THIS MOTION SHALL BE PERSONALLY SERVED ON THE DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that, on the 12th day of May, 2017, I electronically filed this document.
The document is available for viewing and/or downloading from the Rhode Island
Judiciary's Electronic Filing System.

/s/ H. Jefferson Melish