



II.  
PARTIES

4. Plaintiff Larimen Wallace is an individual who resides in Travis County, Texas.
5. Defendant, Travis County Healthcare District d/b/a Central Health is a governmental entity that may be served by serving its CEO, Mike Geeslin at 1111 East Cesar Chavez St., Austin, TX 78702.

III.  
JURISDICTION AND VENUE

6. Jurisdiction is appropriate because Central Health is a political subdivision of the state of Texas and the acts giving rise to this petition occurred in the State of Texas. Sovereign immunity has been waived for each of the causes of action alleged, including by Chapter 21 of the Texas Labor Code, Title VII of the Civil Rights Act of 1964, and 42 U.S.C. § 1983.
7. Venue is appropriate because the acts giving rise to this lawsuit occurred within Travis County, Texas.

IV.  
FACTS

8. Mr. Wallace is African American.
9. He first began working for Central Health in September 2005.
10. For the duration of his employment, Mr. Wallace always gave his best efforts and had every intention of working for Central Health until his retirement.
11. Over the course of his employment, he has, at the request of the Board of Managers, held the position of interim CEO.

12. However, he has never been selected as the permanent CEO.
13. In fact, no African American has been.
14. After Trish Young resigned as CEO on December 31, 2016, Mr. Wallace was selected to act as interim CEO beginning January 1, 2017.
15. In order for Mr. Wallace to act as interim CEO, he had to vacate his position as second-in-command, which then passed to Ms. Susan Willars, VP for HR.
16. Mr. Wallace applied for the permanent CEO position but was not selected in May 2017.
17. Instead, Central Health controversially selected Mike Geeslin, a white male, to take over as CEO.
18. Indeed, it was so controversial that one of the Board members, Dr. Richard Yuen, abstained from voting and shortly thereafter resigned, in part, because the Board selected a white male instead of Mr. Wallace who would be better able to reach out to minority communities and people of color.
19. On May 4, 2017, Mr. Wallace filed a charge of discrimination against Central Health with the EEOC, alleging race discrimination in his non-selection as CEO.
20. Central Health, and, in particular, Mr. Geeslin, the incoming CEO, knew Mr. Wallace had filed such a charge
21. The next month, as Mr. Geeslin's transition into CEO was completed, he began to retaliate against Mr. Wallace.

22. First, he refused to put Mr. Wallace back in the second-in-command position after Mr. Geeslin assumed his CEO position. He knew that Mr. Wallace had previously held that position because Ms. Willars told him that, as she had told him that it was her expectation that Mr. Wallace would return in that position.
23. In short, one of Mr. Geeslin's first acts as CEO was to demote, in principle, the only African American member of the leadership team and punish him for reporting discrimination.
24. The retaliation continued with Mr. Geeslin undermining and undercutting Mr. Wallace's authority.
25. For example, in September 2018, Mr. Geeslin began removing Mr. Wallace from critical operations projects within his expertise that had previously been under his oversight. In fact, Mr. Geeslin reassigned these operations to himself.
26. In December 2018, Mr. Geeslin unilaterally reassigned five of Mr. Wallace's direct reports to other people for no rational reason. This was especially odd and retaliatory since Mr. Geeslin had favorably evaluated Mr. Wallace's performance on December 8, 2018 and did not raise any issues.
27. The above actions were not only motivated by Mr. Wallace's 2017 EEOC charge, but also by Mr. Wallace's race.

28. The actions described above were not part of some company-wide reorganization or realignment. Indeed, none of the above changes affected any of the non-African American executives.
29. Mr. Geeslin's retaliation and discrimination culminated in Mr. Geeslin giving Mr. Wallace the ultimatum to quit or be fired on October 7, 2019.
30. On September 19, 2019, Mr. Wallace attended the EquitySpace: Designing for an Inclusive Community event in downtown Austin. During the event Mr. Wallace received the Equity Warrior Award.
31. After Mr. Wallace received the award, he returned to his table where a Central Health board member asked to take a selfie with him. Mr. Wallace obliged, and two pictures were taken. In the second photo, Mr. Wallace put his arm around the board member's back.
32. At the time, this board member did not say anything negative at all to Mr. Wallace about this incident.
33. A few days later, on September 23, 2019, Mr. Geeslin told Mr. Wallace that a hostile environment complaint had been made against him and would be investigated by the Travis County Attorney.
34. Mr. Wallace was told that the hostile environment complaint came from the board member with whom he had taken photos at the EquitySpace event.
35. According to the Travis County Attorneys Mr. Wallace met with on September 26, this board member was offended when Mr. Wallace put his arm around her for the second photo. Mr. Wallace asked Travis County Attorneys if he

was accused of touching the board member in sensitive or private areas and was told, “no.”

36. At no time during the investigation was Mr. Wallace provided a copy of the complaint or even allowed to see the photograph that supposedly gave rise to the complaint, though he asked to see those things.

37. On September 27, Mr. Geeslin asked Mr. Wallace if he would be willing to meet with the board member to discuss the situation. Mr. Wallace immediately agreed. Mr. Geeslin also told Mr. Wallace at that meeting that he would be fired because of this allegation if he did not resign.

38. That meeting with the board member that Mr. Wallace agreed to never took place. Instead on October 7, 2019, Mr. Wallace submitted his resignation to avoid termination.

39. Mr. Wallace then rescinded his resignation on November 17, 2019.

40. Mr. Wallace filed a complaint with the Board of Managers and provided his side of the events, including his belief that he was being treated this way because of his race.

41. However, the Board refused to overturn Mr. Geeslin’s actions.

42. On December 9, 2019, Mr. Wallace, the only African American executive leader at Central Health, was terminated. Three of the seven board members did not vote for his termination. Specifically, one voted “no” and two abstained.

43. On April 29, 2020, Mr. Wallace filed a charge of race discrimination and retaliation with the EEOC.
44. To date, Mr. Wallace has not seen the photograph, the results of the investigation, or even documentation of the complaint supposedly made against him that ended his fourteen-year career at Central Health.
45. Mr. Wallace was fired because of his race and because of his prior protected activity, including filing charges of discrimination.
46. Diversity, especially involving African American recruitment, is a persistent shortfall at Central Health under Mr. Geeslin.
47. As stated before, at the time of Mr. Wallace's termination, he was the only African American executive leader at Central Health.
48. This lack of diversity has not gone unnoticed by local and state government.
49. On July 31, 2020, a letter jointly signed by a state representative, a Travis County Commissioner, the mayor of the City of Manor, an Austin city council member, and a Pflugerville city council member was sent to Central Health.
50. The letter outlines two concerns.
51. First, that Central Health spending rate for utilization of Historically Underused Business (HUB) contracts is less than half the rate of the state of Texas. The HUB program promotes equal opportunity in state contracts for minority-owned businesses.
52. Second, the letter states that the lack of black employees in supervisory positions is "alarming."

53. The EEOC issued a right to sue to Mr. Wallace on August 14, 2020.
54. Plaintiff requested the right to sue from the Texas Workforce Commission on October 29, 2020.
55. All conditions present to the bringing of this suit have been satisfied or fulfilled.

V.  
CAUSE OF ACTION: TITLE VII VIOLATIONS

56. Plaintiff incorporates paragraphs 1-55 as if restated herein.
57. Mr. Wallace is African American.
58. He was qualified for his position.
59. He suffered adverse actions, including failure to promote and termination.
60. He was replaced by an employee outside his protected class, treated differently than those outside his protected class, or otherwise discriminated against based on his protected class.

VI.  
CAUSE OF ACTION: TEXAS LABOR CODE VIOLATIONS

61. Plaintiff incorporates paragraphs 1-60 as if restated herein.
62. Mr. Wallace is African American.
63. He was qualified for his position.
64. He suffered adverse actions, including failure to promote and termination.
65. He was replaced by an employee outside his protected class, treated differently than those outside his protected class, or otherwise discriminated against based on his protected class.



VII.  
CAUSE OF ACTION: TITLE VII RETALIATION

66. Plaintiff incorporates paragraphs 1-65 as if restated herein.
67. Plaintiff engaged in protected activity when he filed a charge of discrimination and complained of discrimination based on his race.
68. Defendant violated Title VII's anti-retaliation provision when it terminated and otherwise retaliated against Plaintiff for engaging in that activity.

VIII.  
CAUSE OF ACTION: TEXAS LABOR CODE RETALIATION

69. Plaintiff incorporates paragraphs 1-68 as if restated herein.
70. Plaintiff engaged in protected activity when he filed a charge of discrimination and complained of discrimination based on his race.
71. Defendant violated the Texas Labor Code's anti-retaliation provision when it terminated and otherwise retaliated against Plaintiff for engaging in that activity.

IX.  
CAUSE OF ACTION: VIOLATION OF SECTION 1981

72. Plaintiff incorporates paragraphs 1-71 as if restated herein.
73. This cause of action is being brought through 42 U.S.C. § 1983.
74. Plaintiff was denied equal rights and benefits under 42 U.S.C. §1981 because of his race including both through discrimination and retaliation.
75. Defendant denied Plaintiff equal rights through discriminatory and retaliatory acts when, among other actions, it terminated Plaintiff because of his race.

X.  
JURY DEMAND

76. Plaintiff demands trial by jury and will tender the appropriate fee.

XI.  
REQUEST FOR DISCLOSURE

77. Defendant is requested to disclose, within 50 days of service of this request, the information and material described in Rule 194.2.

XII.  
DAMAGES

78. Plaintiff seeks all damages allowed under the law, including monetary relief over \$1,000,000 and:

(a) Plaintiff seeks an injunction prohibiting Defendant from engaging in unlawful practices including race discrimination and retaliation.

(b) Plaintiff seeks equitable relief against Defendant as may be appropriate such as reinstatement, promotion, front pay, and court costs.

(c) Plaintiff seeks back pay under Title VII, § 1981 and the Texas Labor Code.

(d) Plaintiff seeks compensatory damages for future emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses under Title VII, § 1981, and the Texas Labor Code.

(e) Plaintiff seeks reasonable attorney's fees and costs including reasonable expert fees.

(f) Plaintiff seeks pre and post judgment interest at the maximum rate allowed by law.

WHEREFORE, premises considered, plaintiff respectfully prays that Defendant be cited to appear, and that upon a trial on the merits, that all relief requested be awarded to Plaintiff, and for such other and further relief to which the Plaintiff is justly entitled.

Respectfully submitted,

/s/ Colin Walsh

Colin Walsh

Texas Bar No. 24079538

*Board Certified in Labor and Employment Law by the  
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