

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JESSE CASAREZ,

PLAINTIFF,

Case No.:

v.

FLORIDA MEDICAL CLINIC, LLC.,

DEFENDANT.

COMPLAINT

Plaintiff, by and through his counsel, brings this action for damages and alleges that he was discriminated against on the basis of his race (Hispanic) in violation of 42 U.S.C. § 1981. In further support of his allegations, Plaintiff states as follows:

Parties

1. Plaintiff, Jesse Casarez, is a qualified Hispanic male and a member of a protected class due to his race.
2. Plaintiff was an employee of the Defendant, Florida Medical Clinic, LLC., in the four years prior to this action.
3. Defendant is a for-profit, domestic corporation operating as a medical clinic.

4. Plaintiff worked as a laborer for Defendant from approximately January 28, 2013, until October 4, 2019.

Jurisdiction

5. Plaintiff is domiciled in Pasco County, Florida.
6. Defendant is a corporation domiciled in Pasco County, Florida.
7. Defendant conducts business and was employed Plaintiff in Pasco County, Florida and the amount in controversy exceeds \$38,922.21.
8. All material events occurred in Pasco County, Florida.
9. This lawsuit has been filed in a timely manner.
10. All prerequisites have been satisfied.
11. Plaintiff is a Hispanic male and therefore a member of a protected class because of his race.
12. Defendant is subject to 42 U.S.C 1981.
13. Plaintiff is entitled by virtue of 42 U.S.C. 1981 to be protected from racial discrimination in the workplace.

General Factual Allegations

14. Plaintiff was employed by Defendant as a manual laborer.
15. Specifically, Plaintiff was employed by Defendant as a maintenance worker.

16. As a maintenance worker, Plaintiff was responsible for working alongside Defendant's employees to make repairs within Defendant's facility.

17. Defendant determined Plaintiff's rate of pay, working hours, work assignments, and had the authority to discipline Plaintiff.

18. Plaintiff worked inside of Defendant's facility and worked under the direct supervision of Defendant's managers.

19. During the entirety of Plaintiff's employment with Defendant, Defendant by and through Plaintiff's white manager, Bob Gould, who treated Plaintiff with hostility and in a disparate manner because of Plaintiff's race, Hispanic.

20. In fact, Plaintiff was the only Hispanic individual working on Defendant's maintenance team.

21. Specifically, Defendant manager, Bob Gould (white male), routinely denied Plaintiff many of the benefits and privileges of his position as a maintenance worker because of Plaintiff's race. Indeed, Plaintiff was denied the opportunity to work "on call" hours in addition to his regular scheduled hours.

22. Employees who worked on call hours were compensated at a higher rate than their regular hourly rate. Plaintiff desired to work on call hours and to be compensated at a higher rate, however, Defendant refused to allow Plaintiff to work

on call jobs and instead reserved those opportunities for less tenured white employees.

23. Plaintiff was damaged financially as Defendant Manager Bob Gould, a white male, prevented him from earning the increased income associated with on-call job assignments because of Plaintiff's race.

24. Defendant's racial discrimination of Plaintiff was not limited to preventing Plaintiff from earning additional income. Rather, Defendant's racial discrimination against Plaintiff also included racial slurs and insults directed towards Plaintiff because of his race.

25. Defendant's employees and managers on the maintenance team constantly harassed, picked on, made fun of, and derogated Plaintiff because of his race.

26. While Plaintiff was employed, Defendant's manager created a group text message including all maintenance workers. In the group text message that included Plaintiff, Defendant's manager sent racially derogatory and racially discriminatory messages intended to harass and intimidate Plaintiff.

27. The text messages were directly related to Plaintiff's race and the derogatory stereotypes associated with Hispanic individuals such as the way Hispanic individuals speak.

28. Defendant's manager sent Plaintiff numerous race-based derogatory text messages during Plaintiff's employment with Defendant.

29. Plaintiff was the only Hispanic member of the text message group.

30. Defendant's managers singled Plaintiff out because of his race and intentionally made racist comments, jokes, and remarks in the text message group in order to discriminate against Plaintiff and harass Plaintiff on the basis of his race.

Count One
Race Discrimination in violation of 42 U.S.C. 1981

31. Plaintiff hereby incorporates and re-alleges 1-30, above.

32. Plaintiff is a Hispanic male and therefore a member of a protected class due to his race.

33. Plaintiff was employed by Defendant from approximately January 28, 2013, until approximately October 4, 2019, as a maintenance worker.

34. Plaintiff was qualified to perform the duties and responsibilities of his position with Defendant.

35. Plaintiff was the only Hispanic member of the maintenance team.

36. Throughout the entirety of Plaintiff's employment with Defendant, white manager Bob Gould, consistently harassed Plaintiff on the basis of his race by calling Plaintiff derogatory names, constantly using racially derogatory phraseology towards Plaintiff, and sending racially charged text messages in the work group chat.

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