

LEGISTAR NO.

160341

**IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN AND
FOR ALACHUA COUNTY, FLORIDA**

REGIONAL WILSON,

Plaintiff,

vs.

CITY OF GAINESVILLE, FLORIDA,

Defendant.

**CASE NO.: 16-CA-
FLA BAR NO.: 0739685**

COMPLAINT

Plaintiff, REGIONAL WILSON, hereby sues Defendant, CITY OF GAINESVILLE, FLORIDA, and alleges:

NATURE OF THE ACTION

1. This is an action brought under Chapter 760, Florida Statutes, 42 U.S.C. §2000e et seq. and 42 U.S.C. §1981a.
2. This is an action involving claims which are, individually, in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of costs and interest.

THE PARTIES

3. At all times pertinent hereto, Plaintiff, REGIONAL WILSON, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a member of a protected class due to his race, black, his gender and the fact that he reported discrimination adversely affecting him and was the victim of retaliation thereafter.
4. At all times pertinent hereto, Defendant, CITY OF GAINESVILLE, FLORIDA, has been organized and existing under the laws of the State of Florida. At all times pertinent to

this action, Defendant has been an "employer" as that term is used under the applicable laws identified above.

CONDITIONS PRECEDENT

5. Plaintiff has satisfied all conditions precedent to bringing this action in that Plaintiff filed a charge of discrimination with the Florida Commission on Human Relations (FCHR) and the EEOC. FCHR found "cause" to believe that discrimination/retaliation occurred. This action is timely brought thereafter.

STATEMENT OF THE ULTIMATE FACTS

6. Plaintiff, an African American male, began his employment with the Defendant in November 2010 as a Records Supervisor. He is the only African American male in his department.

7. During his time with the Defendant, Plaintiff has been subjected to disparate treatment based on his race and gender in that he has been harassed, relieved of grant duties, denied overtime and threatened with termination. Overall he has been treated less favorably than non-black and female employees.

8. Plaintiff received a poor evaluation based on contrived allegations while other non-black and female employees with a history of disciplinary actions were given favorable evaluations.

9. When Plaintiff complained of his treatment, he was accused of being a racist and requested that an investigation be done. No investigation took place as Defendant felt that the white female had a "right to her opinion" about Plaintiff

10. Plaintiff has been reprimanded regarding his tone while other white females'

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disrespectful communication is interpreted as venting.

11. Plaintiff is also ostracized and others avoid having contact with him.

12. Plaintiff was unjustifiably placed on a PIP and had his scheduled changed in an effort to justify his termination.

13. Because of the actions set forth in part above, in April/May 2015, Plaintiff filed a charge of discrimination with the EEOC alleging race, sex/gender, and retaliation (EEOC #846-2015-11396), Following the filing of this charge, Defendant has executed a constant campaign of retaliation against Plaintiff.

14. By way of example only, six baseless investigations have been initiated regarding Plaintiff's conduct and performance, resulting in four separate disciplinary actions with three of them involving suspension without pay. Plaintiff is continually targeted for wrongful disciplinary actions, and was once suspended for simply calling in sick. His workplace is become hostile and his reputation has being attacked. Defendant is micromanaging Plaintiff's activities and it appears that his computer activities are being monitored. Plaintiff's locked office has been accessed, without his prior knowledge or consent, on several occasions.

15. Without question, Defendant has targeted Plaintiff in retaliation for the above referenced EEOC charge of discrimination and is forcing him towards termination or constructive discharge.

16. Plaintiff has retained the undersigned to represent his interests in this cause and is obligated to pay her a fee for her services. Defendant should be made to pay said fee under §760.11, Florida Statutes and 42 U.S.C. §2000e et seq.

COUNT I
RACE DISCRIMINATION

17. Paragraphs 1-16 are re-alleged and incorporated herein by reference.

18. This is an action against Defendant for discrimination based upon race brought under Chapter 760, Florida Statutes and 42 U.S.C. §2000e et seq.

19. Plaintiff has been the victim of discrimination on the basis of his race in that he was treated differently than similarly situated white employees of Defendant and has been subject to hostility and poor treatment on the basis, at least in part, of his race.

20. Defendant is liable for the differential treatment and hostility towards Plaintiff because it controlled the actions and inactions of the persons making decisions affecting Plaintiff or it knew or should have known of these actions and inactions and failed to take prompt and adequate remedial action or took no action at all to prevent the abuses to Plaintiff.

21. Furthermore, Defendant knowingly condoned and ratified the differential treatment of Plaintiff as more fully set forth above because it allowed the differential treatment and participated in same.

22. Defendant's known allowance and ratification of these actions and inactions created, perpetuated and facilitated an abusive and offensive work environment within the meaning of the statutes referenced above.

23. In essence, the actions of agents of Defendant, which were each condoned and ratified by Defendant, were of a race based nature and in violation of the laws set forth herein.

24. The discrimination complained of herein affected a term, condition, or privilege

of Plaintiff's employment with Defendant.

25. Defendant's conduct and omissions constitutes intentional discrimination and unlawful employment practices based upon race in violation of Chapter 760, Florida Statutes and 42 U.S.C. §2000e et seq.

26. As a direct and proximate result of Defendant's conduct described above, Plaintiff has suffered emotional distress, mental pain and suffering, past and future pecuniary losses, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary losses, along with lost back and front pay, interest on pay, bonuses, and other benefits. These damages have occurred in the past, are permanent and continuing. Plaintiff is entitled to injunctive relief.

COUNT II
GENDER DISCRIMINATION

27. Paragraphs 1-16 are re-alleged and incorporated herein by reference.

28. This is an action against Defendant for discrimination based upon gender brought under Chapter 760, Florida Statutes, and 42 U.S.C. §2000e et seq.

29. Plaintiff has been the victim of discrimination on the basis of Plaintiff's gender in that Plaintiff was treated differently than similarly situated employees of Defendant who are female and has been subject to hostility and poor treatment on the basis, at least in part, of Plaintiff's gender.

30. Defendant is liable for the differential treatment and hostility towards Plaintiff because it controlled the actions and inactions of the persons making decisions affecting Plaintiff or it knew or should have known of these actions and inactions and failed to take prompt and adequate remedial action or took no action at all to prevent the abuses to Plaintiff.

31. Furthermore, Defendant knowingly condoned and ratified the differential treatment of Plaintiff as more fully set forth above because it allowed the differential treatment and participated in same.

32. Defendant's known allowance and ratification of these actions and inactions created, perpetuated and facilitated an abusive and offensive work environment within the meaning of the statutes referenced above.

33. In essence, the actions of agents of Defendant, which were each condoned and ratified by Defendant, were of a gender-based nature and in violation of the laws set forth herein.

34. The discrimination complained of herein affected a term, condition, or privilege of Plaintiff's continued employment with Defendant.

35. Defendant's conduct and omissions constitutes intentional discrimination and unlawful employment practices based upon gender in violation of Chapter 760, Florida Statutes, and 42 U.S.C. §2000e et seq..

36. As a direct and proximate result of Defendant's conduct described above, Plaintiff has suffered emotional distress, mental pain and suffering, past and future pecuniary losses, inconvenience, bodily injury, mental anguish, loss of enjoyment of life and other non-pecuniary losses, along with lost back and front pay, interest on pay, bonuses, and other benefits. These damages have occurred in the past, are permanent and continuing. Plaintiff is entitled to injunctive relief.

COUNT III
RETALIATION

37. Paragraphs 1-16 are hereby re-alleged and reincorporated as if set forth in full herein.

38. Defendant is an employer as that term is used under the applicable statutes referenced above.

39. The foregoing allegations establish a cause of action for unlawful retaliation after Plaintiff reported unlawful employment practices adversely affecting him under 42 U.S.C § 2000e *et seq.*, Title I of the Civil Rights Act of 1991, and Chapter 760, Florida Statutes.

40. The foregoing unlawful actions by Defendant were purposeful.

41. Plaintiff voiced opposition to unlawful employment practices during his employment with Defendant and was the victim of retaliation thereafter, as related in part above.

42. Plaintiff is a member of a protected class because he reported unlawful employment practices and was the victim of retaliation thereafter. There is thus a causal connection between the reporting of the unlawful employment practices and the adverse employment action taken thereafter.

43. As a direct and proximate result of the foregoing unlawful acts and omissions, Plaintiff has suffered mental anguish, emotional distress, expense, loss of benefits, embarrassment, humiliation, damage to reputation, illness, lost wages, loss of capacity for the enjoyment of life, and other tangible and intangible damages. These damages are continuing and are permanent. Plaintiff is entitled to injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- (a) that process issue and this Court take jurisdiction over this case;
- (b) that this Court grant equitable relief against Defendant under the applicable counts set forth above, mandating Defendant's obedience to the laws enumerated

herein and providing other equitable relief to Plaintiff;

(c) enter judgment against Defendant and for Plaintiff awarding damages to Plaintiff from Defendant for Defendant's violations of law enumerated herein;

(d) enter judgment against Defendant and for Plaintiff permanently enjoining Defendant from future violations of law enumerated herein;

(e) enter judgment against Defendant and for Plaintiff awarding Plaintiff attorney's fees and costs; and

(f) grant such other further relief as being just and proper under the circumstances.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues set forth herein which are so triable.

DATED this 16th day of June 2016.

Respectfully submitted,

/s/ Marie A. Mattox
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