

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MISTY PARSHALL) CASE NO.:
1261 Bend Road)
Mercer, Pennsylvania 16137) JUDGE:
)
Plaintiff,) **COMPLAINT FOR DAMAGES**
)
vs.) **(JURY DEMAND ENDORSED HEREIN)**
)
NEW RUE21, LLC)
c/o National Registered Agents, Inc.)
600 N. 2nd Street – Suite 401)
Harrisburg, Pennsylvania 17101)
)
Defendants.)

Plaintiff Misty Parshall, by and through the undersigned, as her Complaint against Defendant states and avers the following:

PARTIES & VENUE

1. Parshall is a resident of the city of Mercer, county of Mercer, and state of Pennsylvania.
2. New Rue21, LLC is a Delaware corporation that conducts business at locations in Pennsylvania, including Allegheny County, in which Plaintiff was employed.
3. At all times material herein, Rue21 was Parshall’s employer, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*
4. All material events alleged in this Complaint occurred in Allegheny County.
5. Within 300 days of the events complained of herein, Parshall filed a Charge of Discrimination with the Equal Employment Opportunity Commission, specifically Charge No. 533-2019-00513.

6. On November 5, 2019, the Commission issued a Dismissal and Notice of Rights and resulting Right to Sue.
7. Jurisdiction is proper over Defendant pursuant to 28 U.S.C. § 1331, in that Parshall is alleging federal law claims arising under the Title VII of the Civil Rights Act of 1964.
8. Venue is properly placed in the United States District Court for the Western District of Pennsylvania because it is the Court for the district, division, and county within which a substantial part of the events giving rise to this Complaint occurred.
9. This Court is a court of general jurisdiction over all subject matters of this Complaint and the claims presented herein

FACTS

10. In or around January of 2015, Rue21 hired Parshall as Controller at its Warrendale, Pennsylvania location.
11. Parshall is female.
12. During her employment at Rue21, Parshall was responsible for approximately 30 subordinate employees.
13. Among Parshall's responsibilities at Rue21 was oversight of the finance department, including corporate accounting, accounts payable, sales auditing, inventory control, treasury, and internal auditing.
14. During Parshall's time at Rue21, she was routinely excluded from business functions, while male coworkers of similar or lesser levels of responsibility were included.
15. By way of example, in November of 2017, a Rue21 vendor invited then-CFO Todd Lenhart to a hockey game. Despite the fact that Parshall was the point of contact for this

vendor, Lenhart chose to take a male coworker of Parshall, Frank Muto, who had no responsibility for the vendor, to the hockey game.

16. On or about March 21, 2018, Rue21 posted a job listing for Vice President of Accounting.
17. The following day Parshall spoke with Rue21's president Michael Appel and expressed her desire to be considered for promotion.
18. During Ms. Parshall and Mr. Appel's March 22nd conversation, Parshall attempted to give Appel her application for the posted position but Appel refused to accept it, stating that the job listing had been posted in error.
19. Following Parshall's March 22nd conversation with Appel, Parshall requested a meeting with human resources to discuss updating the organizational chart for her department, during which meeting Parshall discovered that Rue21 was promoting Mr. Muto into a vice president role.
20. In April of 2018, Rue21 promoted a male employee, with less experience and lesser qualifications than Parshall, to Vice President of Financial Planning.
21. Unlike Parshall who has a master's degree in financial reporting and is a Certified Public Accountant, the male who was promoted to Vice President of Financial Planning does not even have a CPA designation.
22. Upon information and belief, knowing of Parshall's interest in the position of Vice President for Accounting, Rue21 retracted the related job posting, renamed the position and slightly tweaked the related job duties, so that it could promote a male, less qualified than Parshall, into a vice president role.
23. Alternatively, even if the position that Rue21 posted in March was posted in error, it knew that Parshall was interested in, and qualified for, promotion, including into the

position of Vice President of Financial Planning, a position for which it refused to even consider Parshall.

24. Rue21's failure to promote Parshall is part of a pattern at the company of promoting less qualified male candidates at the expense of qualified female candidates.
25. Like it had done with Parshall, Rue21 repeatedly refused to promote an accounting employee, who worked competently for Rue21 over the course of 14 years, while during that time promoting numerous male employees with lesser qualifications.
26. Similarly, in May of 2016, Parshall suggested the hiring of a female managerial candidate but was told by Rue21 that it could not afford to offer the candidate any more than \$95,000, a rationale belied by its hiring of a male manager into a similar position months' later at a salary of \$115,000.
27. Rue21's failure to promote Parshall was made on the basis of gender.
28. As a result of Rue21's failure to promote Parshall, she has suffered pecuniary harm and loss of professional opportunities.

COUNT I: GENDER DISCRIMINATION

29. Parshall restates each prior paragraph, as if fully restated.
30. Parshall was fully qualified for the vice president position that was filled by a less qualified male in April of 2020.
31. Despite Parshall's qualification for the above-referenced position and despite Rue21's knowledge that Parshall was an interested candidate, Rue21 never even considered her for the position.

32. Rue21 made the decision to promote a male who was less qualified than Parshall into the vice president position on the basis of gender, in contravention of Title VII of the Civil Rights Act of 1964.

33. As a direct and proximate result of Defendant's unlawful conduct, Parshall has suffered and will continue to suffer damages

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Misty Parshall respectfully request that this Honorable Court grant the following relief:

1. An award against Defendant of damages to compensate Parshall for back pay, front pay, and other consequential damages, in an amount in excess of the minimum jurisdictional limits of the Court;
2. An award of punitive damages against Defendant in an amount not to exceed applicable statutory limits;
3. An award of reasonable attorney's fees and costs for Parshall claims as allowable and/or required under law;
4. Any award of other relief that this Court may deem necessary and proper.

Respectfully submitted,

s/ Peter C. Mapley

Peter C. Mapley (OH 0092359)
Sobel, Wade & Mapley, LLC
55 Erieview Plaza, #370
Cleveland, Ohio 44114
T: (216) 223-7213
F: (216) 223-7213
mapley@swmlawfirm.com

Attorney for Plaintiff

JURY DEMAND

Plaintiff Misty Parshall demands a trial by jury by the maximum number of jurors permitted.

s/ Peter C. Mapley

Peter C. Mapley (OH 0092359)