

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

SONYA GRAVES,

Plaintiff,

v.

FLAGLER COUNTY, FLORIDA,

Defendant.

**CASE NO.: 23-CA- 2023 CA 000605
FLA BAR NO.: 0739685**

COMPLAINT

Plaintiff, SONYA GRAVES, hereby sues Defendant, FLAGLER COUNTY, FLORIDA,
and alleges:

NATURE OF THE ACTION

1. This is an action brought under the Florida Civil Rights Act, codified at Chapter 760, Florida Statutes and 42 U.S.C. §2000e et seq.
2. This action involves claims which are, individually, in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of costs and interest.

THE PARTIES

3. At all times pertinent hereto, Plaintiff, SONYA GRAVES, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a member of a protected class due to her race and national origin.

4. At all times pertinent hereto, Defendant, FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, 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. Defendant was Plaintiff's employer as it relates to these claims.

CONDITIONS PRECEDENT

5. Plaintiff has satisfied all conditions precedent to bringing this action, if any.

STATEMENT OF THE ULTIMATE FACTS

6. Plaintiff, an African American/Puerto Rican mixed race female, began her employment with Defendant on March 2022 and held the position of Human Services Program Manager at the time of her constructive termination on June 1, 2022.

7. Despite her stellar work performance during her employment with Defendant, Plaintiff was subjected to disparate treatment, different terms and conditions of employment, and held to a different standard because of her race and national origin.

8. The disparate treatment and retaliation came at the hands of specifically but not limited to County Administrator Heidi Petito, Human Resources Director Pamela Wu, Executive Tourism Director, Amy Lukasik, and others. Plaintiff was a loyal and dedicated employee.

9. She was hired as the Housing and Human Services Manager.

10. Three weeks into her employment with Defendant, her position was changed to Human Services Program Manager. The Housing and Human Services Program Manager position was given to Devrie Paradowski, a Caucasian female.

11. Plaintiff and approximately eleven other employees out of 375 total employees were the only minorities who worked for Defendant.

12. Plaintiff was experienced in her field and required little training.

13. Defendant also knew when she was hired that she was relocating into the Flagler County area and would need to work remotely.

14. However, after she was hired, Plaintiff was required to work in an office which forced Plaintiff to either drive a very long distance to work each day or she had to stay at a hotel at her own expense. Caucasian employees were allowed to work remotely.

15. Plaintiff was treated less favorably than co-workers outside her protected classes by Caucasian management and staff.

16. On April 6, 2022, Plaintiff informed Defendant by email that after the forced resignation of Assistant Director, Chynequa King, an African American female, Plaintiff had been the victim of discrimination based on her race. Shortly after she had been hired, she was told by an African American co-worker that a co-worker called him “nigger”.

17. On June 1, 2022, Plaintiff was constructively discharged as no reasonable person would have remained in the employment of Defendant under these circumstances. Plaintiff was spending about as much in hotel and other living expenses as she was making and could no longer afford to work for the Defendant.

18. The following Caucasian employees outside of Plaintiff’s protected classes were treated more favorably: Paradowski who replaced Plaintiff in her position, Grant and Project Accountant Erika Johnson, Human Services Case Manager Pat Cain, Interim Manager Winifred Costello, Tourism Development Director Amy Lukasik, Human Services Case Manager Kim Bennet, Manager Benefits and Wellness Anita Stroker and Risk Manager, Samantha Whitfield.

19. Plaintiff has retained the undersigned to represent her interests in this cause and is obligated to pay a fee for these services. Defendant should be made to pay said fee under the laws referenced above.

COUNT I
RACE DISCRIMINATION

20. Paragraphs 1 through 19 are realleged and incorporated herein by reference.

21. This is an action against Defendant for discrimination based upon race brought under Chapter 760, Florida Statutes.

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

23. 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. 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.

24. 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.

25. 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.

26. The discrimination complained of herein affected a term, condition, or privilege of Plaintiff's continued employment with Defendant. The events set forth herein lead, at least in part, to Plaintiff's constructive termination.

27. Defendant's conduct and omissions constitutes intentional discrimination and unlawful employment practices based upon race.

28. 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/equitable relief.

COUNT II
NATIONAL ORIGIN DISCRIMINATION

29. Paragraphs 1 through 19 are realleged and incorporated herein by reference.

30. This is an action against Defendant for discrimination based upon national origin.

31. Plaintiff has been the victim of discrimination on the basis of Plaintiff's national origin in that Plaintiff was treated differently than similarly situated employees of Defendant who are born and raised in the United States and has been subject to hostility and poor treatment on the basis, at least in part, of Plaintiff's national origin.

32. 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. 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.

33. 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.

34. In essence, the actions of agents of Defendant, which were each condoned and ratified by Defendant, were based on Plaintiff's national origin and in violation of the laws set forth herein. The discrimination complained of herein affected a term, condition, or privilege of

Plaintiff's continued employment with Defendant. The events set forth herein lead, at least in part, to Plaintiff's constructive termination.

35. Defendant's conduct and omissions constitutes intentional discrimination and unlawful employment practices based upon national origin.

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/equitable relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant for the following:

- (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 all legally-available general and compensatory damages and economic loss 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;

- (f) award Plaintiff interest where appropriate; and
- (g) grant such other further relief as being just and proper under the circumstances, including but not limited to reinstatement.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues herein that are so triable.

DATED this 29th day of May 2023.

Respectfully submitted,

/s/ Marie A. Mattox
Marie A. Mattox [FBN 0739685]
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