

CAUSE NO. CC-20-01986-B

AMY REGGIO,  
  
Plaintiff,

vs.

TEKIN & ASSOCIATES, LLC.,  
  
Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE COUNTY COURT

AT LAW NO. \_\_\_\_\_

DALLAS COUNTY, TEXAS

**PLAINTIFF’S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Amy Reggio (hereinafter “Plaintiff”) and files this Original Petition (hereinafter “Petition”), complaining of Tekin & Associates, LLC (hereinafter “Defendant”) and would show unto the Court as follows:

**DISCOVERY CONTROL PLAN**

1. Discovery should be conducted under **Level III** pursuant to Texas Rule of Civil Procedure 190.4 and a Motion is hereby made for entry of a **Level III** Scheduling Order.

**MONETARY CATEGORY**

2. Pursuant to Texas Rule of Civil Procedure 47, this matter should be assigned to Monetary Category 5 (monetary relief of more than \$1,000,000).

**THE PARTIES**

3. Plaintiff is an individual who resides in Dallas, Dallas County, Texas.

4. Defendant is a Texas limited liability company duly qualified to do business in the State of Texas.

### **JURISDICTION AND VENUE**

5. Defendant communicated Plaintiff's wrongful discharge to Plaintiff while Plaintiff was located in Dallas County, Texas at her residence, which is the "incident" that is the subject of this lawsuit. Therefore, jurisdiction and venue are proper in Dallas County, Texas.

### **SERVICE**

6. Defendant is a limited liability company organized under the laws of the state of Texas with its principal place of business located at 2600 N. Dallas Parkway, Suite 370, Frisco, Texas 75034.

7. Defendant Tekin and Associates, LLC may be served by serving the Petition and citation upon its registered agent for service of process: Mark Tekin, 2600 N. Dallas Parkway, Suite 370, Frisco, Texas 75034.

### **BACKGROUND**

8. The Novel Coronavirus 19 has upended virtually all aspects of daily life around the world, including work life. To help stop the spread of this deadly pandemic and mitigate the massive loss of life, the federal, state, and local governments around the country have instituted legal restrictions on everyday activities, including who may go to work and who must work from home (if possible). Unfortunately, although employees want to abide by the legal restrictions and protect the health of their families and communities, some employers are flouting the restrictions

and threatening employees (whether implicitly or explicitly) with termination unless they agree to violate the law with criminal consequences.

9. No employee should have to choose between, on one hand, the health and safety of family and complying with the law and, on the other hand, continued employment in these uncertain and scary economic times. Here, in violation of Texas law, Defendant made the choice to terminate Plaintiff *solely* for refusing to violate the mandatory shelter in place legal restrictions. Defendant must be held to account.

### FACTS

10. On or about December 2, 2019, Plaintiff began her employment with Defendant as its General Counsel.

11. Plaintiff was an at-will employee. She earned a base salary, and was entitled to health benefits, 401k, life insurance, and certain other benefits, and she was eligible to receive an annual bonus of at least 3.5% of her yearly base salary.

12. Plaintiff lives in Dallas County, Texas with her husband and minor child, and worked for Defendant in Collin County, Texas.

13. In early 2020, the COVID-19 virus invaded the United States causing a once-in a generation pandemic. According to the Center for Disease Control as of mid-April 2020 there have been over 554,000 confirmed cases of COVID-19 cases in this country and almost 22,000 deaths.

14. As of the middle of April 2020, the Texas Department of Health and Human Services estimated almost 14,000 cases of COVID-19 in Texas and 287 related deaths. Dallas County is one of the hardest hit counties in Texas with a current estimated 1723 cases and 32 deaths.

15. According to an April 14, 2020, on-line WFAA news report, the first case of COVID-19 in North Texas was confirmed in Collin County on March 8, 2020, and North Texas currently has 4,000 cases of individuals testing positive for COVID-19 and there have been 105 COVID-19 related deaths.

16. In order to slow the spread of this deadly virus, and protect the safety and welfare of Dallas County, Dallas County Judge Clay Jenkins, who is in charge of Dallas County's coronavirus response, issued orders requiring all individuals anywhere in Dallas County, including all Dallas County residents, to "shelter in place."

17. Plaintiff advised Mark Tekin, Defendant's sole manager and President, that under Judge Jenkins' orders she was not allowed to leave her Dallas County home to travel to work in Collin County. Plaintiff also advised she did not want to violate the law or lose her job by violating the orders and was capable of fully performing all of her duties from her home in Dallas County. Mark Tekin told her working from home did not work for him and it would not be allowed or considered. Defendant demanded that in order for Plaintiff to keep her job, she had to travel from her Dallas County home to perform her job at Defendant's Collin County office.

18. Defendant is not an essential business as defined by the orders, but rather is a real estate development and investment company, performs no services for essential businesses, and Plaintiff is a worker who could perform all of her duties from home and not violate the orders as required by Defendant.

19. Mark Tekin repeatedly refused to permit Plaintiff to work from home and was belligerent and annoyed by the fact that Plaintiff even communicated her concerns and requested to work from home.

20. On Friday, March 27, 2020, Plaintiff sent Mark Tekin an email stating she would be subject to criminal prosecution, including imprisonment, because Defendant was requiring her to violate the law by compelling her to come into work at Defendant's office. The email stated, in pertinent part:

My hope in writing you this email is that you will stop trying to require me (and other Dallas County residents and residents of other Counties with the same orders) under the threat of termination to come to the office in violation of various government orders/laws that will subject me to criminal penalties.

21. Defendant responded to Plaintiff's refusal to violate the law by terminating her within minutes of Plaintiff sending this email.

22. Mark Tekin was on notice that by requiring and ordering Plaintiff to travel to work at Defendant's office in Collin County, she was subject to criminal prosecution, including imprisonment.

23. Plaintiff was terminated for the *sole* reason she refused to comply with Defendant's directive to leave her Dallas County home to go to work in Collin County, conduct that was unlawful in that it violated a Dallas County order and subjected her to criminal penalties.

**FIRST CAUSE OF ACTION: WRONGFUL DISCHARGE (SABINE PILOT)**

24. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendant for wrongful termination under Sabine Pilot. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as set forth verbatim herein.

25. Defendant violated the public policy of Texas because: (1) it required Plaintiff to commit an illegal act that carries criminal penalties; (2) Plaintiff refused to engage in the illegality; (3) Plaintiff was discharged by Defendant; and (4) the sole reason for Plaintiff's discharge was her refusal to commit the unlawful act.

26. Plaintiff suffered damages in an amount in excess of the minimum jurisdictional limits of this Court.

27. Defendant's wrongful acts have caused injury to Plaintiff. Plaintiff has suffered lost wages, loss of earning capacity, lost benefits, lost future earnings, mental anguish, inconvenience and loss of enjoyment of life as a result of Defendant's unlawful actions against her. Plaintiff suffered these injuries as the result of Defendant's actions and in all reasonable probability will continue to suffer these injuries in the future. Plaintiff also seeks punitive damages as the result of Defendant's malicious, reckless, and consciously indifferent conduct surrounding Plaintiff's termination.

28. All conditions precedent to all relief being sought by Plaintiff in the above-referenced lawsuit have been met, performed, occurred and/or been waived.

### **REQUEST FOR DISCLOSURE**

29. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose, within the time provided by the Rules, the information described in Rule 194.2 (a)-(1) of the Texas Rules of Civil Procedure.

### **JURY DEMAND**

30. Demand is hereby made for this Court to empanel a lawful jury to hear this case.

### **REPORTER DEMAND**

31. Demand is hereby made that the Official Court Reporter for this Court perform all the duties of the office, as set forth in Section 52.046 of the Government Code of the State of Texas, and as set forth in Rule 13 of the Rules of Appellate Procedure, including reporting all testimony and trial proceedings, voir dire examinations and jury arguments.

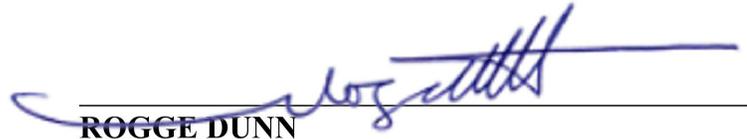
### **RESERVATION OF RIGHTS**

32. The right to bring additional causes of action against and to amend this Petition as necessary is hereby specifically reserved.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and to answer herein and that upon final hearing, the Court enter judgment in favor of Plaintiff against Defendant in an amount in excess of the minimum jurisdictional limits of this Court, for lost past and future wages, including bonuses, and benefits, mental anguish, compensatory damages, punitive damages, reasonable attorneys' fees, reasonable paralegal fees, costs of court and pre- and post-judgment interest at the highest rate allowed by law, and also enter an order revoking any license enabling Defendant to operate in Texas and revoking any certificate authorizing Defendant to do business in Texas if any judgment rendered in this case has not been satisfied within three (3) months from the date of filing said final judgment, and for such other and further relief, general or special, at law or in equity, to which Plaintiff may show herself to be justly entitled. All conditions precedent to all relief being sought by Plaintiff in the above-referenced lawsuit have been met, performed, occurred and/or been waived.

Respectfully submitted,



**ROGGE DUNN**  
State Bar No. 06249500

**Email: [dunn@RightToWork.com](mailto:dunn@RightToWork.com)**

**JOSHUA J. IACUONE**  
State Bar No. 24036818

**Email: [iacuone@roggedunngroup.com](mailto:iacuone@roggedunngroup.com)**

**ROGGE DUNN GROUP, PC**  
501 N. Akard St., Suite 1900  
Dallas, Texas 75201  
Telephone: (214) 888-5000  
Facsimile: (214) 220-3833

**ATTORNEYS FOR PLAINTIFF AMY REGGIO**