

RETURN DATE: FEBRUARY 20, 2024	:	SUPERIOR COURT
	:	
LIVIA BACON f/k/a	:	
MATTHEW BACON	:	J.D. OF ANSONIA-MILFORD
	:	
VS.	:	AT MILFORD
	:	
GTI ROCK ISLAND, LLC d/b/a	:	
GREEN THUMB INDUSTRIES	:	JANUARY 17, 2024

COMPLAINT

COUNT ONE: **Gender Identity/Expression Discrimination and Hostile Work Environment in Violation of Conn. Gen. Stat. § 46a-60(b)(1).**

1. Plaintiff, Livia Bacon f/k/a Matthew Bacon (“Plaintiff”), was at all times set forth herein, and remains, a resident of the City of Shelton in the State of Connecticut.
2. The Defendant in this matter, GTI Rock Island, LLC d/b/a Green Thumb Industries (“Defendant”), is domestic corporation organized under the laws of the State of Illinois with a primary business address of 325 W. Huron Street, Suite 700, Chicago, IL 66054.
3. Defendant is a cannabis company that operates a store more commonly known as Rise Branford located at 471 East Main Street, Branford, CT 06405, where it dispenses cannabis products.
4. Plaintiff filed a timely administrative complaint against Defendant with the Connecticut Commission on Human Rights and Opportunities, and thereafter received a release of jurisdiction letter therefrom, a copy of which is appended hereto as Exhibit A. This Action is brought within 90 days of receipt of said release of jurisdiction letter. As such, Plaintiff has exhausted all administrative remedies, and this Action is timely.
5. Plaintiff commenced her employment on December 19, 2022. Her shift lead responsibilities included cash handling, sending deposits, managing personnel, delegating tasks amongst other employees, and receiving inventory.

6. Plaintiff is transgender female, and during her employment with Defendant, Plaintiff was undergoing transition.

7. Plaintiff's direct supervisors were Patricia Marr ("Marr"), the Store Manager, Vania Hernandez-Guerrero, the Assistant Store Manager, and Fred Trink, the District Manager.

8. At all times relevant, Plaintiff performed her work at or above satisfactory levels.

9. At approximately 12:30 pm, on or about March 16, 2023, Chuck Lindow ("Lindow"), a Regional Asset Protection Manager, was in the store at or about the commencement of Plaintiff's shift.

10. Lindow pulled Plaintiff aside and conveyed that he had been informed by another employee that Plaintiff had been consuming marijuana products on-site during her shift.

11. Plaintiff inquired of Lindow during the conversation, "Am I in trouble for this?" Lindow responded, "Until recently, I would have thought there was a policy violation, but based on what Alex Milner ["Milner"] said in a meeting recently, there is no clear rule about employees being under the influence [of THC] at work. That's something that we're going to clarify going forward."

12. Upon Lindow's request, Plaintiff wrote a statement on paper, effectively summarizing the conversation she had with Lindow, and wherein she conveyed that she had utilized a vaporizer pen while off-site, and in her vehicle. The statement was handed over to Lindow.

13. Lindow concluded the conversation by conveying that he was handling the situation from a Human Resources ("HR") perspective because Milner was on vacation for that week. Plaintiff was told that she would hear from Milner upon his return.

14. After the conversation, Plaintiff returned to complete the remainder of her shift without issue.

15. Upon information and belief, Juliana Daniels ("Daniels"), another shift lead, had reported to Lindow or others through Defendant's ethics portal.

16. During Plaintiff's tenure with Defendant, Nadine Mate-Piovanneti ("Mate-Piovanneti"), fellow shift lead, treated Plaintiff disparately as compared to her similarly situated peers, barking orders at Plaintiff and treating her with disrespect, while not subjected Plaintiff's coworkers to such treatment.

17. Upon information and belief, Daniels commented to a fellow coworker, Shyler Longobardi, words to the effect of "I can't believe how Nadine is treating Livia—I wouldn't stand for that," effectively confirming that Plaintiff was being singled out for disrespectful treatment.

18. On March 17, 2023, Plaintiff had a conversation with Marr. During the course of the conversation, Plaintiff said that she knew Marr had heard about Plaintiff's interaction with Lindow. Plaintiff asked Marr if they had any issues which needed to be discussed.

19. During the course of the ensuing conversation, Plaintiff reported to Marr her belief that Mate-Piovanneti was creating a toxic work environment. Plaintiff conveyed that she was not intending on going over anyone's head but that she would be lodging a complaint with HR.

20. Later in the afternoon on or about March 17, 2023, Plaintiff stayed late on a Friday to assist with a line of customers.

21. In response, Mate-Piovanneti berated Plaintiff for staying after her scheduled shift time in front of people whom Plaintiff supervised. However, Mate-Piovanneti was not responsible for scheduling shifts and was not responsible for monitoring overtime.

22. At the conclusion of Plaintiff's shift, she texted Marr complaining about Mate-Piovanneti's conduct.

23. That same day, Plaintiff contacted Milner and that a meeting to take place concerning the work environment, Plaintiff's interaction with Lindow, and other commentary and conduct of coworkers at the store.

24. Plaintiff worked through the following weekend, relatively without issue.

25. On or about March 21, 2023, Plaintiff had a phone conversation with HR at around 1:00 pm, wherein she again conveyed the substance of what she had reported to Lindow concerning his inquiry regarding use of marijuana on premises.

26. Plaintiff also explained that the vaporizer she had utilized in her car was CBD, as opposed to THC, and accordingly, could not have resulted in Plaintiff being under the influence. She had not had the opportunity to clarify with Lindow during their conversation because she had felt blindsided. Milner thanked her for clarifying.

27. Plaintiff then expressed some frustration with how the process had been executed and how it had been handled by an Asset Protection Manager in a less-than-confidential manner.

28. Plaintiff conveyed that she wanted to move on to the deeper cultural issues and why the situation may be personal. She said there appeared to be a history at the workplace of people using HR complaints to settle personal gripes, and Plaintiff provided some examples.

29. During the ensuing exchange, Plaintiff reported to Milner that people were treating her differently because of her gender identity, noting that she had observed she was not being treated with the same amount of respect as her non-trans coworkers.

30. Milner said that HR would take Plaintiff's observations into consideration but that the issue would be considered separately from the vaporizer incident.

31. Milner conveyed, "We're not looking into the consumption on-site policy. We're looking at this as a being under the influence policy."

32. Plaintiff reiterated that it had been a CBD pen, yet Milner responded that the policy was with regard to cannabis products generally, not just THC.

33. Plaintiff said that she was being treated more harshly than others, as other employees were routinely under the influence. The only discipline that the others received—if any—was a verbal warning.

34. Plaintiff conveyed unambiguously that she was being singled out.

35. Plaintiff told Milner that she loved her job and that her job was paying for her transition, which she had only recently started. Plaintiff then inquired as to whether termination was on the table, to which Milner responded, "Yes," and conveyed that she would have another discussion with Marr.

36. Plaintiff reported to work on the following Thursday, March 23, 2023, and was terminated that day.

37. Upon information a belief, Plaintiff's complaints of discrimination were not investigated by Defendant, and no action was taken in regards to her complaints.

38. The Defendant, through its agents, servants, and/or employees, discriminated against the plaintiff, subjected the plaintiff to unwarranted discipline and a hostile working environment, and ultimately terminated the Plaintiff's employment on the basis of her sexual orientation or perceived sexual orientation or gender identity.

39. The foregoing conduct of the Defendant constitutes unlawful discrimination, hostile work environment, and wrongful termination of employment in violation of the Connecticut Fair Employment Practices Act.

40. As a result of the foregoing unlawful conduct of the Defendant, Plaintiff has suffered, and will continue to suffer, lost wages and fringe benefits, as well as other consequential losses and damages.

41. As a further result of the foregoing unlawful conduct of the Defendant, the Plaintiff has been unable to obtain and or hold gainful employment.

42. As a further result of the foregoing unlawful conduct of the Defendant, the Plaintiff has expended attorney's fees and costs in order to secure the right to which she is entitled.

43. As a further result of the foregoing unlawful conduct of the Defendant, the Plaintiff has suffered and will continue to suffer in the future, considerable emotional and psychological pain and suffering.

COUNT TWO: Sex Discrimination in Violation of Conn. Gen. Stat. § 46a-60(b)(1)

1. The Plaintiff repeats and re-alleges paragraphs 1 through 37 above and incorporates them as paragraphs 1 through 37 of this Second Count as if fully stated herein.

38. Defendant is an “employer” within the meaning of the Connecticut Fair Employment Practices Act.

39. Defendant discriminated against Plaintiff in the terms and conditions of Plaintiff’s employment on account of her sex.

40. Defendant subjected Plaintiff to a pervasive and continuing course of discriminatory comments and conduct which had the purpose or effect of substantially interfering with Plaintiff’s work performance and/or the creation of an intimidating, hostile, or offensive work environment.

41. Defendant subjected Plaintiff to adverse employment action, motivated by Plaintiff’s sex.

42. As a result of Defendant’s unlawful conduct, as aforesaid, Plaintiff has sustained lost wages and benefits of employment, has been deprived of the benefits of gainful employment into the future, has sustained substantial emotional distress, and has incurred or will incur attorneys’ fees and costs.

COUNT THREE: Retaliation in violation of Conn. Gen. Stat. 46a-60(b)(4)

1. The Plaintiff repeats and re-alleges paragraphs 1 through 37 above, and incorporates them as paragraphs 1 through 37 of this Third Count as if fully stated herein.

38. The Defendant, through its agents, servants, and/or employees, against the plaintiff, subjected the plaintiff to unwarranted discipline and ultimately terminated the Plaintiff’s employment for engaging in protected activities in the course of her employment.

39. As a result of the plaintiff engaging in the above protected activities, the defendant retaliated against the plaintiff, taking adverse employment actions against her and ultimately terminated her employment.

40. The foregoing conduct of the Defendant constitutes unlawful retaliation in violation of the Connecticut Fair Employment Practices Act, §46a-60(a)(4).

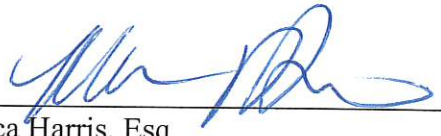
41. As a result of the foregoing unlawful conduct of the Defendant, Plaintiff has suffered, and will continue to suffer, lost wages and fringe benefits, as well as other consequential losses and damages.

42. As a further result of the foregoing unlawful conduct of the Defendant, the Plaintiff has been unable to obtain and or hold gainful employment.

43. As a further result of the foregoing unlawful conduct of the Defendant, the Plaintiff has expended attorney's fees and costs in order to secure the right to which she is entitled.

44. As a further result of the foregoing unlawful conduct of the Defendant, the Plaintiff has suffered and will continue to suffer in the future, considerable emotional and psychological pain and suffering.

THE PLAINTIFF
LIVIA BACON f/k/a MATTHEW BACON

By: 
Rebecca Harris, Esq.
Cicchiello & Cicchiello LLP
364 Franklin Avenue
Hartford, CT 06114
Tel: (860) 296-3457
Fax: (860) 296-0676
Juris: 419987
Email: rharris@cicchielloesq.com

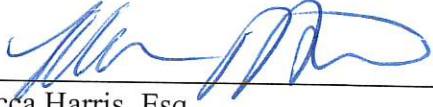
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. Monetary damages;
2. Reinstatement, or in lieu thereof, front pay;
3. Punitive damages;
4. Reasonable attorney's fees and costs;
5. Such other relief which the Court deems just and reasonable.

THE PLAINTIFF
LIVIA BACON f/k/a MATTHEW BACON

By: 
Rebecca Harris, Esq.
Cicchiello & Cicchiello LLP
364 Franklin Avenue
Hartford, CT 06114
Tel: (860) 296-3457
Fax: (860) 296-0676
Juris: 419987
Email: rharris@cicchielloesq.com

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MATTHEW BACON

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SUPERIOR COURT

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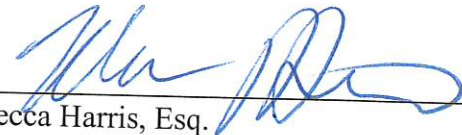
AT MILFORD

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STATEMENT OF AMOUNT IN DEMAND

The Plaintiff herein certifies that the amount in demand is in excess of \$15,000.00, exclusive of interest and costs.

THE PLAINTIFF
LIVIA BACON f/k/a MATTHEW BACON

By: 

Rebecca Harris, Esq.

Cicchiello & Cicchiello LLP

364 Franklin Avenue

Hartford, CT 06114

Tel: (860) 296-3457

Fax: (860) 296-0676

Juris: 419987

Email: rharris@cicchielloesq.com

EXHIBIT A

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Liva Bacon f.k.a. Matthew Bacon
COMPLAINANT

vs.

CHRO No. 2330582
EEOC No. 16A202301214

Green Thumb Industries d/b/a Rise Branford
RESPONDENT

RELEASE OF JURISDICTION

The Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above-identified complaint. The Complainant is authorized to commence a civil action in accordance with CONN. GEN. STAT. § 46a-100 against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred, in which the Respondent transacts business or in which the Complainant resides. If this action involves a state agency or official, it may be brought in the Superior Court for the judicial district of Hartford.

A copy of any civil action brought pursuant to this release must be served on the Commission at ROJ@ct.gov or at 450 Columbus Blvd., Suite 2, Hartford, CT 06103 at the same time all other parties are served. Electronic service is preferred. **THE COMMISSION MUST BE SERVED BECAUSE IT HAS A RIGHT TO INTERVENE IN ANY ACTION BASED ON A RELEASE OF JURISDICTION PURSUANT TO CONN. GEN. STAT. § 46a-103.**

The Complainant must bring an action in Superior Court within 90 days of receipt of this release and within two years of the date of filing the complaint with the Commission unless circumstances tolling the statute of limitations are present.

DATE: December 20, 2023



Tanya A. Hughes, Executive Director

Service:

Complainant: liviabacon30@gmail.com

Complainant's attorney: manny@cicchelloesq.com

Respondent: andy.dalessio@gtigrows.com

Respondent's attorney: emckenna@littler.com