

**IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA**

MATTHEW DAMSKY,

Plaintiff,

**CASE NO.: 16-CA-
FLA BAR NO.: 0739685**

2016 CA 002598

v.

THE FLORIDA STATE SENATE,

Defendant.

COMPLAINT

Plaintiff, MATTHEW DAMSKY, hereby sues Defendant, THE FLORIDA STATE SENATE, and alleges:

NATURE OF THE ACTION

1. This is an action brought under Chapter 760, Florida Statutes; 42 U.S.C. §2000e et seq.; and 42 U.S.C. §1981a.
2. This is an action involving claims which are, individually, in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of costs and interest.

THE PARTIES

3. At all times pertinent hereto, Plaintiff, MATTHEW DAMSKY, has been a resident of the State of Florida and was employed by Defendant. Plaintiff is a member of a protected class because of his gender. Moreover, Plaintiff is a member of a protected class because he reported unlawful employment practices and was subject to retaliation thereafter.
4. At all times pertinent hereto, Defendant, THE FLORIDA STATE SENATE, 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.

5. Plaintiff has satisfied all conditions precedent to bringing this action in that Plaintiff filed a charge of discrimination with the Florida Commission on Human Relations and with the EEOC. This action is timely filed thereafter.

STATEMENT OF THE ULTIMATE FACTS

6. Plaintiff was employed by the Defendant, the Florida State Senate.

7. During the course of his employment he was subjected to unlawful discrimination pertaining to job assignments, job harassment, sexual harassment and different and less favorable terms and conditions of his employment.

8. These include but are not limited to demands that he perform extensive personal services (for which he was not paid a regularly hour wage nor overtime) for his boss, Maria Sachs, such as grocery shopping, walking her dog, maintaining her relatives' homes, and traveling cross country to assist Sachs's family including her children and mother.

9. Plaintiff was also exposed to unwelcome sexual conduct by Sachs, including but not limited to multiple occasions where Sachs would undress in front of him.

10. Further, Plaintiff was ordered to perform tasks on the job including but not limited to drafting legal pleadings for Sachs' private legal practice at Sachs' direction, such as court filings relating to expunges and the quashing of warrants.

11. Plaintiff objected to these activities and Sachs would threaten him with the loss of his job if he refused. He was constructively discharged in February, 2016.

13. 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 statutory provisions cited herein and such other grounds as are authorized.

COUNT I
GENDER DISCRIMINATION

14. Paragraphs 1-13 are re-alleged and incorporated herein by reference.

15. This is an action against Defendant for discrimination based upon gender brought under Chapter 760, Florida Statutes, and 42 U.S.C. §2000e et seq..

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

17. 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.

18. 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.

19. Defendant's known allowance and ratification of these actions and inactions actions created, perpetuated and facilitated an abusive and offensive work environment within the meaning of the statutes referenced above.

20. In essence, the actions of agents of Defendant, which were each condoned and ratified by Defendant, were of a gender-based nature and in violation of the laws set forth herein.

21. The discrimination complained of herein affected a term, condition, or privilege of Plaintiff's continued employment with Defendant.

22. The events set forth herein led, at least in part, to Plaintiff's termination on contrived allegations.

23. Defendant's conduct and omissions constitutes intentional discrimination and unlawful employment practices based upon gender in violation of Chapter 760, Florida Statutes, and 42 U.S.C. §2000e et seq.

24. 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 relief.

COUNT II
RETALIATION

25. Paragraphs 1 through 13 are realleged and incorporated herein by reference.

26. Defendant is an employer as that term is used under the applicable statutes referenced above.

27. The foregoing allegations establish a cause of action for unlawful retaliation after Plaintiff reported or opposed unlawful employment practices adversely affecting Plaintiff under

42 U.S.C § 2000e et seq., Chapter 760, Florida Statutes, and other statutory provisions cited herein.

28. The foregoing unlawful actions by Defendant were purposeful.

29. Plaintiff voiced opposition to unlawful employment practices during Plaintiff's employment with Defendant and was the victim of retaliation thereafter, as related in part above.

30. Plaintiff is a member of a protected class because Plaintiff reported unlawful employment practices and was the victim of retaliation thereafter. There is thus a causal connection between the reporting of the unlawful employment practices and the adverse employment action taken thereafter.

31. As a direct and proximate result of the foregoing unlawful acts and omissions, Plaintiff has suffered mental anguish, emotional distress, expense, loss of benefits, embarrassment, humiliation, damage to reputation, illness, lost wages, loss of capacity for the enjoyment of life, and other tangible and intangible damages. These damages are continuing and are permanent. Plaintiff is entitled to injunctive 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 28th day of November 2016.

Respectfully submitted,

/s/ Marie A. Mattox
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