

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLISON W. WALZER	:	
1420 Sutton Road	:	CIVIL ACTION
Shavertown, PA 18708,	:	
	:	
Plaintiff,	:	NO.
	:	
v.	:	CIVIL RIGHTS
	:	
CYPRESS MEDIA, INC.	:	
d/b/a THE TIMES LEADER	:	JURY TRIAL DEMANDED
15 N. Main Street	:	
Wilkes-Barre, PA 18711	:	
	:	
Defendant.	:	
_____	:	

COMPLAINT

Plaintiff Allison W. Walzer, by her undersigned counsel,  
avers as follows for her complaint:

PRELIMINARY STATEMENT

1. Plaintiff Allison W. Walzer is a Jewish female whom  
defendant The Times Leader employed from June 1981 until January  
12, 2005. This is an action for damages, including compensatory  
and punitive damages, and injunctive relief to redress The Times  
Leader's discriminatory employment practices.

JURISDICTION AND VENUE

2. This action arises under Title VII of the Civil Rights  
Act of 1964, 42 U.S.C. §§ 2000e et seq. This Court has  
supplemental jurisdiction over Ms. Walzer's claims arising under  
state law.

3. The jurisdiction of this Court is founded upon 28 U.S. §§ 1331 and 1367.

4. Venue is proper in this District under 28 U.S.C. § 1391(c).

PROCEDURAL PREREQUISITES

5. On or about June 20, 2005, Ms. Walzer filed a complaint of gender and religious discrimination with the United States Equal Employment Opportunity Commission, charge no. 170-2005-02870. More than six months have elapsed since the filing of this charge.

6. Ms. Walzer received a right to sue letter from the EEOC on March 29, 2006.

7. On or about June 20, 2005, Ms. Walzer filed a complaint of gender and religious discrimination with the Pennsylvania Human Relations Commission, docket no. 200505716 (originally assigned docket no. 200408309).

8. Although Ms. Walzer has fully exhausted her administrative remedies on her claim under Title VII, she has not technically completed her exhaustion of her administrative remedies under the Pennsylvania Human Relations Act. However, we understand that it is the policy of the Pennsylvania Human Relations Commission to close its file and issue a notice of right to sue upon receipt of a copy of a federal lawsuit raising the same discrimination claims. At that time, which should

occur in the very near future, Ms. Walzer will have fully exhausted her administrative remedies on both causes of action.

PARTIES

9. Allison W. Walzer is an adult citizen of the Commonwealth of Pennsylvania, residing at 1420 Sutton Road, Shavertown, PA 18708.

10. Ms. Walzer is female and Jewish.

11. Cypress Media, Inc., d/b/a The Times Leader ("The Times Leader") is, upon information and belief, a New York corporation with its principal place of business at 15 N. Main Street, Wilkes Barre, Pennsylvania. The Times Leader is engaged in an industry that affects commerce and employs more than 15 employees. The Times Leader is an employer subject to Title VII.

FACTUAL BACKGROUND

12. The Times Leader hired Ms. Walzer in June 1981 as a reporter/copy editor.

13. After beginning employment, Ms. Walzer was promoted to Features Editor, Business Editor, Copy Desk Chief, Assistant Managing Editor and, finally, Editor in 1986. The Editor is the number two position at The Times Leader, under the Publisher.

14. Ms. Walzer received annual reviews and salary increases that emphasized the quality of her work and resulted in generous salary advancements and bonuses through the 24 years

of her employment. Ms. Walzer's 2003 W-2 Form from Cypress Media, Inc. reflected Medicare Wages, Tips and Other Compensation of \$234,622. Ms. Walzer's 2004 W-2 Form from Cypress Media, Inc. reflected Medicare Wages, Tips and Other Compensation of \$142,244, with a bonus of \$50,000 awarded in January, 2005.

15. During Ms. Walzer's tenure at the The Times Leader, the newspaper was awarded multiple state and national awards including the Scripps Howard First Amendment Award, multiple Headliner awards and several sweepstake awards from the Pennsylvania Newspaper Association.

16. Ms. Walzer's ability as an editor and manager was consistently rated at least "very good" and many times "excellent."

17. When Ms. Walzer was named Editor at the age of 32, she was only the second female editor in the newspaper group and the first Jewish editor.

18. During Ms. Walzer's years as Editor, she was rated very highly for promotion and was sent to management courses at both Simmons College and Northwestern's Kellogg School in recognition of her potential for advancement.

19. Ms. Walzer was subjected to differential treatment on the basis of her gender and religion during her tenure at The

Times Leader and had to demand equal pay for equal work. Each time she made this request, the newspaper increased her pay.

20. Approximately eleven years ago, Ms. Walzer applied for and was passed over for the position of Publisher. She was awarded a substantial amount of company stock in lieu of litigation.

21. After no negative work reviews and with no warning, Publisher Pat McHugh fired Ms. Walzer on January 12, 2005, and gave her as the pretextual reason for the firing that the photography team leader, Clark Van Orden, had taken personal photographs of Ms. Walzer's children.

22. Clark Van Orden is a personal friend of Ms. Walzer. He has taken personal photographs of Ms. Walzer's family and his own from time to time. He has not done this on company time and the cost to the company of several sheets of the photographic paper that he used on Ms. Walzer's behalf probably cost less than \$5.

23. It was not uncommon for photographers to take personal photographs for The Times Leader staff. Ms. Walzer knows of at least one other male, non-Jewish employee who used Clark Van Orden to shoot his wedding. The Times Leader did not discipline that man, much less fire him.

24. It is also common practice for employees to request and receive free of charge "veloxes," which are film copies of

pictures that ran in the paper. Hourly employees make veloxes on company time at company expense.

25. Pat McHugh has been publisher at The Times Leader for approximately six years. During that time, he discussed with Ms. Walzer how he managed the "creative discharge" of several female employees. He explained that "creative discharge" involved offering women jobs that he knew they did not want or would be unqualified to perform which forced them to resign as a result. Ms. Walzer knows of at least three such "discharges." In one case, Mr. McHugh ordered Ms. Walzer to take one of these women into the newsroom and "get her to quit."

26. During the last years of Ms. Walzer's employment at The Times Leader, Mr. McHugh tried this same technique with her. First, he ordered Ms. Walzer to fire her good friend, Jon Blum, who had been an outside counsel for The Times Leader for years and who is also Jewish. Ms. Walzer was told to let Blum go, not because he was doing a poor job for the newspaper, but explicitly because he was her close friend. McHugh then replaced Mr. Blum with a friend of his, Robert Schaub, who is not Jewish and who regularly had to disqualify himself because he and his firm represent Luzerne County.

27. When Ms. Walzer and her husband once sued the county controller because he reneged on an agreement of sale to buy their house, The Times Leader published numerous stories about

the lawsuit, but never once asked Ms. Walzer to comment and contribute her side of the story, which would be the normal reporting procedure. The county controller paid Ms. Walzer and her husband the full amount that they requested in the lawsuit - - \$21,000, which was the amount of the deposit money held in escrow as liquidated damages for a breach.

28. In the last year of Ms. Walzer's employment, Mr. McHugh excluded her from a meeting to develop a five-year strategic plan for the newspaper even though, since she was the Editor, one would expect her input to be a key part of that discussion. Other male and non-Jewish department heads with lower positions in the organizational hierarchy were included in this meeting.

29. In December 2004, Ms. Walzer requested that Mr. McHugh give her a promotion in title from Senior Vice President to Executive Vice President. Mr. McHugh denied the request saying that the owner, Knight Ridder, told him that The Times Leader was too heavy on titles. However, when he replaced Ms. Walzer, Mr. McHugh gave the new Editor - a Catholic male, like McHugh - the title Executive Vice President.

30. When Publisher Patrick McHugh fired Ms. Walzer after more than 24 years of exemplary performance with the newspaper, he said that, because the newspaper's photographer took pictures of Ms. Walzer's children, he "didn't trust" Ms. Walzer any more.

In the announcement of the new Editor – a Catholic male, like McHugh – he stated that the new editor “shared his values.”

31. When Mr. McHugh fired Ms. Walzer, he offered her two weeks severance pay after her 24 years of service to The Times Leader. Ms. Walzer is personally aware of other male and non-Jewish employees of the company who received considerably more separation pay.

COUNT I  
VIOLATION OF Title VII – Gender Discrimination

32. Ms. Walzer repeats and restates paragraphs 1-30 of this complaint as though fully set forth herein.

33. The Times Leader’s intentional and willful discharge of Ms. Walzer because of her gender violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.

34. As a result, Ms. Walzer has suffered damage in an amount in excess of \$150,000.00.

WHEREFORE, Plaintiff Allison W. Walzer prays that judgment be entered in her favor and against defendant Cypress Media, Inc., d/b/a The Times Leader, and that the Court:

- a. Declare that the foregoing acts of The Times Leader constitute gender discrimination in employment in violation of Title VII of the Civil Rights Act;
- b. Reinstate Ms. Walzer to her former position of employment with The Times Leader;



- c. Award Ms. Walzer damages in excess of \$150,000.00 for all discriminatory acts including, but not limited to, back pay, front pay, loss of employment benefits, loss of stock options, and punitive damages;
- d. Enjoin The Times Leader from discriminating against Ms. Walzer and other female employees on the basis of their gender;
- e. Award Ms. Walzer her reasonable attorneys' fees, prejudgment and postjudgment interest, and costs;
- f. Grant such other and further relief as the Court may deem just and proper.

COUNT II

VIOLATION OF Title VII – Religious Discrimination

35. Ms. Walzer repeats and restates paragraphs 1-33 of this complaint as though fully set forth herein.

36. The Times Leader's intentional and willful discharge of Ms. Walzer because of her religion violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.

37. As a result, Ms. Walzer has suffered damage in an amount in excess of \$150,000.00.

WHEREFORE, Plaintiff Allison W. Walzer prays that judgment be entered in her favor and against defendant Cypress Media, Inc., d/b/a The Times Leader, and that the Court:

- a. Declare that the foregoing acts of The Times Leader constitute religious discrimination in employment in violation of Title VII of the Civil Rights Act;
- b. Reinstate Ms. Walzer to her former position of employment with The Times Leader;
- c. Award Ms. Walzer damages in excess of \$150,000.00 for all discriminatory acts including, but not limited to, back pay, front pay, loss of employment benefits, loss of stock options, and punitive damages;
- d. Enjoin The Times Leader from discriminating against Ms. Walzer and other Jewish employees on the basis of their religion;
- e. Award Ms. Walzer her reasonable attorneys' fees, prejudgment and postjudgment interest, and costs;
- f. Grant such other and further relief as the Court may deem just and proper.

COUNT III  
VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT

38. Ms. Walzer repeats and restates paragraphs 1-36 of this complaint as though fully set forth herein.

39. The Times Leader's intentional and willful discharge of Ms. Walzer because of her gender and religion violates the Pennsylvania Human Relations Act, 43 Pa.C.S.A. §§951 et. seq.

40. As a result, Ms. Walzer has suffered damage in an amount in excess of \$150,000.00.

WHEREFORE, Plaintiff Allison W. Walzer prays that judgment be entered against defendant The Times Leader and that the Court:

- a. Declare that the foregoing acts of The Times Leader constitute gender and religious discrimination in employment in violation of the Pennsylvania Human Relations Act;
- b. Reinstate Ms. Walzer to her former position of employment with The Times Leader;
- c. Award Ms. Walzer damages in excess of \$150,000.00 for all discriminatory acts including, but not limited to, back pay, loss of employment benefits, loss of stock options, emotional distress, pain, suffering, inconvenience, mental anguish;
- d. Enjoin The Times Leader from discriminating against Ms. Walzer and other female and Jewish employees on the basis of their gender and religion;
- e. Award Ms. Walzer her reasonable attorneys' fees, prejudgment and postjudgment interest, and costs;
- f. Grant such other and further relief as the Court may deem just and proper.

JURY DEMAND

Ms. Walzer demands trial by jury of all issues triable to a jury.

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