

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

Christine Ferrigan,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	Judge:
)	
City of Delray Beach, Florida,)	Jury Trial Demanded
Terrence Moore, named in his individual)	
and official capacities, and)	
Hassan Hadjimiry, named in his individual)	
and official capacities,)	
)	
Defendants)	
)	

COMPLAINT

Plaintiff Christine Ferrigan (Plaintiff) files this complaint against Defendant City of Delray Beach (City or Delray Beach), Defendant Terrence Moore, and Defendant Hassan Hadjimiry (collectively, Defendants), alleging:

I. SUMMARY

1. Defendants harassed Christine Ferrigan for over two years and ultimately fired her for exposing that partially treated sewer water was flowing into the City’s drinking water causing some people and pets to become ill, among other water quality problems.

2. Ms. Ferrigan repeatedly raised her concerns about water contamination issues to the City’s management and external government agencies. Given the City’s refusal to fix its persistent public health failures and despite the City’s repeated efforts to shut her

down, she doggedly reported the problems to anyone who would listen, including, at some point, to the nonprofit Public Employees for Environmental Responsibility (PEER) and the press. Her managers and co-workers knew of her disclosures, partly because she referenced her disclosures to regulators and PEER in written and oral workplace communications and she was referenced in relevant media reports.

3. Her disclosures resulted in two lengthy regulatory investigations, including one that ended in a Florida Department of Health (DOH) Consent Order (Consent Order) in 2021 finding at least nine regulatory violations, fining the City more than \$1 million, and requiring many corrective actions.¹

4. Although two regulators corroborated her disclosures in blistering public reports, the City severely retaliated against Ms. Ferrigan in violation of her constitutional rights to free speech and Florida's Public Whistleblower Act's (PWA), Fla. Stat. § 112.3187, anti-retaliation provisions. She was marginalized, ignored, denied opportunities for advancement in favor of less qualified or accomplished applicants, and ultimately fired during an alleged and patently pretextual "restructuring" in early 2022.

5. The City's incomprehensible decision to "shoot the messenger" rather than protect the public health by promptly correcting the problems—particularly in the middle of a worldwide pandemic and in the wake of the Flint, Michigan water crisis—put the public at risk and chilled city employees from reporting regulatory and public health violations.

¹ *Florida Dep't of Health Palm Beach County v. City of Delray Beach*, File No. WP 038-20, Consent Order, <https://www.delraybeachfl.gov/home/showpublisheddocument/10609/637741294329470000>.

6. Ms. Ferrigan brings this action to vindicate her rights secured by the U.S. Constitution, the Florida Constitution, and the PWA and to encourage other potential whistleblowers to speak up, particularly when public health is at risk.

II. PARTIES

7. Plaintiff Christine Ferrigan is a wastewater pretreatment professional with over thirty years of experience in South Florida. Her skill set includes managing programs related to water, wastewater, reclaimed water, pretreatment, backflow prevention, cross-connections, toxicity, hazardous waste, water safety inspections, sampling (including clean and ultra-clean testing), permitting, and evaluating water-related regulatory compliance protocols, ordinances, and training. The City terminated Ms. Ferrigan on January 26, 2022—five days after she filed a written internal complaint that her management was bullying her for cooperating with the DOH investigators and within three months of the issuance of DOH’s Consent Order.

8. Defendant Delray Beach is an incorporated municipality in Palm Beach County, Florida, and a “person” under 42 U.S.C. § 1983.

9. Defendant Moore is Delray Beach’s City Manager. At all relevant times, he was engaged in managing, supervising, and controlling the operations, activities, affairs, finances, property, personnel, and employment conditions of Delray Beach. Defendant Moore is a “person” under 42 U.S.C. §1983. Defendant Moore is named in his individual and official capacities. He is personally liable for violations of law and relief claimed here.

10. Defendant Hadjimiry is Delray Beach's Utility Director. At all relevant times, he was engaged in managing, supervising, and controlling the operations, activities, affairs, finances, property, personnel, and employment conditions of Delray Beach's Utilities Department. Defendant Hadjimiry is a "person" under 42 U.S.C. §1983. Defendant Hadjimiry is named in his individual and official capacities. He is personally liable for violations of law and relief claimed here.

III. JURISDICTION AND VENUE

11. The Court has jurisdiction over this case under 28 U.S.C. § 1331 and 28 U.S.C. §§ 1343 (a)(3). The Court has supplemental jurisdiction over Plaintiff's state law claim under 28 U.S.C. § 1367(a).

12. Venue is proper in the Southern District of Florida under 28 U.S.C. § 1391(b)-(c) because it is the district in which the events or omissions establishing Ms. Ferrigan's claims occurred.

IV. FACTUAL ALLEGATIONS

13. In June 2017, Ms. Ferrigan was hired by Delray Beach as an Industrial Pre-Treatment Inspector.

14. For her first eighteen months of employment, Ms. Ferrigan received good evaluations and sought opportunities for promotion.

Unsafe Drinking Water and Cross-Connection Problems

15. In late November 2018, the Delray Beach Utilities Department received several phone calls from residents indicating that their drinking water was smelly, yellow with algae, and sandy and that some residents and their pets were getting sick.

16. At the time, Ms. Ferrigan inspected parts of the City that had problems like those being reported. During her inspections, some residents told Ms. Ferrigan that they noticed the drinking water had changed around the time reclaimed water pipes were connected to their properties.

17. The Utilities Department management first blamed the poor water quality on ground disruption, which can cause sediment and other deposits in water pipes to loosen, resulting in discolored water.

18. But relying on her extensive experience, Ms. Ferrigan informed her management, both in writing and orally, that the water she saw during her inspections looked like reclaimed water. She advised that ground disruption was not the probable cause of the problem.

19. Reclaimed water is wastewater that has been partially treated to remove some harmful organisms and substances, such as bacteria, viruses, and heavy metals. *See* Delray Beach Code, Title 5, Chapter 52, Sec. 59.04. But reclaimed water still contains elements that make the water unsafe to drink. For example, reclaimed water can contain blood-borne pathogens, fecal matter, COVID-19, cryptosporidium, and many other contaminants. Thus, in Delray Beach, reclaimed water may be used only for irrigation and other purposes that do not involve the likely ingestion of the water. *See id.* at Sec. 59.13, 59.20.

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