

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

LISA MOORE,

Plaintiff,

v.

CITY OF BUNNELL, FLORIDA, a
Municipality,

Defendant.

CASE NO.: 2020 CA 000292

DIVISION: 49

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, **LISA MOORE**, an individual (“PLAINTIFF”), by and through her undersigned attorney hereby sues the Defendant, **CITY OF BUNNELL, FLORIDA**, a municipality (“DEFENDANT”), and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for damages in excess of \$30,000.00.
2. Venue lies within Flagler County because a substantial part of the events giving rise to this claim arose in this judicial district.

PARTIES

3. At all times material hereto, the Plaintiff was a resident of Flagler County, Florida.
4. Defendant, City of Bunnell, Florida is a local government entity and municipality, located within Flagler County, Florida.
5. Defendant is an employer as defined by the laws under which this action is brought

and employs the requisite number of employees in order to be considered an “Employer” pursuant to the Florida Public-Sector Whistle-Blower Act and the Florida Civil Rights Act.

GENERAL ALLEGATIONS

6. At all times material, Plaintiff was qualified to perform her job duties within the legitimate expectations of Defendant, and did so.

7. Plaintiff has been required to retain the undersigned counsel to represent her in this action and is obligated to pay them a reasonable fee for their services.

8. Plaintiff demands a jury trial for all issues so triable.

FACTS

9. On or about August 17, 2015, Defendant hired Plaintiff as a part time Custodian, Plaintiff status was changed to full time Custodian on or about November 1, 2015, and then Plaintiff received a job title change to full time PW Maintenance Tech. I on or about October 1, 2018.

10. Defendant gave Plaintiff very good performance evaluations and raises.

11. Plaintiff complained to Christine Hancock, HR in 2017 about her supervisor Perry Mitrano discriminated against her due to her gender. Mr. Mitrano routinely showed favoritism to the male employees and disgustingly told Plaintiff that he did not know why they put him over her.

12. Mr. Mitrano called Plaintiff a “blonde witch,” he gave the male employees better hours, he made Plaintiff clean a male’s bathroom that had feces in it when the bathroom had not been cleaned by a male employee on his shift, he instructed Plaintiff to move cardboard boxes that had been discarded by a male employee for chairs and told her to move them all to recycle, he talked to Plaintiff in a demeaning and sexist fashion and he told Plaintiff to move a trash bin to the

road and refused to help her move the bin. Plaintiff could not physically move the bin so another male employee did help her.

13. Following Plaintiff's complaints about her supervisor to HR, Plaintiff discovered that Mr. Mitrano wanted to eliminate her job position and then hire a male as a Maintenance Technician I to replace her. Stella Gurnee, former Director of Finance while acting as City Manager protested that Mr. Mitrano was attempting to terminate the only female in the field. The position was advertised and Plaintiff made it known to HR that they were retaliating against her for engaging in protected activities relating to her reports of gender discrimination and harassment.

14. As a result, Defendant retaliated against Plaintiff anyway and changed Plaintiff's job position to Maintenance Technician I.

15. Despite the fact that Plaintiff has worked for Defendant longer than any of the PW Maintenance Techs in her class she is paid less than the men.

16. Plaintiff filed a Complaint with the EEOC on March 6, 2019 regarding the discrimination and retaliation.

17. Plaintiff inquired about her evaluation that was due October 1, 2019 and was told that her supervisor Ronnie Jones still had the evaluation. After confronting Ronnie Jones about her evaluation Plaintiff discovered that he had already turned it into Kristen Bates, City Clerk. Again, Plaintiff confronted Ms. Bates about the evaluation and she said that Mr. Jones had the evaluation. Mr. Jones heard this comment and replied that he did not have the evaluation.

18. Mr. Jones, as Plaintiff's supervisor had written a glowing evaluation for Plaintiff, however, the City Manager and the City Clerk decided that they would rewrite the evaluation in violation of the City's policies in order to create a pretextual reason to fire Plaintiff.

19. Mr. Jones was told by the City Clerk that Plaintiff had disrespected him and he

continuously denied that allegation and reported that Plaintiff was a very reliable and good employee. Due to the fact that Mr. Jones would not agree with the City Clerk and the City Manager's opinion of Plaintiff, Mr. Jones was terminated in retaliation.

20. Defendant continued to harass, discriminate, bully and harass Plaintiff and forced her constructive discharge on or about late December 2019.

COUNT I
The Florida Public Sector Whistle-Blower Act

21. Plaintiff, re-alleges and adopts paragraphs 1-20 as though set forth fully herein.

22. This is an action for damages pursuant to Florida's Whistleblower's Act.

23. As set forth above, Plaintiff's reports, objections, and complaints about Defendant's illegal conduct is directly protected under the Florida Whistle-Blower Law. Defendant's illegal conduct includes, but is not limited to violations of laws, rules and regulations, including, but not limited to Title VII, the Florida Civil Rights Act and other laws, rules and regulations.

24. After reporting the Defendant's illegal activities, Defendant retaliated against Plaintiff by trying to eliminate Plaintiff's job position and hire a male to replace her with a different job title and then by giving her an unfavorable evaluation after she filed a complaint with the EEOC. The evaluation by City Policy was to be given by her supervisor, however, the City Clerk and the City Manager rewrote her evaluation and when her supervisor protested he was fired and Plaintiff received the unfavorable evaluation.

25. Defendant bullied, discriminated against, harassed and then constructively discharged Plaintiff.

26. As a result of the retaliatory actions of Defendant, Plaintiff has suffered damages including lost wages, benefits, and other remuneration, emotional distress, pain and suffering and

humiliation. These losses are permanent and will continue into the future.

27. As a result of Defendant's unlawful acts against Plaintiff, Plaintiff will continue to incur attorney's fees and costs.

WHEREFORE, Plaintiff prays for all legal and equitable relief allowed by law including:

- a. Back pay and benefits;
- b. Interest on back pay;
- c. Front pay and/or lost earning capacity;
- d. Compensatory damages;
- e. Costs and attorney's fees; and
- f. Such other relief as the Court may deem just and proper.

COUNT TWO
GENDER DISCRIMINATION AND HARASSMENT

28. Plaintiff re-alleges and adopts the allegations stated in Paragraphs 1–20.

29. Plaintiff is a member of a protected class under the Florida Civil Rights Act ("FCRA"), due to her sex.

30. By the conduct described above, Defendant engaged in unlawful employment practices and discriminated against Plaintiff on account of sex by subjecting her to disparate treatment, unequal pay, unfavorable working hours, harassment, attempted termination and unfavorable evaluation, and constructive discharge in violation of the Florida Civil Rights Act.

31. Defendant knew, or should have known of the discrimination.

32. As a result of Defendant's unlawful discrimination, Plaintiff has suffered and continues to suffer damages.

WHEREFORE, Plaintiff prays for the following damages against Defendant:

- a. Back pay and benefits;

- b. Interest on back pay and benefits;
- c. Front pay and benefits;
- d. Compensatory damages for emotional pain and suffering;
- e. Attorneys' fees and costs;
- f. Injunctive relief; and
- g. For any other relief this Court deems just and equitable.

COUNT THREE
RETALIATION

33. Plaintiff re-alleges and adopts the allegations stated in Paragraphs 1-20.

34. Plaintiff is a member of a protected class under the Florida Civil Rights Act.

35. Plaintiff engaged in protected activity when she complained about gender discrimination, and harassment being done towards her by her male manager.

36. Shortly after Plaintiff's complaints and in retaliation for her complaints, Defendant's eliminated Plaintiff's job and planned on terminating her and hiring a male to replace her with a different title. Plaintiff after receiving consistent positive evaluations after reporting discrimination to the EEOC received an unfavorable review that was prepared by the City Manager and the City Clerk which is in violation of the City's policy. Plaintiff's supervisor had prepared a glowing evaluation for Plaintiff, but it was revised by the City Clerk and the City Manager. When Plaintiff's supervisor protested about the evaluation not properly representing Plaintiff and her good performance he was fired.

37. Defendant continued to harass, bully, and discriminate against Plaintiff, and ultimately constructively discharged her.

38. By the conduct described above, Defendant engaged in unlawful employment practices and retaliated against Plaintiff because she engaged in protected activity in violation of

the Florida Civil Rights Act.

39. Defendant knew, or should have known, of the retaliation and discrimination.

40. As a result of Defendant's unlawful retaliation, Plaintiff has suffered and continues to suffer damages.

WHEREFORE, Plaintiff prays for the following damages against Defendant:

- a. Back pay and benefits;
- b. Interest on back pay and benefits;
- c. Front pay and benefits;
- d. Compensatory damages for emotional pain and suffering;
- e. Attorney's fees and costs;
- f. Injunctive relief; and
- g. For any other relief this Court deems just and equitable.

DEMAND FOR JURY TRIAL

WHEREFORE, Plaintiff requests a jury trial on all issues so triable.

Dated this 12th day of June, 2020.

CHANFRAU & CHANFRAU

/s/ Kelly H. Chanfrau

Kelly H. Chanfrau, B.C.S.

Florida Bar No. 560111

701 N. Peninsula Drive

Daytona Beach, FL, 32118

Telephone: 386-258-7313

Facsimile: 386-258-8783

Email: Kelly@Chanfraulaw.com

Secondary Email: Melanie@Chanfraulaw.com

Secondary Email: Dahiana@Chanfraulaw.com

TRIAL COUNSEL AND ATTORNEY FOR
PLAINTIFF