

DWINDLING CIVIL RIGHTS
IN CORPORATE AMERICA
-AGEISM IS REAL



SEEKING JUSTICE.....

LAWSUITS ARE LESS ABOUT JUSTICE AND
MORE ABOUT NET OUTCOME IN TERMS OF
DOLLARS AND CENTS

DAONDA COMBS-PAYNE



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Introduction

**“One of the most cowardly
things ordinary people do
is shut their eyes to facts.”**

-C.S. Lewis

I have always believed that justice would prevail in favor of what is true and fair. The judicial process would right the wrongs that were committed and reestablish peacefulness and a sense of self-esteem to my life. We live in the most free and fair country in the world—or do we?

The American bar association outlines the code of professionalism for attorneys in a state-by-state manner.¹ My eyes were opened to components of the attorney oath that includes the attestation to uphold, protect and defend the Constitution of their practicing state and of the United States. The oath includes the promise of the practicing

attorney to “pledge faithfulness, competence, diligence, good judgment and prompt communication”.^{2,3}

I was confident that I would easily prevail with all the documentation I saved. I was reassured by my new counsel that CVS could not do what they did without consequence. Mr. Walters’ reassurance to me was a simple statement of his confidence, he said, “I win”. I now know the meaning of the lyrics to one of my favorite songs, “You have to lose to know how to win” and I have a new perspective on the meaning of “win”.

I would at least get the chance to defend myself and get my life back. I only wanted to work without constant harassment from my pharmacy supervisor who was causing me great anxiety on a daily basis. Every day, there was mounting fear of being terminated from my job and uncertainty for my future as a pharmacist.

During an interview on a CBS program titled **Person to Person with Norah O'Donnell**, March 20, 2024, (now ex) CEO of CVS Karen Lynch stated that **“almost 20 percent of Americans suffer with mental health issues”**. She revealed to Norah that **“she hopes to inspire women to use their voice and lead with empathy”**, **“CVS Health is all about the human connection in healthcare”** and **“that you can't lose sight of**

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that human connection...and that's what we stand for as a company".⁴

When I listened to that statement, I was struck by the fact that she mentioned inspiring women and did not mention men. A great leader does not divide but unites. I wondered if these statements were born from her past treatment in the corporate environment.

Reflecting on her words representing what CVS stands for on her home page (now ex), Karen said, **"I'm passionate about fostering a culture where our differences and similarities are celebrated."** Karen is now an ex-CEO. I wonder if she feels the same about the culture at CVS. The company claims to be a champion for diversity and inclusion as follows, **"At CVS Health®, we're deeply committed to the work we're doing to develop a diverse workforce and provide an equitable workplace that empowers all colleagues, regardless of their age, ethnicity and background".⁵** It seems to me that there was too much focus placed on differentiating women from men. Are women less empathetic than men in her eyes? Was she admitting women are not treated as equal as men? Those are burning questions I have.

In my circumstance, it felt as though not only did CVS lose sight of the human connection with their own employee, but more likely than not (based on clinical documentation), were the source of my diagnosis of F43.21 (Adjustment disorder with depression). I found no empathy from the men who represented CVS that I encountered, so Ms. Lynch should have been more inclusive of these men in her journey to inspire empathy.

The months passed between May and November 2016. It felt like I was being persecuted for something I had not done. Nothing I could do was right, but no one would tell me what I was doing that was so wrong. After meeting with my District Manager and being given a copy of page 12 of the CVS Health Colleague Handbook, I began to reflect and make notes concerning the atmosphere in which I was expected to perform my duties as a Pharmacist.

I made notes of the points that I did not want to forget during a call to the ethics line, in case my emotions took over and derailed my train of thought. I was almost certain the call would be too much to bear and become a more emotional conversation than I intended. Following is an excerpt of what I wrote:

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“Without going into any more detail at this time, I am asking for CVS to remove me from this situation to protect my license and the ability to provide for my family. I cannot be mentally certain that I can perform to the standards that I hold myself to in order to provide for and protect the patients I serve. I am entitled as a human being to be able to work in a respectful environment. I have asked in the past to be a Floater Pharmacist but was denied. I WAS TOLD BY Jefferson and Rush that they did not want to demote me. I am not asking for a demotion. I should be treated no differently THAN ANY OTHER COLLEAGUE”.

** I chose to call the ethics line and report this instead of faxing. I called at 12:40 PM on Monday, November 21, 2016. I used my notes as I reported my concerns. It is important to note:

As employees of CVS, we work under multiple cameras ALL day, EVERY day and If any of the allegations made by the technicians that prompted the “Code Red” meeting were true, you bet the tapes would have been pulled and used against me during my deposition! They were not. Is that because they were nonexistent, and did not happen? If there was a real investigation done, I am

quite certain that CVS would have determined the allegations were made maliciously and were false and they could have followed their own policy of holding the accusers accountable.

CVS knew the contents of the letters written by the technicians and sent me back into that situation not taking patient safety into consideration. Is there such a thing as a Spawn of Satan and can a 5-foot person grab someone at least a foot taller by the face and threaten to slam them to the ground all under cameras at work? Is it acceptable to use foul language in statements about another employee to corporate? Do lies go unchecked if they meet a narrative? If multiple employees made statements that started out the VERY SAME wouldn't that raise suspicion about the sincerity of the claim and point to collaboration? These are just some random questions I have after viewing the statements 2 years later.

Rush called me at 9:26am on Wednesday, November 23, 2016, to inform me that I could not return to work without being released by a physician. I hardly believe he did this because he cared. I was put in a position I did not know how to handle, so I called Lifescope for employees and they put me in touch with a counselor: Carly Winston.

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I requested a Leave of Absence as instructed by Rush using the number he texted to me. This is important to note because I will be accused later of taking a Leave of Absence on my own. This is not true. I was forced to take it, and I still have the text messages on my phone to prove it.

A consensual agreement between myself and my counselor was made. I relayed a message to my supervisors that I was not up to going back to the same hostile working environment. During counseling sessions, we discussed transferring to another store in a different district but that never came to fruition. That was not in the plan.

I would learn, 2 YEARS LATER, JUST HOW HOSTILE IT WAS and not just from my direct supervisor. I WOULD GAIN CONFIDENTIAL ACCESS TO STATEMENTS WRITTEN BY MY TECHNICIANS (I feel they were coerced by management at CVS). I wanted to include the actual statements, but they were marked “**confidential**”, so I chose to delete them. It is amazing how it seems possible to get a human being to write what you want them to write by putting them on the proverbial pedestal and making them feel empowered with praise. I immediately

blocked all access on social media between myself and pharmacy staff only to get “friend requests” from them a few years later. I found a **comment from Lindsey (one of my pharmacy technicians at the time and who wrote a statement for CVS as part of the investigation concerning me)** when searching for answers on the internet saying, **“Ms. Payne wasn’t treated fairly”**.

Your Name

Your Email

Comments

Submit

1000 Characters Remaining

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Lindsey H. on Thu. Sep. 26, 2019

Commented:

**MRS. PAYNE WASN’T TREATED
FAIRLY**

I was given very little information in regards to **1. Short-term disability or 2. Workers comp** so I called my

insurance short-term disability department and did

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everything they asked. It was eventually determined by the insurance company, **UNUM, that my case needed to be filed as workers compensation since it was directly related to work and happened at work.**

I logged into MyHR website for employees to determine what needed to be done about filing workers compensation. I received a call in response to a text I sent to Rush. **He told me to call in MY OWN report to workers compensation. I did as he said. I was told I could not call in my own report, that had to be done by my immediate supervisor.** I printed everything I could find and faxed it to Marge Ellen, secretary/scheduler for our district on December 2, 2016, at 11:46am and asked for the information to be forwarded to Rush and Jefferson. I included an explanation to Jefferson, outlining how I was given the wrong advice from Rush. I heard nothing.

I faxed everything I had to MyHR at 1-XXX-XXX-XXXX hoping to get a response from someone above my immediate supervisors but again, I heard nothing. I wrote, “I am living by drawing off of 401k plans that I held previous to my employment with CVS, and I need assistance, **but it seems that no one knows the proper procedure as outlined in the Mandatory Poster titled:**

TENNESSEE WORKERS COMPENSATION INSURANCE

POSTING NOTICE that is to be at each location. **This process has been violated**, and I am suffering due to the **negligence** of those who are supposed to help me.

Anything is better than nothing and my next scheduled appointment is January 2, 2017, at 3pm". **No one ever helped me.**

I reached out to many employment attorneys in Knoxville and surrounding areas with no luck. It seemed as if they feared representing me when they heard "CVS". I finally found another out of state attorney who said he had some experience with CVS, and he would represent me in an age discrimination, retaliation, and harassment case. As time would pass, I would have interactions with multiple attorneys.

I will present what happened, but I am changing the names of the attorneys to maintain confidentiality and allow me to print the information I uncovered up to and including depositions of those who represented me and those who discovered and laid out the facts. I paid for multiple depositions to get the truth. I learned successful litigation is not a matter of "winning" a lawsuit, it is only a matter of question, with the question being- "**will it MAKE**

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it to a jury”. If a case will make it to a jury, that is considered a win and then a case becomes a matter of dollars and cents NOT about JUSTICE. I was told, “**there is no such thing as justice**”. I want to make clear at this point that any of the statements I make in emails, or written communication with Mr. Walters concerning CVS were based on the treatment I received at that time and are my OPINIONS, you can decide the facts.

**“The story they have
Created about you reveals
a lot about ...them.
Be at peace.”**

Dr. Thelma Bryant