

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CAROLINA MATAMOROS,

Plaintiff,

vs.

Case No.:

BROWARD SHERIFF'S OFFICE

Defendant.

COMPLAINT

COMES NOW, Plaintiff, CAROLINA MATAMOROS ("Plaintiff"), by and through the undersigned counsel, hereby sues Defendant, BROWARD SHERIFF'S OFFICE ("Defendant"), and in support avers as follows:

GENERAL ALLEGATIONS

1. This is an action by the Plaintiff for damages for Defendant's violations of the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*, and the Florida Civil Rights Act of 1992, Florida Statutes, Chapter 760, *et seq.* ("FCRA"), to redress injuries resulting from Defendant's unlawful, conduct against Plaintiff.
2. This Court has jurisdiction over Plaintiff's claims pursuant to Fla. Stat. §§ 760.01-760.11.
3. Plaintiff was at all times relevant to this action, and continues to be, a resident of Miami Dade County Florida, and is otherwise sui juris. Plaintiff is a covered employee for purposes of the FCRA, and FMLA.
4. Plaintiff is an individual with a relationship or association with a person with a known disability. She is therefore a member of a class protected under the FCRA because the terms, conditions, and privileges of her employment were altered because of her relationship or

association with a person with a known disability.

5. Defendant, BROWARD SHERIFF'S OFFICE, is a government entity in Broward County.
6. Defendant has, at all times material, employed 15 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding year in accordance with the FCRA (Fla. Stat. §760.02(7)).
7. On July 18, 2017, Plaintiff previously filed a timely charge of employment discrimination with the Equal Employment Opportunity Commission and dual filed with the Florida Commission on Human relations, the agencies which are responsible for investigating claims of employment discrimination.
8. Venue is proper in Broward County because all of the actions complained of herein occurred within Broward County.
9. The Florida Commission on Human Relations did not issue a finding on Plaintiff's charge within 180 days of the filing of said charge.
10. Declaratory, injunctive, legal and equitable relief sought pursuant to the laws set forth above together with attorneys' fees, costs and damages.
11. All conditions precedent for the filing of this action before this Court have been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. Plaintiff began employment with Defendant on or about January 2010 as a Communications Operator 3.
13. Due to Plaintiff's son disability, on or about August 17, 2016, Plaintiff began requesting an accommodation because of her disabled son.

14. Throughout Plaintiff's employment with Defendant, Plaintiff was able to perform the essential functions of her job duties and responsibilities, and at all relevant times she did perform her job at satisfactory or above-satisfactory levels.
15. Plaintiff requested to work on a part-time shift as Plaintiff's son disability exacerbated within each month. In fact, Plaintiff's son was hospitalized on eight (8) different occasions.
16. On or about August 2016, Plaintiff found out that a part time position became available. Plaintiff informed her Superiors, Latasha Elmaadawya ("Ms. Elmaadawya") and Lisa Zarazinski ("Ms. Zarazinski"), that she was interested in the position as a form of accommodation due to her son's disability.
17. Plaintiff followed the correct procedure in order to be chosen for the shift. Nevertheless, Defendant denied Plaintiff's request.
18. On or about September 2016, Plaintiff made a request under the Family Medical Leave Act.
19. Defendant advised Plaintiff that her request for leave was denied. Plaintiff was advised that she will be eligible to in March 2017.
20. Thereafter, Plaintiff was subjected to several disciplinary actions although her lack of attendance was due to her son's disability, which she communicated to her superiors.
21. On or about January 2017, Plaintiff received the part time position accompanied by an Internal Affairs Investigation regarding her attendance placing Plaintiff under investigation.
22. On or about May 2017, Plaintiff was suspended without pay for two (2) months.
23. On or about July 2017, Plaintiff returned to work.
24. On or about July 18, 2017, due to the disparate treatment she continued to be subjected to, Plaintiff filed her charge of discrimination.
25. On or about August 2017, Plaintiff requested FMLA leave again.

26. Defendant, denied Plaintiff's request for leave.
27. On or about January 2018, Plaintiff was again suspended.
28. To this date, Plaintiff continues to be under Internal Affairs Investigation regarding her attendance and received a negative evaluation by Ms. Elmaadawya.
29. Plaintiff's disciplinary actions and/or negative evaluations were predicated and/or motivated by her request to be reasonably accommodated to take care of her disabled son and/or her request for Leave.

COUNT I

Interference with Rights under the FMLA

30. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-29 above as if set out in full herein.
31. Plaintiff is an individual entitled to protection under the FMLA.
32. Plaintiff was eligible for FMLA leave due to her son's serious health condition.
33. At all times relevant hereto, AKAL SECURITY was a covered employer under the FMLA, 29 U.S.C. § 2611(4)(A)(iii) in that it employed over 50 employees in 20 or more workweeks in the current or preceding calendar year.
34. On or about September 2016, Plaintiff applied for leave under the FMLA. Plaintiff was advised she had to wait until March of 2017 to reapply.
35. Thereafter, Plaintiff was suspended for two months.
36. When Defendant suspended Plaintiff, Defendant interfered with Plaintiff's right to apply for FMLA leave and thus violated the FMLA.
37. As a result of Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer damages.
38. Defendant, by and through its officers, and/or supervisors, authorized, condoned, and/or

ratified the unlawful conduct of its employees.

WHEREFORE, Plaintiff respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FMLA and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Enter a judgment requiring that Defendant pay Plaintiff appropriate back pay, front pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;
- C. Enter an award against Defendant and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- D. Require Defendant to reinstate Plaintiff to his position at the rate of pay and with the full benefits he would have, had he not been discriminated against by Defendant, or in lieu of reinstatement, award him front pay
- E. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- F. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT II

Disability Discrimination in Violation of the FCRA

- 39. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-29 of this complaint as if set out in full herein.
- 40. Plaintiff is a member of a protected class under the FCRA.
- 41. On or about August 2016, Plaintiff's son's asthma exacerbated. As a result, Plaintiff's son's health deteriorated over the following months. Plaintiff's son was in and out of the hospital.
- 42. On or about August 17, 2016, Plaintiff requested to be transferred to a part time position to be

able to care for her son.

43. Defendant's denied Plaintiff's request.

44. On or about September 2016, Plaintiff requested FMLA leave to take care of her son. Plaintiff's request was again denied.

45. On or about January 2017, Plaintiff was given the part time position but was also advised she was under investigation for her absenteeism.

46. On or about May 2017, Plaintiff is suspended for two months without pay.

47. Upon information and belief, other similarly situated employees were not suspended for similar absences.

48. By the conduct describe above, Defendant has engaged in discrimination against Plaintiff because of Plaintiff's close association with an individual who had a disability and subjected the Plaintiff to disability-based animosity.

49. Such discrimination was based upon the Plaintiff's close association with an individual who had a disability in that Plaintiff would not have been the object of discrimination but for the fact that Plaintiff has close association with an individual who suffered a disability.

50. Defendant's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination on the basis of Plaintiff's close association with an individual, who had a disability due to suffering from a stroke, was unlawful but acted in reckless disregard of the law.

51. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff possessed the authority to affect the terms, conditions, and privileges of Plaintiff's employment with the Defendant.

52. Defendant retained all employees who exhibited discriminatory conduct toward the

Plaintiff and did so despite the knowledge of said employees engaging in discriminatory actions.

53. As a result of Defendant's actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.

54. The conduct of Defendant, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under federal law.

55. The actions of the Defendant and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to federal law, to punish the Defendant for its actions and to deter it, and others, from such action in the future.

56. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendant's discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiff respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FCRA, and has done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- B. Enter a judgment requiring that Defendant pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein;

- C. Enter an award against Defendant and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- D. Require Defendant to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendant, or in lieu of reinstatement, award front pay;
- E. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and
- F. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT III

Retaliation in Violation of the FCRA

- 57. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-29 of this complaint as if set out in full herein.
- 58. Plaintiff is a member of a protected class under the FCRA.
- 59. By the conduct describe above, Defendant retaliated against Plaintiff for exercising rights protected under the FCRA.
- 60. Defendant's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination on the basis of Plaintiff's sex, national origin and/or disability was unlawful but acted in reckless disregard of the law.
- 61. As a result of Defendant's actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.
- 62. The conduct of Defendant, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt remedial action to prevent

continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under state law.

63. The actions of the Defendant and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to federal law, to punish the Defendant for its actions and to deter it, and others, from such action in the future. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendant's discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiff respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FCRA, and has done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- B. Enter an award against Defendant and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life;
- C. Require Defendant to place Plaintiff to the position of full time Patrol Officer at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendant, or in lieu of reinstatement;
- D. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable as of right by jury.

Dated: October 4, 2018

Respectfully submitted,

/s/Nathaly Lewis

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