

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

MARIA SOCORRO ACUNA,

Case No.: \_\_\_\_\_

Plaintiff,

v.

GREATER MIAMI

HEBREW ACADEMY

Defendant.

\_\_\_\_\_ /

### **COMPLAINT**

COMES NOW, the Plaintiff, MARIA SOCORRO ACUNA, (“Plaintiff”), by and through the undersigned counsel, and pursuant to Rule 1.040, Florida Rules of Civil Procedure, hereby files this Civil Action against the Defendant, GREATER MIAMI HEBREW ACADEMY, (“Defendant”), and in support avers as follows:

### **GENERAL ALLEGATIONS**

1. This is an action by the Plaintiff for damages exceeding \$50,000 excluding attorney fees or costs, pursuant to the Florida Civil Rights Act of 1992, Florida Statutes, Chapter 760, *et seq.* (“FCRA”), to redress injuries resulting from Defendant’s unlawful, discriminatory treatment of Plaintiff.
2. Plaintiff is a person within a class of individuals protected by the FCRA.
3. Plaintiff was and continues to be a resident of Miami, Florida; and was an employee of Defendant, performs duties as a member of the Maintenance Staff for the Defendant, within a company operated business facilitated, located in Miami, Florida.

4. Defendant is an “employer” pursuant to Florida Civil Rights Act of 1992, Fla. Stat. Section 760.01, et seq., (“FCRA”) because it employs fifteen (15) or more employees for the applicable statutory period; and thus, it is subject to the employment discrimination provisions of the applicable statutes.
5. Plaintiff was at all times relevant to this action, working for Defendant in Miami Dade County, Florida, within the jurisdiction of this Honorable Court.
6. Venue is proper in Miami Dade County under Section 47.011 and 47.051, Florida Statutes, because all of the actions complained of herein occurred within the jurisdiction of Miami Dade County, Florida and damages are in Miami Dade County, Florida.
7. Plaintiff timely filed a charge of employment discrimination with the Equal Employment Opportunity Commission (EEOC), the agency which is responsible for investigating claims of employment discrimination.
8. 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. Plaintiff has received a Notice of Right to Sue from the EEOC.

#### **FACTUAL ALLEGATIONS**

9. Plaintiff is a member of a protected class due to her age, disability, and national origin.
10. Plaintiff is a 61-year-old female of Nicaraguan descent who was injured on the job creating a perceived disability.
11. Plaintiff’s former supervisor is 39 years old and of Honduran descent.
12. Plaintiff worked for Defendant as an employee on the Maintenance Staff for a school.
13. Plaintiff worked for Defendant from October 5, 2007 until on or about March 19, 2020.

14. On or about March 19, 2020, Plaintiff and other maintenance employees were asked to return their keys and sent home by the supervisor, Antonio Perez, due to a breakout of COVID 19 at the school.
15. The supervisor told Plaintiff that he would call her when she was to return to work.
16. Plaintiff called approximately three or four times throughout the closure regarding her return to work.
17. On the calls, Antonio would tell Plaintiff that she would eventually be called back into work.
18. Plaintiff also called another supervisor, Paola Rodriguez, about her return to work throughout the closure. She eventually told Plaintiff that only Antonio could provide information about her return to work.
19. Plaintiff submitted a claim for workers' compensation when a broom broke in her hand, and she required stitches.
20. Plaintiff was scheduled to have a procedure done on her left hand following the accident with the broom.
21. Plaintiff discovered that her health insurance had been cancelled without notice to her.
22. Plaintiff called her supervisor Paola Rodriguez about her health insurance; Rodriguez stated to Plaintiff that insurance was cancelled.
23. Rodriguez informed Plaintiff that Defendant was going to call everyone back to work sometime in September of 2020.
24. In October 2020, Antonio stopped taking Plaintiff's calls and informed Plaintiff that she would not be brought back to work for Defendant.

25. In October of 2020, Plaintiff's co-worker told Plaintiff that she had been called back into work and informed Plaintiff that a younger employee had taken over Plaintiff's position.
26. Plaintiff was replaced by a younger employee without a perceived disability and the replacement employee was not of Nicaraguan national origin.
27. All employees who were laid off by Defendant were called back into work except for Plaintiff based on Plaintiff's perceived disability and/or age and/or national origin.
28. Plaintiff requested workers' compensation benefits and was requesting reasonable work accommodations based on the injuries and was retaliated against by Defendant based on these requests in the failure to rehire or bring back Plaintiff to work for Defendant.
29. At all relevant times, Plaintiff was able to perform her job duties and responsibilities at satisfactory or above-satisfactory levels.
30. Any reason proffered by Defendant for her termination is mere pretext for unlawful discrimination.

**COUNT I**  
***DISCRIMINATION BASED ON NATIONAL ORIGIN***  
***IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT***

31. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 30 above as if set out in full herein.
32. Plaintiff is a member of a protected class under the FCRA.
33. By the conduct described above, Defendant has engaged in discrimination against Plaintiff because of Plaintiff's race and subjected the Plaintiff to national origin-based animosity.
34. Such discrimination was based upon the Plaintiff's national origin.

35. Defendant's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination on the basis of Plaintiff's national origin was unlawful but nonetheless acted in reckless disregard of the law.
36. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff possessed the authority to affect the terms conditions and privileges of Plaintiff's employment with the Defendant.
37. Defendant retained all employees who exhibited discriminatory conduct toward the Plaintiff and did so despite the knowledge of said employees engaging in discriminatory actions.
38. As a result of Defendant's actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.
39. The conduct of Defendant, by and through the conduct of its agents, employees, and representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under state and/or federal law.
40. The actions of the Defendant and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to state and/or federal law, to punish the Defendant for its actions and to deter it, and others, from such action in the future.

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