

Defendant THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER is an educational institution and a part of the University of Texas System. It may be served through its President Daniel Podolsky, M.D. at UT Southwestern Medical Center, 5323 Harry Hines Blvd., Dallas, TX 75390.

Defendant SOUTHWESTERN MEDICAL FOUNDATION is a Texas Corporation and the founder of THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER. It may be served by serving its registered agent, W. Plack Carr, Jr., 3963 Maple Ave., Ste. 100, Dallas, TX 75219.

Defendant THE UNIVERSITY OF TEXAS SYSTEM MEDICAL FOUNDATION is a Texas Corporation that may be served by serving its registered agent, Brent R. King at 6431 Fannin St. JLL 310, Houston, TX 77030.

Defendant BOARD OF REGENTS OF THE UNIVERSITY TEXAS SYSTEM is an agency of the State of Texas and it may be served through the secretary of state and its principal address of 201 W. 7th St., Austin, TX 78701.

III. JURISDICTION AND VENUE

The subject matter in controversy is within the jurisdictional limits of this court. Venue in Dallas County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county. In addition, venue is appropriate in Dallas County, Texas, pursuant to §554.007(a) Texas Government Code due to the fact that the facts giving rise to this lawsuit occurred in Dallas County, Texas.

IV. FACTS

The UT Southwestern Medical Center, located in Dallas, Texas, on Harry Hines Blvd., is part of the University of Texas. UT Southwestern maintains a well known and popular medical school in Dallas, Texas. UT Southwestern is a state governmental entity.

In addition to its educational purposes, UT Southwestern maintains a vibrant research community responsible for testing on humans and animals. The present cause concerns the animal testing department within UT Southwestern. UT Southwestern conducts testing on animals for the ultimate purpose of medical research benefitting people. A non-exhaustive list of the animals tested at UT Southwestern are dogs, goats, pigs, sheep, rabbits, guinea pigs, frogs, fish, rats and mice. In carrying out this testing, UT Southwestern was required to comply with certain federal requirements pertaining to the treatment of these animals.

Plaintiff was employed as the Institutional Animal Care and Use Committee (hereafter referred to as "IACUC") Manager for the University of Texas Southwestern Medical Center. Part of the Plaintiff's job duties was to investigate and ultimately report on whether UT Southwestern was complying with the federal requirements, referenced above, with regard to the humane treatment of animals. In addition, the Plaintiff was required to investigate whether UT Southwestern documented all failures to comply with the federal requirements at issue.

In January of 2012, Plaintiff notified the Office of Institutional Compliance, which is a department within the UT Southwestern Medical Center purportedly set up to ensure compliance with all requirements pertaining to the humane testing of animals, that UT Southwestern was grossly non-compliant with the federal requirements. The Office of Institutional Compliance is on-site at the Harry Hines Blvd. address in Dallas, Texas. However, the Office of Institutional Compliance did little to address the Plaintiff's concerns.

Then, at an IACUC meeting on April 3, 2012, a UT Southwestern employee named Patrick Thobe, raised the same issue regarding non-compliance previously raised by the Plaintiff. The Plaintiff took the minutes of this meeting in her capacity of employment with UT. Unfortunately, rather than commit to further investigation of the matter, the members of this Committee, other than the Plaintiff and Patrick Thobe, decided that there was no merit to the complaints of non-compliance.

On April 5, 2012, Plaintiff and Patrick Thobe raised the non-compliance complaint to David Russell who is the Dean of Basic Research and the highest ranking official at UT Southwestern concerning Animal Research.

On May 17, 2012, after receiving no resolution to her complaints, Plaintiff reported her employer's non-compliance issue to the Office of Laboratory Animal Welfare (hereafter referred to as "OLAW"). OLAW is a federal agency responsible for investigating and enforcing compliance with certain federal requirements pertaining to the treatment of animals in the medical research context.

Unfortunately, the Plaintiff's employer began to retaliate against the Plaintiff for having reported the non-compliance issues to OLAW. On May 23, 2012, Plaintiff was placed on administrative leave so that her employer could "investigate" the non-compliance issues that, of course, Plaintiff had been making since January 2012. In fact, Plaintiff's employer chided her in a letter dated May 23, 2012, for filing a report with OLAW. Furthermore, Plaintiff was not allowed to return to work until further notice. Unfortunately, the "further notice" that she received was a termination of employment on August 31, 2012.

V. LIABILITY OF UT SOUTHWESTERN

As a state governmental entity and the Plaintiff's employer, UT Southwestern was

obligated to refrain from retaliating against the Plaintiff for making a good faith report of UT Southwestern's violation of the law. This duty to refrain from retaliation is codified at §514.002 Texas Government Code, known as the "Texas Whistleblower Act".

UT Southwestern violated the Texas Whistleblower Act by placing the Plaintiff on administrative leave on May 23, 2012 (a mere six days after the Plaintiff's report to OLAW), and then, without allowing her to return to work at any point from May 23, 2012, to August 31, 2012, terminating her on August 31, 2012, in retaliation for reporting UT's violations of the law to OLAW.

Specifically, the Plaintiff, in good faith, and only after attempting to handle the matter internally with her employer, reported to OLAW, that UT Southwestern failed to comply with federal requirements regarding the humane treatment of animals in medical research. These federal requirements were initially set out in the Health Research Extension Act of 1985, Public Law No. 99-158, which OLAW was tasked with enforcing. OLAW, itself, promulgated further legal requirements, with great detail, regarding the treatment of animals in medical research. UT Southwestern had violated these federal standards and the Plaintiff was simply trying to do her job in bringing these facts to light and rectifying the situation.

VI. DAMAGES

Plaintiff seeks damages, pursuant to §554.003 Texas Government Code for the following:

- a. Lost Wages in the Past, including benefits (Life Insurance, Long Term Care Insurance, Dental Insurance, Health Insurance, Teacher's Retirement System);
- b. Lost Future Earning Capacity;
- c. Mental Anguish in the Past;
- d. Mental Anguish in the Future;
- e. Costs of Court;
- f. Attorney Fees.

**VII.
CONDITIONS PRECEDENT**

Plaintiff has complied with all internal grievance and appeals policies prior to filing this suit.

**VIII.
JURY DEMAND**

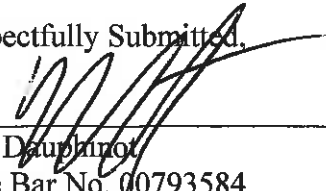
Plaintiff herein demands a trial by jury.

**IX.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing hereof, Plaintiff has:

1. Judgment against Defendants for the actual and special damages suffered by Plaintiff as a result of Defendant's conduct, in an amount in excess of the minimum jurisdictional limits of the Court;
2. Costs of Suit;
3. Prejudgment and Post Judgment interest as provided by law;
4. Attorney Fees;
5. Such other and further relief to which Plaintiff may show herself justly entitled.

Respectfully Submitted,



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