

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

WILNESSE NAZARIO,

Plaintiff,

CASE NO.:

v.

DIVISION:

**PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC.,**

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Wilnesse Nazario, by and through undersigned counsel, hereby brings this action against Defendant, Planned Parenthood Federation of America, Inc., and in support of her claims states as follows:

JURISDICTION AND VENUE

1. This is an action for damages exceeding \$15,000, exclusive of interest, fees, and costs, for violations of the Florida Workers' Compensation Act ("FWCA"), Fla. Stat. § 440.205.
2. Venue is proper in Sarasota County, because all of the events giving rise to these claims occurred in this County.

PARTIES

3. Plaintiff is a resident of Sarasota County, Florida.
4. Defendant operates a nonprofit organization that provides reproductive health services in Sarasota, in Sarasota County, Florida.

GENERAL ALLEGATIONS

5. Plaintiff has satisfied all conditions precedent, or they have been waived.
6. Plaintiff has hired the undersigned attorneys and agreed to pay them a fee.

7. Plaintiff requests a jury trial for all issues so triable.

8. At all times material hereto, Plaintiff was an “employee” within the meaning of the FWCA, Fla. Stat. § 440.02(15)(a).

9. At all times material hereto, Defendant was an “employer” within the meaning of the FWCA, Fla. Stat. § 440.02(16).

FACTS

10. Plaintiff began working for Defendant as an HCA II in November 2004, and she worked in this capacity until July 2016.

11. On or about April 15, 2016, Plaintiff was injured at work. Specifically, Plaintiff tripped and nearly fell. Although Plaintiff was able to catch herself before falling to the floor she sustained an injury to her knee.

12. On or about April 15, 2016, Plaintiff notified Defendant of the injury that she had suffered at work.

13. Under the FWCA, Plaintiff had a valid claim for benefits for the injury that she sustained at work.

14. By attempting to pursue her right to file a valid Workers’ Compensation claim, Plaintiff engaged in protected activity under the FWCA.

15. Specifically, Plaintiff attempted to file a Worker’s Compensation claim and to seek medical treatment for the injury suffered in the workplace.

16. She required a short time off for surgery. She notified Defendant of the need for a short leave.

17. Defendant responded by attempting to impede Plaintiff's Worker's Compensation claim. Just weeks after advising the Defendant of her need for medical attention and surgery, she was terminated.

18. On or about July 13, 2016, Defendant retaliated against Plaintiff for lawfully claiming benefits under the FWCA by terminating Plaintiff's employment for pretextual reasons.

COUNT I – WORKERS' COMPENSATION RETALIATION

19. Plaintiff realleges and readopts the allegations of paragraphs 1 through 18 of this Complaint, as though fully set forth herein.

20. Plaintiff engaged in protected activity under the FWCA by filing or attempting to file a valid Workers' Compensation claim for an injury that she suffered at work.

21. Defendant retaliated against Plaintiff for engaging in protected activity under the FWCA by attempting to prohibit Plaintiff from filing a Worker's Compensation claim, and thereafter seeking medical benefits, by creating a hostile work environment, and terminating Plaintiff's employment.

22. Plaintiff was injured as a result of Defendant's violations of the FWCA, Fla. Stat. § 440.205.

WHEREFORE, Plaintiff demands:

- a) A jury trial on all issues so triable;
- b) That process issue, and that this Court take jurisdiction over the case;
- c) That this Court enter a declaratory judgment stating that Defendant retaliated against Plaintiff, in violation of Fla. Stat. § 440.205;
- d) Compensation for lost wages, benefits, and other remuneration;
- e) Compensatory damages, including damages recoverable for emotional distress allowable at law; and

f) For such further relief as this Court deems just.

JURY TRIAL DEMAND

Plaintiff demands trial by jury as to all issues so triable.

Dated this 2nd day of March, 2017.

Respectfully submitted,



DONNA V. SMITH

Florida Bar Number: 661201

WENZEL FENTON CABASSA, P.A.

1110 North Florida Avenue

Suite 300

Tampa, Florida 33602

Main Number: 813-224-0431

Direct Dial: 813-386-0995

Facsimile: 813-229-8712

Email: dsmith@wfcaw.com

Email: rcooke@wfcaw.com

Attorneys for Plaintiff