

5. In or about May 2012 Plaintiff alleges she requested a salary review and her request for an increase was denied.
6. Plaintiff alleges that in or about August 2012 Defendant removed and/or reduced a significant amount of her responsibilities, including removing her supervision of three positions that had previously reported to her.
7. Plaintiff further alleges that her sex and /or race was a contributing factor in Defendants ongoing practice of paying her a lower compensation and a contributing factor in their decision to demote her and replace her with a less qualified white male, and as such constituted a violation of R.S.Mo. §213.055.
8. Plaintiff claims that on several occasions between October 2009 and February 2014 she expressed concern to Defendants that they were treating her differently than her white and/or male colleagues.
9. On or about November █, 2013, Plaintiff contacted the Equal Employment Opportunity Commission (“EEOC”).
10. On or about December █, 2013 Defendant █████ met with Plaintiff and she informed him that she had contacted the EEOC to file a complaint of discrimination. Plaintiff than alleges he told her he wanted her to leave the company.
11. On or about December █, 2013 Plaintiff filed a charge of race and sex discrimination with the EEOC against Defendants.
12. On or about February █, 2014 Defendants terminated Plaintiff’s employment.
13. On or about March █, 2014 Plaintiff amended her EEOC complaint to include a charge of retaliation.
14. On October █, 2014 the MCHR issued a Notice of Right to Sue.
15. Under the Missouri Human Rights Act (hereinafter “MHRA”), a plaintiff is required to file a civil action within 90 days of the commissions notification letter but no later than two years after the allegedly discriminatory conduct occurred or its reasonable discovery by the injured party. R.S.Mo. §213.111.1.

16. Plaintiff filed her Petition on December █, 2014 within 90 days of her receipt of her right-to-sue letter. However, it was filed more than two years after some of the alleged acts of discrimination.
17. Defendants █ and █ filed a joint motion to dismiss claiming that the Plaintiff's pleading of the inadequate pay raise in October 2009, the denied salary review in May 2012, and the demotion in August 2012 were discrete acts which independently started the two-year statute of limitations clock ticking and as such, are barred by the two year statute of limitations.
18. Plaintiff contends that her claim was timely filed under the continuing violation doctrine and therefore an exception to the statute of limitations barring claims filed in excess of two years. In order to comport with the continuing violation theory, Plaintiff must plead that the discriminatory acts were not isolated incidents.
19. Plaintiff's Petition alleges that she was subject to an ongoing pattern of discriminatory pay practices which were continuing in nature with one or more of those actions taking place within the two year statute of limitations, and as such those actions, as well as the related discriminatory acts, were timely filed and not barred by the statute of limitations.
20. In considering a Motion to Dismiss, all facts alleged in the Petition are deemed true and Plaintiff is afforded the benefit of every reasonable inference.
21. The Court finds that, in considering the motions to dismiss filed by Defendants █ and █, the Petition adequately pled that the actions by the Defendants were part of an ongoing practice or pattern of discrimination under the auspices of the continuing violation doctrine and that at least one of the alleged actions occurred within two years of the date Plaintiff filed her lawsuit.
22. Defendants █ and █ each filed a Motion to Dismiss or Alternatively for More Definite Statement claiming that Plaintiff failed to plead facts sufficient to establish that either Defendant █ or

Defendant [REDACTED] directly oversaw or was actively involved in any of the conduct at issue alleged in the Petition or failed to state facts sufficient to determine which of Plaintiff's claims were asserted against which Defendant.

23. The Court finds that the Petition fails to plead with sufficient specificity conduct of Defendants [REDACTED] and [REDACTED] to enable each to determine which conduct they are alleged to be responsible for in support of Plaintiff's claim that they directly oversaw or actively engaged in the allegedly discriminatory conduct.

WHEREFORE, Defendants [REDACTED] and [REDACTED] [REDACTED]'s Joint Motion for Partial Dismissal of Plaintiff's Petition is denied.

Defendant [REDACTED]'s Motion to Dismiss or Alternatively for More Definite Statement, and Defendant [REDACTED]'s Motion to Dismiss or Alternatively for More Definite Statement are hereby granted in part and denied in part. Defendants [REDACTED] and [REDACTED]'s Motions to Dismiss are denied and the Motions for More Definite Statement are granted. Plaintiff is granted leave to file a more definite and certain statement with respect to the allegations against Defendant [REDACTED] and Defendant [REDACTED] within 21 days.

SO ORDERED:

Original signed by Court
Judge Ellen Levy Siwak, Div. 11

Entered

cc: [REDACTED], Attorney for Plaintiff
[REDACTED], Attorney for Defendants