

**IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

GENERAL JURISDICTION DIVISION

CASE No.: _____

DAYAMI NOVOA,

Plaintiff,

vs.

**PLANNED PARENTHOOD OF SOUTH
FLORIDA AND THE TREASURE COAST, INC.,**

Defendant.

_____ /

COMPLAINT

The Plaintiff, Sollie Basher (hereinafter “Plaintiff”), by and through the undersigned counsel, hereby sues Defendant, Planned Parenthood of South Florida and the Treasure Coast, Inc. (hereinafter “Defendant” or “employer”), and in support avers as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Thirty Thousand Dollars (\$30,000), exclusive of attorney’s fees, interest and costs; and therefore, this action is within the jurisdiction of this Court.
2. Plaintiff was and continues to be, a resident of Miami-Dade County, Florida; and was an employee of Defendant, performing duties as a qualified personnel for the Defendant, within a company operated business facility, located in South, Florida.
3. Defendant, is a not-for-profit corporation, duly authorized to conduct business in the State of Florida.

4. Defendant is an “employer” pursuant to Florida Civil Rights Act of 1992, Fla. Stat. Section 760.01, et seq., (hereinafter referred to as “FCRA”) since it employs fifteen or more employees for the applicable statutory period; and thus, it is subject to the employment discrimination provisions of the applicable statute, the FCRA.
5. Defendant is a “person” within the purview of the Florida Civil Rights Act of 1992, Fla Stat. Section 760.01, et seq.
6. Venue is proper in Miami-Dade County, Florida, pursuant to Fla. Stat. Section 47.011, because all of the actions complained of herein occurred within the jurisdiction of the Eleventh Judicial Circuit, In and for Miami-Dade County, Florida.
7. Plaintiff timely filed a charge of employment discrimination with the Equal Employment Opportunity Commission, the agency which is responsible for investigating claims of employment discrimination.
8. Pursuant to Florida Statute Section 760.11 (1), for all charges of discrimination filed after June 8, 2001, the filing of a discrimination charge with the Equal Employment Opportunity Commission or with a local fair employment practices agency, vest the Florida Commission On Human Relations with jurisdiction with respect to that charge.
9. All conditions precedent for the filing of this action before this Court have indeed been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS

10. Plaintiff was discriminated against by Defendant employer based on **her age and associational disability**.

11. Plaintiff began working for the Defendant on or about April 1, 2018 as a medical assistant. Plaintiff is a 48 year old individual with a daughter suffering from gastritis. On or about August 2018, Plaintiff advised her manager Lucia Cabrera that she was going back to school. Immediately, Ms. Cabrera began to make unwarranted and discriminatory comments regarding Plaintiff's age. Such as Plaintiff was "too old to be returning back to school." Meanwhile, Plaintiff's younger coworkers, who are all below the age of 30 years old were attending school and they weren't subjected to the same discriminatory comments and harassment in the workplace. On or about December 12, 2018, Plaintiff requested to have Mondays off from work due to her school schedule, although the younger co-workers were given revised work schedules to attend school, Plaintiff's request was denied. On or about November 4, 2019, Plaintiff requested time off due to her daughter having a medical procedure and to care for her daughter during the period of convalescence. Doctor's notes were provided by Plaintiff. Upon return to work, false accusations were made against client. Thereby, causing Plaintiff to have an adverse employment experience.
12. Throughout Plaintiff's employment, Plaintiff's work had been exemplary and proven **herself** an exceptional and professional employee. Plaintiff performed her job well.
13. During the relevant time period, Plaintiff was subjected to different terms and conditions of employment because of **her age and association to a disabled family member**.
14. Plaintiff was terminated on or about **November, 2019 due to her age and association to a disabled family member**.

15. Plaintiff while employed with Defendant was a victim of blatant, willful and unlawful discrimination based upon **her age and association to a disabled family member**.
16. Even though Plaintiff followed employer's proscribed methods for reporting discrimination, Defendant failed to conduct a contemporaneous investigation into the serious issues raised by Plaintiff or make Defendant's human resources department aware of Plaintiff's concerns such that corrective and/or remedial action could be taken. As a result, Defendant never followed up with Plaintiff about the steps that were being taken to address Plaintiff's concerns, as there were none.
17. Inter alia what led to Plaintiff's termination was Plaintiff's refusal to remain silent in the face of a toxic culture that included discriminatory comments, discriminatory acts against protected class.
18. Plaintiff believed defendant was committed to ensuring a respectful workplace for all employees, reported the illegal employer transgressions to various leadership members of Defendant executives with the expectation that human resources for Defendant would investigate Plaintiff's complaints and take appropriate remedial action. Instead of taking appropriate actions and investigating these serious issues Defendant's proclaimed stance on discrimination does not reflect the actual culture of the employer. Time after time Defendant has chosen corporate profits over doing the right thing and taking meaningful action to eradicate discrimination on its own.
19. Plaintiff believed defendant was committed to ensuring a respectful workplace for all employees, reported the illegal employer transgressions to various leadership members of Defendant executives with the expectation that human resources for Defendant would investigate Plaintiff's complaints and take appropriate remedial action. Instead of taking

appropriate actions and investigating these serious issues Defendant's proclaimed stance on discrimination does not reflect the actual culture of the employer. Time after time Defendant has chosen corporate profits over doing the right thing and taking meaningful action to eradicate discrimination on its own.

20. Plaintiff is informed and believes and thereon alleges that pursuant to the Florida Civil Rights Act, it is unlawful to harass employees based on their statutory protected class, and that employers must take all reasonable steps to prevent harassment from occurring. Plaintiff is further informed and believes and thereon alleges that the FCRA holds employers strictly liable for harassment by Plaintiff's direct supervisor or any other manager.
21. Plaintiff is informed and believes and thereon alleges that, based on the allegations as set forth herein, and throughout this complaint, employer knew of the harassing and discriminatory conduct directed at Plaintiff and are responsible for, and liable for, the harassment and hostile work environment created by the harassment and discrimination done to Plaintiff, based on Plaintiff's protected class as stated within Plaintiff's charge of discrimination filed pre-suit with the Equal Employment Opportunity Commission.
22. As a direct and proximate result of Defendant's unlawful harassment of Plaintiff, and the creation of a hostile work environment, as alleged herein, Plaintiff has suffered loss of income, and has experienced stress and severe emotional distress, thus entitling Plaintiff to damages in an amount to be proven at the time of trial in this matter. Plaintiff is further informed and believes and thereon alleges that the conduct of Defendant was severe and pervasive.
23. As a direct and proximate result of Defendant, and each of their, discriminatory actions as alleged herein, Plaintiff has suffered, and continues to suffer damages, the exact amount of which will be proven at trial.

24. As a proximate result of Defendant's actions, Plaintiff has suffered, and continues to suffer severe and lasting humiliation, embarrassment, mental anguish, and other incidental and consequential damages and expenses, which all caused Plaintiff damage in an amount according to proof at trial.

COUNT I.

DISCRIMINATION BASED ON PLAINTIFF'S PROTECTED CLASS IN VIOLATION OF THE FCRA

25. The foregoing facts are incorporated herein.

26. The applicable statute, FCRA, prohibits an employer from making employment decisions, or from taking any personnel action, affecting the terms, conditions and privileges of one's employment, based upon **her age and association to a disabled family member** considerations.

27. The Plaintiff, possessed the requisite qualifications and skills to perform the position for the Defendant employer.

28. The Plaintiff was subjected to disparate treatment in the work place, in that a similarly situated employee was allowed opportunities not given to Plaintiff due to Plaintiff's legally protected category.

29. Defendant discriminated against Plaintiff on the basis of his **her age and association to a disabled family member**, by subjecting Plaintiff to different terms and conditions of employment and terminating Plaintiff's employment for pretextual reasons.

30. As a direct and proximate result of the Defendant's unlawful acts, Plaintiff has suffered great and irreparable economic harm and other associated losses.

31. The actions of the Defendant constitute an intentional violation of the FCRA, and as a direct, natural, foreseeable and proximate result of the actions and inactions of Defendant, Plaintiff

has suffered injuries and losses including a violation of his statutory rights, mental pain and suffering and extreme emotional stress; loss of ability to lead a normal life; lost wages and benefits and other economic losses, all of which injuries and losses are continuing and permanent in nature.

32. Plaintiff has retained the services of the undersigned attorneys to represent him in this action and is obligated to pay them a reasonable fee for their services Plaintiff has retained the services of the undersigned attorneys to represent him in this action and is obligated to pay them a reasonable fee for their services.

33. Moreover, as a further result of the Defendant's unlawful discriminatory-based conduct, the Plaintiff has been compelled to file this action and Plaintiff has incurred the costs of litigation.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the FCRA, and in addition, order the following additional relief:

- A. Award the Plaintiff actual damages, including appropriate amounts of back pay, front pay, and lost benefits; and
- B. Award Plaintiff as to this count prejudgment interest; and
- C. Award Plaintiff damages for the amount of the costs of litigation and filing including attorney's fees; and
- D. Grant such other and further equitable relief as this court deems equitable and just and/or available pursuant to state law.
- E. Plaintiff reserves the right to assert a claim for punitive damages upon satisfying the applicable statutory pre-requisites.

F. Plaintiff demands a trial by jury.

COUNT II.

**FAILURE TO PREVENT WORKPLACE DISCRIMINATION AND HARASSMENT
BASED ON PLAINTIFF'S PROTECTED CLASS IN VIOLATION OF THE FCRA**

34. The foregoing facts are incorporated herein.

35. Plaintiff is informed and believes and thereon alleges that, pursuant to applicable law, Defendant is prohibited from failing to take all reasonable steps necessary to prevent discrimination and harassment in the workplace.

36. Defendant violated its duty under the FCRA by failing to take all reasonable measures to prevent their agents, employees and management from creating a hostile work environment.

37. Defendant knew or should have known about the harassment as alleged herein. Defendant was advised on repeated occasions that their agents, employees and management were engaging in conduct in violation or potentially in violation of the FCRA. Despite such knowledge, Defendant failed to take immediate and appropriate corrective action to prevent the hostile work environment as alleged herein and detailed within Plaintiff's charge of discrimination filed with the EEOC.

38. As a result of Defendant's failure to take all reasonable steps to prevent discrimination and harassment in violation of the FCRA, Plaintiff has suffered and continues to suffer damages, including severe emotional and/or physical distress, the exact amount of which will be proven at trial.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the FCRA, and in addition, order the following additional relief:

- A. Award the Plaintiff actual damages, including appropriate amounts of back pay, front pay, and lost benefits; and
- B. Award Plaintiff as to this count prejudgment interest; and
- C. Award Plaintiff damages for the amount of the costs of litigation and filing including attorney's fees; and
- D. Grant such other and further equitable relief as this court deems equitable and just and/or available pursuant to Federal Law including punitive damages.
- E. Plaintiff demands a trial by jury.
- F. Plaintiff reserves the right to assert a claim for punitive damages upon satisfying the applicable statutory pre-requisites.

Dated this 23rd day of July, 2020

Respectfully submitted,

REMER & GEORGES-PIERRE, PLLC
COURTHOUSE TOWER
44 West Flagler Street, Suite 2200
Miami, Florida 33130
Tel. (305) 416-5000
E-Mail: agp@rgpattorneys.com

By: *Anthony M. Georges-Pierre*
Anthony M. Georges-Pierre, Esq.
Florida Bar Number: 0533637

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SUMMONS IN A CIVIL CASE

TO: TAMAYO, LILLIAN A
Registered Agent for, PLANNED PARENTHOOD OF SOUTH FLORIDA
AND THE TREASURE COAST, INC.
2300 NORTH FLORIDA MANGO ROAD
WEST PALM BEACH, FL 33409

**YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S
ATTORNEY**

Anthony M. Georges-Pierre, Esq.

**REMER & GEORGES-PIERRE, PLLC
COURTHOUSE TOWER
44 West Flagler Street, Suite 2200
Miami, FL 33130**

an answer to the complaint which is herewith served upon you, within **21 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

