

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

CARLOS SANTANA,

Plaintiff,

vs.

Case No.: _____

**THE PUBLIC HEALTH TRUST OF
MIAMI-DADE COUNTY d/b/a
JACKSON MEMORIAL HOSPITAL**

Defendant.

_____ /

COMPLAINT

Plaintiff, CARLOS SANTANA (hereinafter "Plaintiff"), by and through the undersigned counsel, hereby sues Defendant, THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY d/b/a JACKSON MEMORIAL HOSPITAL (hereinafter "Defendant"), and in support avers as follows:

GENERAL ALLEGATIONS

1. This is an action by the Plaintiff for damages exceeding \$30,000 excluding attorneys' fees or costs for damages, declaratory and injunctive relief and damages under the Florida Civil Rights Act of 1992 (FCRA), and Florida Statute Section 760 to redress injury done to Plaintiff by the Defendant for discriminatory treatment on the basis of race, color, national origin, and retaliation. This is an action brought under Chapter 760, Florida Statutes,
2. Plaintiff was at all times relevant to this action, and continues to be, a resident of Miami-Dade County, Florida, within the jurisdiction of this Honorable Court.
3. Plaintiff was an employee of Defendant, performing the duties of a Senior Enrollment Specialist in Miami, Florida.

4. Defendant was a “person” and/or an “employer” pursuant to the Florida Civil Rights Act of 1992, *Fla. Stat. Section 760.01, et seq.*, since it employs fifteen or more employees for the applicable statutory period; and 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. At all times material hereto Defendant was an “employer” within the meaning of the Florida Civil Rights Act of 1992, *Fla Stat. Section 760.01, et seq.*.
7. At all times material hereto, Plaintiff was an “employee” within the meaning of the Florida Civil Rights Act of 1992, *Fla Stat. Section 760, et seq.*
8. Venue is proper in Miami-Dade County because all of the actions that form the basis of this Complaint occurred within Miami-Dade County and payment was due in Miami-Dade County.
9. Plaintiff is a White, Hispanic, male individual of Cuban national origin and is a member of a class of persons protected from discrimination in his employment under the Florida Civil Rights Act of 1992 (FCRA), Florida Statute Section 760.
10. Plaintiff previously filed a timely charge of employment discrimination with the Equal Employment Opportunity Commission, the agency which is responsible for investigating claims of employment discrimination.
11. On December 3, 2019, the EEOC issued a “Notice of Right to Sue” notice to Plaintiff and suit was instituted timely.
12. All conditions precedent for the filing of this action before this Court has been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

13. Plaintiff was employed by Defendant from on or about September 8, 2008, until on or about October 18, 2019.
14. Throughout his employment with Defendant, Plaintiff performed the essential functions of his job duties and responsibilities, and at all relevant times, performed his job at satisfactory or above satisfactory levels.
15. During his employment, Plaintiff was subjected to derogatory comments and negative treatment based on his race, Hispanic, and national origin of Cuba.
16. Throughout the duration of his employment with Defendant, Plaintiff was subjected to discriminatory treatment, primarily by three (3) managers and/or supervisors: Angelique Williams (Black, African American), Sheryl LaFranse (Black, African American), and Dorothy Martin (Black, African American).
17. On or about 2013, Plaintiff, along with other co-workers filed EEOC complaints against Defendant and its managers, agents, and representatives for maintaining and failing to address a racially discriminatory, hostile work environment.
18. Following Plaintiff's involvement with the EEOC complaint, Defendant caused Plaintiff's working conditions to become unconscionably unsafe and unsanitary by permitting or Plaintiff's work environment to become rife with health hazards, including, but not limited to, cockroaches, lizards, cockroach feces and rat feces found on his desk, and exposed electrical wires.
19. Plaintiff believes that his working conditions were allowed to deteriorate to the level stated above because Defendant, through its managers, agents, and representatives, were retaliating against him for his involvement with filing the EEOC complaint against them.

20. In 2017, Plaintiff made a request for leave to one of his supervisors, Angelique Williams, so he could handle some personal, family matters. Despite having accumulated over 150 hours of vacation time to satisfy his leave request, Williams denied Plaintiff's request for leave, threw his request form at him, punched Plaintiff in the upper shoulder, and then proceeded to ask Plaintiff a flurry of inappropriate, personal questions.
21. Plaintiff believes that his request for leave would not have been denied, nor would he have been subjected to such inappropriate treatment but for his race and involvement in filing an EEOC charge against Defendant. Upon information and belief, Black, African American employees did not face nearly as harsh resistance when requesting leave from Angelique Williams or other managers and/or supervisors.
22. On or about late July 2018, while Plaintiff was taking his lunch break, Angelique Williams made a discriminatory comment in the presence of and loud enough to be heard by Plaintiff and other Hispanic and non-Hispanic employees, stating "the Spanish speaking employees are the slowest and laziest employees."
23. On another occasion, Angelique Williams falsely accused Plaintiff, saying he did not accomplish his work tasks. Following Williams' accusation, Plaintiff became extremely stressed to the point of needing to be rushed to the emergency room where he was diagnosed with high blood pressure and suffered a permanent red eye as a result of the stress to which his supervisor subjected him.
24. Plaintiff had to endure constant backlash, predicated on race-based animus, from Angelique Williams, which affected him both personally and professionally. Notably, Plaintiff became a target for vulgar comments in-person and over email, verbal and

physical harassment, and negative performance evaluations that were not reflective of the quality of his work.

25. On multiple occasions, another of Plaintiff's supervisors, Sheryl LaFranse, would call Plaintiff by the wrong name, and every time Plaintiff would correct her mistake, LaFranse would reply, "all of you Hispanics look the same to me."
26. Another of Plaintiff's supervisors, Dorothy Martin, on one occasion, asked Plaintiff to come see them. Plaintiff was in the middle of doing another task, so he told Martin to give him two (2) minutes so he could finish what he was doing. Martin responding by saying, "oh, okay, we will call you the two (2) minute man, now."
27. Plaintiff has consistently raised concerns and brought complaints to Human Resources regarding the unfair treatment he was experiencing at the hands of his managers and/or supervisors; however, nothing was done to address and abate the misconduct.
28. Plaintiff believes that several other Hispanic co-workers have left his work site and stopped working for Defendant because Defendant has permitted and/or not meaningfully addressed the persistent racially discriminatory treatment being perpetuated by its Black, African American managers and/or supervisors, creating a hostile work environment for Hispanic employees.
29. Due to the discriminatory treatment endured by Plaintiff at the hands of his supervisors, Plaintiff has been diagnosed with severe depression, for which he had to take four (4) months of FMLA leave between on or about December 2018 until on or about April 2019.
30. On or about October 18, 2019, Plaintiff had his employment with Defendant terminated in retaliation for raising complaints regarding his discriminatory treatment by Defendant's agents and representatives, and any other reason is a mere pretext.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.