

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

RUTH JOHNSON
9727 MOUNT PISGAH ROAD, APT #611
SILVER SPRING, MD 20903,

Plaintiff,

v.

BOARD OF EDUCATION OF
PRINCE GEORGE'S COUNTY
14201 SCHOOL LANE
UPPER MARLBORO, MD 20772,

and

PRINCE GEORGE'S COUNTY
EDUCATOR'S ASSOCIATION
8008 MARLBORO PIKE
FORESTVILLE, MD 20747,

Defendants.

Civil Action No.

COMPLAINT

COMES NOW Plaintiff through undersigned counsel states as follows:

JURISDICTION AND VENUE

1. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of equal protection rights secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.
2. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

3. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d-7 et seq. The U.S. Department of Education has provided Maryland public schools with more than \$1 billion under the American Recovery and Reinvestment Act of 2009. Prince George's County Public Schools are receiving stimulus funds for the express purpose of creating jobs and maintaining existing ones. Title VI requires the recipients of federal funds to waive Eleventh Amendment sovereign immunity.
4. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Section 504 of the 1973 Rehabilitation Act, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq., The U.S. Department of Education has provided Maryland public schools with more than \$1 billion under the American Recovery and Reinvestment Act of 2009. Prince George's County Public Schools are receiving stimulus funds. Section 504 requires the recipients of federal funds to waive Eleventh Amendment sovereign immunity.
5. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by the 42 U.S.C § 1981.
6. Venue lies in this District pursuant to 42 U.S.C. § 2000e-5(f)(3) and because the events and occurrences giving rise to this action occurred within this judicial district.

Pendant Claims

7. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Negligent Supervision and Retention laws.

8. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Civil Conspiracy laws.

PARTIES

9. Ruth Johnson is a current employee of Prince George's County Public Schools.

10. The Prince George's County Public Schools and the Prince George's County Educator's Association are located in Prince George's County, Maryland.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Plaintiff Ruth Johnson filed a timely complaint with the Equal Employment Opportunity Commission, Charge No. 531201001579. On January 31, 2011, EEOC issued a Notice of Right to Sue letter to Dr. Johnson.

STATEMENT OF CLAIM

Ruth Johnson

Introduction

12. Ruth Johnson has a PhD and is employed as a guidance counselor by Prince George's County Public Schools.

13. Dr. Johnson has been an educator for forty years and an employee of the Prince George's Public Schools for fifteen years.

14. Dr. Johnson is a seventy five (75) year old African American woman.

15. Prince George's Public Schools are predominately African American.

16. Dr. Johnson is disabled due to a permanent back injury that makes it difficult for her to walk.

17. In January 2008, Dr. Johnson was assigned to Largo High School in order to accommodate her disability.

18. Dr. Johnson was assigned to an office that was close to the area where student records are stored and close to a bathroom.
19. Angelique Simpson-Marcus is the principal of Largo High School.
20. Principal Simpson-Marcus is also an African American woman.
21. In June 2008, an African American secretary, complained to Dr. Johnson that Principal Simpson-Marcus was harassing her.
22. Principal Simpson-Marcus was regularly calling two African American secretaries, derogatory names, such as, “chicken head”, “hood rat”, and “ghetto” in the presence of students, teachers, and staff.
23. Around September 2008, Dr. Johnson entered the classroom of a white English teacher to give a presentation to the students about guidance counselor services.
24. The students immediately complained to Dr. Johnson that Principal Simpson-Marcus was coming into the classroom and harassing the white English teacher.
25. The white English teacher confirmed what his student had told Dr. Johnson.
26. Dr. Johnson concluded that the white English teacher was being harassed by Principal Simpson-Marcus because of his race.
27. In 2003, Principal Simpson-Marcus, then a physical education teacher, told her gym class: “The only reason a white man teaches in PG County is that they can’t get a job elsewhere.”
28. Dr. Johnson organized an ad hoc committee of teachers and staff that opposed Principal Simpson-Marcus’ discriminatory practices.
29. Dr. Johnson contacted the Superintendent’s office in order to arrange a meeting with the Superintendent.

30. Interim Superintendent, Dr. William Hite, agreed to meet with Dr. Johnson and her group.
31. Dr. Hite informed the group that he would meet with them at Largo High School.
32. On October 10, 2008, Dr. Hite arrived at Largo High School and met with the group for about an hour.
33. During the meeting, Principal Simpson-Marcus opened the door and briefly looked inside the room.
34. Dr. Johnson specifically told Dr. Hite that Principal Simpson-Marcus was harassing a white English teacher because of his race.
35. Dr. Johnson also told Dr. Hite that Principal Simpson-Marcus was harassing her secretaries.
36. However, Dr. Hite refused to accept documents Dr. Johnson presented to him.
37. Dr. Hite said, "If I accept this material, I might have to act on it".
38. Dr. Johnson expressed her concern about retaliation, but Dr. Hite assured the group that there would be no retaliation.
39. Neither Dr. Johnson nor the group heard from Dr. Hite again.
40. Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.

Retaliation

41. Three days after the meeting with Dr. Hite, Principal Simpson-Marcus informed Dr. Johnson that she would be moved to a new office.
42. The new office was approximately a quarter mile away from the area where student records are stored.

43. Dr. Johnson, who has difficulty walking, would find it difficult to perform her job.
44. On October 22, 2008, I filed a retaliation complaint against Principal Simpson-Marcus with the PGCPs Equity Assurance office.
45. Dr. Johnson was not moved to a new office.
46. Principal Simpson-Marcus presented Dr. Johnson with a reprimand.
47. In the presence of her staff, Principal Simpson-Marcus referred to Dr. Johnson as “old ass” and “old baggage”.
48. Principal Simpson-Marcus would say, “Why doesn’t her old ass retire.”
49. Principal Simpson-Marcus mocked the way Dr. Johnson walked, stooped over, and referred to her as “high ass”.
50. On May 22, 2009, Principal Simpson-Marcus presented Dr. Johnson with a satisfactory job performance evaluation, but informed Dr. Johnson that she would be transferred to another school.
51. Dr. Johnson asked Principal Simpson-Marcus why she was being transferred, Principal Simpson-Marcus responded, “You talked to my boss”.
52. In August 2009, Principal Simpson-Marcus transferred Dr. Johnson to another school against her will.
53. Principal Simpson-Marcus bragged to her staff about transferring Dr. Johnson to another school.
54. At the new school, Dr. Johnson’s office was not close to a bathroom.
55. Prince George’s County Public Schools has resisted Dr. Johnson’s effort to be transferred back to Largo High School.

PGCEA Breached Its Duty of Fair Representation

56. Following her transfer, Dr. Johnson filed a grievance with PGCEA against Principal Simpson-Marcus.
57. Jimelatrice Gilbert-Thomas, a PGCEA Uniserv director, informed Dr. Johnson that the involuntary transfer violated the Negotiated Agreement.
58. However, the PGCEA refused to take Dr. Johnson's grievance to arbitration, the next step called for in the Negotiated Agreement.
59. On several occasions, Dr. Johnson heard Principal Simpson-Marcus brag about her good relationship with Ms. Gilbert-Thomas and challenge teachers and staff to file complaints against her with PGCEA.

Count I – Title VII (Retaliation)

60. Dr. Johnson incorporates by reference all of the preceding paragraphs.
61. Dr. Johnson learned during the summer and fall of 2008 that Principal Simpson-Marcus was harassing: 1) a white English teacher because of his race, and 2) two African American secretaries with sexual name-calling.
62. In October 2008, Dr. Johnson arranged a meeting with then Interim Superintendent Hite and reported to him that Principal Simpson-Marcus was harassing a white English teacher and some African American secretaries.
63. Dr. Hite never got back to Dr. Johnson or her group.
64. Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.

65. Three days later, Principal Simpson-Marcus told Dr. Johnson that she was being relocated to a remote office, despite her disability.
66. Dr. Johnson filed a retaliation complaint with PGCPS Equity Assurance office.
67. Principal Simpson-Marcus presented Dr. Johnson with a reprimand.
68. Principal Simpson-Marcus transferred Dr. Johnson to another school against her will.
69. Prince George's County Public Schools resisted Dr. Johnson's effort to be transferred back to Largo High School.
70. Principal Simpson-Marcus transferred Dr. Johnson at the earliest opportunity after Dr. Johnson complained to Interim Superintendent Hite and the PGCPS Equity Assurance office.

Count II – Title VI (Retaliation)

71. Dr. Johnson incorporates by reference all of the preceding paragraphs.
72. Prince George's County Public Schools retaliated against Dr. Johnson for engaging in protected activity.

Count III - Section 504 of the 1973 Rehabilitation Act (Retaliation)

73. Dr. Johnson incorporates by reference all of the preceding paragraphs.
74. Prince George's County Public Schools retaliated against Dr. Johnson for engaging in protected activity.

Count IV – 42 U.S.C. § 1981 (Prince George's County Educator's Association)

75. Dr. Johnson incorporates by reference all of the preceding paragraphs.

76. The Prince George's County Educator's Association breached its duty of fair representation.

77. In 2009, Dr. Johnson filed a grievance with PGCEA against Principal Simpson-Marcus.

78. Jimelatrice Gilbert-Thomas, a PGCEA Uniserv director, informed Dr. Johnson that the involuntary transfer violated the Negotiated Agreement.

79. However, the PGCEA refused to take Dr. Johnson's grievance to arbitration, the next step called for in the Negotiated Agreement.

Count V - Negligent Supervision and Retention (Prince George's County Public Schools)

80. Dr. Johnson incorporates by reference all of the preceding paragraphs.

81. Principal Simpson-Marcus' conduct was malicious.

82. Principal Simpson-Marcus's malicious conduct caused Dr. Johnson severe emotional distress.

83. Prince George's County Public Schools breached its duty to protect Dr. Johnson from Principal Simpson-Marcus' malicious conduct.

Count VI - Civil Conspiracy (Prince George's County Public Schools and Prince George's County Educator's Association)

84. Dr. Johnson incorporates by reference all of the preceding paragraphs.

85. Prince George's County Public Schools and the Prince George's County Educator's Association are co-conspirators.

86. Prince George's County Public Schools allowed Principal Simpson-Marcus to harass teachers and staff.
87. The Prince George's County Educator's Association refused to pursue discrimination and retaliation complaints against Principal Simpson-Marcus.
88. Dr. Johnson suffered harm because of the Prince George's County Educator's Association's refusal to pursue her discrimination/retaliation complaint against Principal Simpson-Marcus.

Emotional Pain and Suffering

89. Dr. Johnson continues to experience emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other pecuniary and non pecuniary losses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays this court:

- (a) Issue a declaratory judgment that Defendants' acts, policies, practices and procedures complained of herein-violated Plaintiff's rights as secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution; Title VII of CRA; Title VI of CRA; 504 of the Rehabilitation Act; 42 U.S.C. § 1981; Negligent Supervision and Retention; Civil Conspiracy laws; and, Order Defendants to make whole Plaintiff who has been adversely affected by the policies and practices described herein in an amount to be shown at trial and other affirmative relief;
- (b) Compensate the Plaintiff for loss pay and benefits, with interest;
- (c) Retain jurisdiction over this action to assure full compliance with the orders of the court and with applicable law and require defendants to file such reports as the court deems necessary to evaluate compliance;

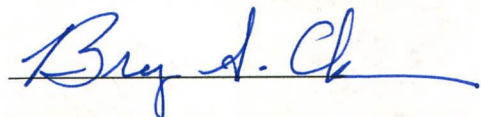
- (d) To award them reasonable attorney's fees and costs of this action;
- (e) Award Plaintiff compensatory and punitive damages; and,
- (f) Grant such additional relief as the court deems just and proper; and

WHEREFORE, the premises considered, the Plaintiff demands judgment against the Defendant(s) in the amount of five million dollars (\$5,000,000).

JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,



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