

RETURN DATE: JULY 30, 2024	:	SUPERIOR COURT
	:	
LISA PIEPUL	:	JUDICIAL DISTRICT
	:	
VS.	:	OF HARTFORD
	:	
CURALEAF, LLC	:	JUNE 24, 2024

COMPLAINT

FIRST COUNT: **Disability Discrimination in Violation of Conn. Gen. Stat. § 46a-60(b)(1)**

1. The Plaintiff in this matter, Lisa Piepul (“Plaintiff”), was at all times relevant to this Action a resident of Town of Enfield, State of Connecticut.

2. The Defendant, Curaleaf, LLC (“Defendant”) is a domestic limited liability company organized under the laws of the State of Connecticut with a primary business address of 34 Hopmeadow Street, Simsbury, CT 06089.

3. Defendant operates a cannabis growing, packaging, and distribution facility at the foregoing business location..

4. Plaintiff commenced employment with Defendant at the foregoing business location on or about December 21, 2020, in the position of Manufacturing and Production Manager.

5. Plaintiff suffers from moderate to persistent asthma.

6. Asthma is a chronic condition in which an individual’s airway may become inflamed and restricted, causing difficulty of breathing.

7. Individuals that suffer from asthma have symptoms that may include chest pain, difficulty breathing, and frequent coughing and wheezing.

8. Individuals that suffer from Asthma sometimes experience “asthma attacks” during which the foregoing conditions temporarily become particularly severe.

9. In rare cases, asthma attacks may cause permanent injury or even death as a result of oxygen deprivation.

10. According to statistics published by the Centers for Disease Control, 3,564 people died nationally from asthma attacks in 2017.

11. Due to the nature of Defendant's work, the air in its facility is frequently permeated with noxious substances.

12. Plaintiff's asthma became worse in or about the end of 2021.

13. In or about 2022, it became clear that Plaintiff could no longer work in the back of Defendant's location, where the air quality was at its worst.

14. On or about March 1, 2022, Plaintiff provided a note to Defendant from her healthcare provider detailing these issues.

15. Plaintiff was then approved for intermittent FMLA leave between April 24 and October 23, 2022, which she used when her asthma was particularly bad. Plaintiff also was permitted to work in the front office, where air quality was significantly better.

16. On or about August 3, 2022, Defendant provided Plaintiff with its own "Medical Inquiry Form in Response to Team Member's Request for a Reasonable Accommodation under the ADA or Applicable State Law."

17. Attached to this form was an updated job description for Plaintiff's position as Production Manager.

18. Plaintiff's medical provider completed the form and attested that Plaintiff could continue to perform the essential functions of her job with reasonable accommodations.

19. Plaintiff's medical provider also provided Defendant with a note stating that Plaintiff could work remotely through August 12, 2022, before returning full-time to the front office on or about August 15, 2022.

20. Upon her return to work in the front of Defendant's location, Plaintiff found that this accommodation was effective.

21. Defendant Operations Director, Kristen Tangarone ("Tangarone"), remarked that she enjoyed having Plaintiff in the front, and Plaintiff's asthma symptoms were reduced.

22. However, on or about September 7, 2022, Plaintiff was required to go out on continuous FMLA leave, which was approved by Defendant and was ultimately scheduled to last until November 28, 2022.

23. On or about November 13, 2022, in anticipation of her return to work, Plaintiff and her medical provider completed another "Medical Inquiry Form in Response to Team Member's Request for a Reasonable Accommodation under the ADA or Applicable State Law."

24. On or about November 15, 2022, a finalized copy of the form was sent to Defendant Human Resources Generalist, Deborah Pollard ("Pollard").

25. Additionally, Plaintiff sent Pollard an updated note from her doctor, outlining that Plaintiff was able to perform her essential job functions when not in the production area and listing her only restriction as working "1 day a week in production" and "4 days in the front office for one month." This could be increased to two days in production per week if Plaintiff felt as though she could tolerate it.

26. Shortly thereafter, on or about November 17, 2022, Plaintiff learned that Tangarone had announced that Plaintiff would not be returning to work until after Tangarone's own vacation had ended on or about November 29, 2022.

27. On or about November 18, 2022, Plaintiff contacted Pollard to inquire about her return-to-work date, in light of the information Tangarone had announced.

28. In response, Pollard refused to confirm Plaintiff's return-to-work date.

29. By November 22, 2022, Plaintiff had yet to receive confirmation regarding her return-to-work date from either Pollard or Tangarone. As a result, she sent an email to Defendant's Human Resources Director, Danielle Thompson ("Thompson").

30. On or about November 25, 2022, Plaintiff had a phone call with Thompson during which she was informed that her requests for accommodation were "under review." Thompson further informed Plaintiff that she would not be paid for the foreseeable future.

31. By November 30, 2022, Plaintiff still did not have a confirmed return-to-work date and had not been paid. She emailed Thompson, who again responded that the matter was "under review."

32. On or about December 5, 2022, three weeks after the submission of her reasonable accommodation request, Plaintiff sent another email to Thompson.

33. Three days later, on or about December 8, 2022, Thompson sent Plaintiff a meeting invite for the following day.

34. On or about December 9, 2022, Plaintiff met with Pollard and Thompson.

35. In said meeting, Thompson informed Plaintiff that Defendant would not accommodate her disability and that it was terminating her employment.

36. Thompson falsely stated that Plaintiff's role required her to be in the production area at all times.

37. Defendant discriminated against Plaintiff in the terms and conditions of Plaintiff's employment on account of her disability.

38. Defendant failed to accommodate Plaintiff's disability, despite there being reasonable accommodations available which would not have constituted an undue hardship on Defendant.

39. Defendant subjected Plaintiff to adverse employment action, motivated by Plaintiff's disability and/or as a means of refusing her a reasonable accommodation.

40. 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.

41. 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.

THE PLAINTIFF
LISA PIEPUL

By: 
Michael J. Reilly, Esq.
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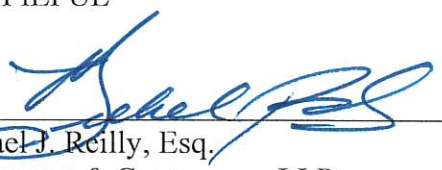
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. Monetary damages;
2. Punitive damages;
3. Reasonable attorney's fees and costs;
4. Such other relief which the Court deems just and reasonable.

THE PLAINTIFF
LISA PIEPUL

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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.

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LISA PIEPUL

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EXHIBIT A

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**



Lisa Piepul
COMPLAINANT

CHRO No. 2310450
EEOC No. 16A-2023-01292

v.

Curaleaf
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 Complainant resides or in which the Respondent transacts business. 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 in accordance with this release must be served on the Commission by email at ROJ@ct.gov or by regular U.S. mail at 450 Columbus Blvd. – Suite 2, Hartford, CT 06103 at the same time all other parties are served. Service by email 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: April 11, 2024



Tanya A. Hughes, Executive Director

cc: Michael J. Reilly, Esq., via email: mreilly@cicchielloesq.com
Thomas Moyher, Esq., via email: tmoyher@littler.com