

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

LANA SUTTON,

Plaintiff

vs.

CITY OF CHATTANOOGA, TENNESSEE,

Defendant

NO. 12C1124

JURY DEMAND

12 SEP 18 PM 3:42
FILED IN OFFICE, CLERK
PAULA T. THOMPSON
BY [Signature]

COMPLAINT

Plaintiff sues Defendant (hereinafter referred to as "Defendant") in the amount of \$350,000 and shows the Court as follows:

I. JURISDICTION

1. The jurisdiction of this Court is invoked by Plaintiff pursuant to 42 U.S.C. §2000e to secure protection and redress for the deprivation of rights granted by Title VII as amended, providing for injunctive and other relief against sexual harassment, a sexually hostile work environment, and retaliation in employment.

II. NATURE OF PROCEEDING

2. This is a proceeding for back pay and benefits due Plaintiff; for injunctive relief requiring Defendant's reemployment of Plaintiff; for compensatory damages; attorney's fees, costs, and for such additional damages as may be necessary to effectuate the purposes of Title VII.

III. THE PARTIES

3. Plaintiff is a female resident of Chattanooga, Hamilton County, Tennessee, and was employed by Defendant in Chattanooga, Hamilton County, Tennessee.

4. Defendant is a municipality employing individuals in Chattanooga, Tennessee. Defendant's operations are sufficient to classify Defendant as "employer" within the meaning of 42 U.S.C. §2000e and to subject Defendant to the provisions of Title VII.

IV. FACTUAL BASES OF PLAINTIFF'S CLAIMS

5. Plaintiff was employed as a part-time fitness trainer for the City of Chattanooga from 2007 until her constructive discharge in April 2011.

6. For the first three years of my employment, Plaintiff worked at the downtown location near City Hall.

7. Shortly after Plaintiff's employment with the City began, Paul Page, a management employee with the City and close friend of Mayor Ron Littlefield, began making sexually inappropriate comments to me. Mr. Page told me that he wanted me to "get naked in the back" with him, told her that she was in trouble for "not dressing sexy enough", and told her that he wanted to put a bed in the back room so that they could "relax in there."

8. Mr. Page told Plaintiff that if she would do "special favors" for him that she could have any job that she wanted and a pay raise. Mr. Page also told Plaintiff that she needed to "entertain" executives and heads of giant corporations coming into Chattanooga. Each time, Plaintiff refused Mr. Page's sexual demands.

9. As Plaintiff continued to refuse Mr. Page's sexual demands, Mr. Page became increasingly angry. Mr. Page told Plaintiff that she was insubordinate for not wearing sexier clothing at the gym and kept reminding Plaintiff that he controlled her jobs and he had lots of girls giving him special favors.

10. Plaintiff complained to her supervisor and upper management about Mr. Page's inappropriate sexual behavior and sexual harassment, but she was told that Mr. Page was a special friend of the Mayor and that there was nothing that anyone could do. Plaintiff was told that she needed to get along with Mr. Page and try to please him.

11. In December 2008, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission.

11. Mr. Page's sexual comments and innuendos were constant and threatening.

12. Only two months after Plaintiff filed her sexual harassment charge, she was terminated. However, another manager who was aware of the sexual harassment rehired Plaintiff

and moved her to the Warner Park facility. The Warner Park facility was the facility where probationers and prisoners worked out. Plaintiff was warned that if in effect she did not keep quiet that the Mayor could have some of the prisoners assault her or even murder her. After Plaintiff's car was vandalized on more than once occasion, Plaintiff became so fearful for her safety that she was forced to quit her employment with the City.

13. Despite Plaintiff's many complaints of sexual harassment and a sexually hostile work environment, the City did not terminate Paul Page's employment. It was only after reports from the local newspaper that the City allowed Mr. Page to retire.

V. PLAINTIFF'S CLAIMS

14. Plaintiff was subjected to a sexually-hostile work environment by one of Defendant's managing agents in violation of 42 U.S.C. §2000e, *et seq.*

15. Plaintiff was a victim of sexual harassment in violation of 42 U.S.C. §2000e, *et seq.*

16. Plaintiff was retaliated against for refusing improper sexual advances in violation of 42 U.S.C. §2000e, *et seq.*

VI. JURISDICTIONAL PREREQUISITE

17. Plaintiff has filed a charge of discrimination with the Equal Employment Opportunity Commission and received a Right to Sue dated June 21, 2012.

VII. DAMAGES

18. As a result of the wrongful action of Defendant in allowing the sexual harassment and retaliating against Plaintiff because of her sex, Plaintiff has suffered both financially and emotionally. In particular, Plaintiff lost and will continue to lose salary, opportunities and advancement, and various employee benefits that she would have earned had she been allowed to continue in her employment with Defendant in Chattanooga, Tennessee. In addition to the actual and financial loss Plaintiff has sustained, she has suffered great mental anguish resulting from the embarrassment and humiliation that she experienced because of Defendant's actions.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays as follows:

a. That the Court issue and serve process on Defendant and require Defendant to answer within the time prescribed by law;

b. That upon the hearing of this cause Plaintiff be awarded judgment for damages for lost wages and the value of all employment benefits which she has lost from the date of Defendant's discriminatory action;

c. That the Court issue an injunction requiring Defendant to reinstate Plaintiff to her former position or at an equivalent job with all employment rights and benefits to which she would have been entitled but for her discharge, and without harassment or illegal conditions imposed on her job, or, in the alternative, front pay and benefits in lieu of reinstatement.

d. That Plaintiff be awarded additional compensatory damages as are allowed pursuant to the provisions of 42 U.S.C. §2000e, *et seq.*;

e. That Plaintiff be awarded attorney fees and such other and further relief as the Court deems proper pursuant to 42 U.S.C. §2000e, *et seq.*; and

f. Plaintiff demands a jury to try all claims and issues triable by a jury.

BURNETTE, DOBSON & PINCHAK

By: _____



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