

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JAWANDA DOVE

Civil Action No.: 3:20-cv-547-J-34MCR

Plaintiff,

v.

FLAGLER COUNTY SCHOOL BOARD,
Defendants.

PLAINTIFF'S SECOND AMENDED COMPLAINT FOR DAMAGES

Plaintiff, Jawanda Dove (hereinafter "Dove") by and through her undersigned attorney, hereby files their Second Amended Complaint for Damages against Defendant, FLAGLER COUNTY SCHOOL BOARD (hereinafter "Flagler Schools"), and alleges as follows:

I. PARTIES

1. This is an action for damages.
2. Plaintiff, Dove, residing at P.O. Box 10253, Daytona Beach, FL 32120.
3. Defendant, Flagler Schools, 1769 East Moody Blvd. Bldg #2, Bunnell, FL 32110.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction of Plaintiffs' federal law claims pursuant to 28 U.S.C. § 1331, as this case involves questions of federal law.
5. Venue is proper in The Middle District of Florida, and Defendants are subject to the personal jurisdiction of this Court because Defendants maintain business operations in

this District, and all or most of the events giving rise to this action occurred in this District. 28 U.S.C. § 1391(b); 42 U.S.C. § 2000e-5(f)(3).

6. Plaintiff, Dove reserved the right to amend this complaint.

III. SATISFACTION OF CONDITIONS PRECEDENT & EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Plaintiff, Dove timely filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”).
8. On or about May 15, 2020 the U.S. Department of Justice notified Dove by way of letter that EEOC would not be retaining the case and advising her of her right to sue in writing.

IV. THE NATURE OF THIS ACTION

9. At all times material to this action, Plaintiff Dove was employed by the Defendant.
10. This is an action brought by Dove, an African American female and a 20-year veteran educator of Flagler Schools, currently assigned to Indian Trails Middle School.
11. That Dove was discriminated against at work because of her race and national origin by Flagler Schools in violation of laws prohibiting discrimination in the workplace, including Title VII of the Civil Rights Act of 1964; and the Florida Civil Rights Act of 1992, Fla. Stat §760.01 et al.
12. As a result of Flagler Schools action, Dove seeks damages and injunctive relief.
13. Dove reserves the right to amend this complaint.

V. GENERAL ALLEGATIONS

14. Flagler Schools is based out of Flagler County, Florida. Flagler Schools is comprised of 10 schools, nearly 13,000 students and 2,500 teachers, staff and employees make up the

largest workforce in Flagler County with a population of 110,510.

15. That Dove holds a Specialist Degree in Educational Leadership, a Master's Degree in Reading and a Bachelor's Degree in Elementary Education. She is certified in Educational Leadership K-12, Reading K-12, English 5-9, Elementary Education 1-6, Social Science 5-9, ESOL Endorsement and Exceptional Student Education K-12.
16. That Dove has never been the subject of employment discipline or reprimand.
17. That Dove has applied for the position of Assistant Principal and other non-competitive (resume and qualification promotion positions) approximately eighteen times throughout her career. She has not been promoted to date due to her race.
18. That Dove asserts that Flagler Schools interview and selection process is discriminatory, unlawful, subjective and arbitrary. That Flagler Schools willfully, knowingly and intentionally engaged in disparate treatment by selecting and promoting her younger white colleagues who were either less qualified or in some cases, did not meet the minimum qualifications of degrees or certifications.
19. That Dove outlined the extent of her perceived discrimination in detail in the EEOC complaint.

COUNT I: DISCRIMINATION IN VIOLATION OF CIVIL RIGHTS ACT OF 1964

20. Paragraphs 1-19 are incorporated by reference as if fully set forth herein.
21. Dove, as an African American employee, belongs to a protected group within Title VII.
22. At all times relevant to the Complaint, Defendant engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. 2000e-2 by failing to promote Dove on the basis of her race.

23. The unlawful practices, complained of I paragraphs 1-19 above, were intentional and were done with malice or with reckless indifference to the federally protected rights of Dove.

24. Despite the numerous attempts to inform Flagler Schools of the discrimination based on race taking place, Dove continued to perform and excel in his function while none of his complaints were addressed or handled in congruence with Title VII and any and all other legal necessities dictating the standards of business.

WHEREFORE, Plaintiff demands a trial by jury and relief in the form of economic damages, past and future pecuniary losses, past and future nonpecuniary losses, compensatory damages, lost benefits, punitive damages, attorney's fees and costs, and any other such relief that Plaintiff may be entitled to under the law. Furthermore, Plaintiff requests that this Court order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

COUNT II: DISCRIMINATION IN VIOLATION OF STATE LAW

25. That Flagler Schools stands in violation F.S. 110.112. Flagler Schools willfully, knowingly and intentionally violated the State's explicit Equal Opportunity Affirmative Action Law. Instead, Flagler Schools elected to continue and maintain their unlawful, subjective and arbitrary candidate selection policy and practice of mostly Caucasian candidates against the weight of the State's Affirmative Action Law.

26. That Flagler Schools stands in violation of §1000.05, discrimination against students and

employees in the Florida K-20 public education system prohibited, equality of access required, also known as the “Florida Educational Equity Act”.

27. Dove asserts that Flagler Schools has engaged in various forms of racial discrimination and disparate treatment of Black employees in promotions. In 2019, Flagler Schools selected and promoted four (4) Caucasian colleagues to Assistant Principal positions in Elementary Schools. Dove applied for these same positions and was passed over each time even though she had more years of experience and more educational accomplishments.

28. **WHEREFORE**, Plaintiff demands a trial by jury and relief in the form of economic damages, past and future pecuniary losses, past and future nonpecuniary losses, compensatory damages, lost benefits, punitive damages, attorney’s fees and costs, and any other such relief that Plaintiff may be entitled to under the law. Furthermore, Plaintiff requests that this Court order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this matter.

Dated 07/29/2020.

/S/ BLAIR JACKSON

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 29, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

/S/ BLAIR JACKSON

Blair Jackson, Esq.