

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION
2024 JAN 30 P 3:52

SABRINA BOND
1128 Hartford Town Drive
Abingdale, Maryland 21009

Plaintiff,

vs.

Case Number:

Judge:

AMD 04 CV 269

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS;
ROBERT MOORE-EL, individually and in his
Official capacity as Supervisor of Grounds,
LARRY SLADETARY, individually and
in his capacity as Plant Manager;
TOM SEWELL, individually and in his
capacity as the Maintenance Department
Supervisor; RICHARD BANKS, Individually
and in his capacity as Plant Manager; and
ROY BROWN, individually and in his
Capacity as Mechanic Supervisor

Defendants.

COMPLAINT

COMES NOW Plaintiff, Sabrina Bond by and through their counsel, on behalf of herself and all other similarly situated individuals and states as follows:

JURISDICTION

1 The jurisdiction of this court to hear these matters is properly invoked by Plaintiff pursuant to 28 U.S.C. §1331, together with 42 U.S.C. § 1983, 42 U.S.C. § 2000e, Articles 24 of the Maryland Declaration of Rights, false imprisonment, negligent hiring and retention, and intentional infliction of emotional distress. Specifically, this is a complaint stating causes of action under Title VII of the Civil Rights Act, alleging discriminatory treatment of Plaintiff in her employment with Defendant on the basis of her gender, which is female.

2. Venue is proper based upon the fact that the Plaintiff resides and works in Baltimore City. Defendants are employees of the Government of the City of Baltimore, and the conduct that gives rise to the claims alleged herein occurred on the premises of a Baltimore City government building.

PARTIES

3. Plaintiff Sabrina Bond is a resident of Baltimore City, Maryland, and began her employment as a carpenter with the City of Baltimore's Department of Public Works in July of 2000.

4. At all times relevant herein, the Plaintiff's supervisors, acting as agents for Defendant City of Baltimore government, were state actors within the meaning of 42 U.S.C. § 1983.

ADMINISTRATIVE PROCEEDINGS

5. Within the time prescribed by law, Plaintiff filed with the Equal Employment Opportunity Commission a complaint of discrimination and retaliation against City of Baltimore's Department of Public Works and its agents.

6. Plaintiff has exhausted her administrative remedies with City of Baltimore in that such charges were subject to a final decision by the Equal Employment Opportunity Commission within ninety days of the filing of this Complaint.

FACTS

7. Plaintiff has been employed as a Carpenter I with the City of Baltimore's Department of Public Works ("DPW"), at its Patapsco Water Plant since June 2000.

8. Shortly after beginning her work with the DPW, and through February 2003, Plaintiff was discriminated against on the basis of her gender in the form of being subjected to repeated instances of intentional sexual harassment, as well as being forced to work in an environment that became increasingly hostile as a result of the same conduct.

9. The acts constituting the sexual harassment against Plaintiff were perpetrated by both Plaintiff's co-workers and supervisors, among whom included, but was not limited to, her immediate supervisor Robert Moore-El (hereinafter Moore-El), co-worker Nathan McFadden (hereinafter McFadden), co-worker Stanley Watts (hereinafter Watts), co-worker K. Butler (hereinafter Butler), and Mechanic Shop Supervisor Roy Brown (hereinafter Brown).

10. Beginning in July 2000 and continuing through March 2003, some of the sexual harassing statements made to Plaintiff included, but were not limited to (Moore-El and McFadden).

1. "Can I touch your hair."
2. "Can I see those (pointing to plaintiff's chest)."
3. "Can I touch the hair on your chest."
4. "If you were a man I would flip you over and suck your dick."
5. "Since you do not want me maybe your mother might."
6. "If we were together I would beat you up and pull your hair from the back."

11. In addition, some of the sexually harassing conduct that was visited upon Plaintiff included, but was not limited to.

1. Standing near Plaintiff and rubbing themselves on her.
2. Touching Plaintiff's hair without permission.
3. Standing in Plaintiff's face, approximately 5-8 inches, and telling her that she will be "beat down."
4. Pulling down their pants and shaking their penises in front of Plaintiff and other male and female employees.
5. Pulling down their pants, while exposing their undergarments, to supposedly tuck in a shirt.
6. Viewing internet pornography on the job and in the presence of Plaintiff.
7. Giving Plaintiff a steel dildo as a part of a Department Christmas gift exchange function
8. Grabbing, fondling and hugging other men as if to imitate what they would do to Plaintiff.

12. On several occasions, including as early as August 2000, Plaintiff filed no less than 15 complaints with the Management of the Plant, in addition to registering a number of complaints orally with her immediate supervisor Moore-El; the Department manager, Tom Sewelle (hereinafter Sewelle); and the Plant Managers, Larry Slattery (hereinafter Slattery) and Richard Banks (hereinafter Banks). Further, in August 2000, a formal meeting was held at the direction of the Office of Compliance, and which included both employees and senior management, regarding Plaintiff's sexual harassment allegation.

13. Shortly after the initial incidents in August 2000, Plaintiff endured physical, emotional and psychological distress from the harassing and abusive conduct. Plaintiff was forced to retreat to the locker room to avoid the individuals who were perpetrating these acts. In

some instances, Plaintiff would be forced to remain in the locker room for virtually the entire day.

14. Defendant Moor-El took advantage of his position as Plaintiff's supervisor by initiating lewd conversation about women in Plaintiff's presence; and allowing employees to walk around in Plaintiff's presence with their pants unbutton and their shirts open.

15. Defendant Moore-El advised Plaintiff not to discuss what was going on in the shop, because she needed the help of the "guys", especially during Plaintiff's six-month probationary period. Specifically, that if the Defendants felt that Plaintiff was "trouble" Plaintiff could be fired for any reason during this six-month period.

16. Plaintiff questioned Defendant Neal regarding the truthfulness concerning the six-month probationary period and Defendant Neal verified the information and also advised Plaintiff to "chill out."

17. As a result, Plaintiff did not complain as much, but Defendants continued with the harassment; specifically, some of the sexually harassing conduct that was visited upon Plaintiff included, but was not limited to:

- 1 Defendant Moore-El telling Plaintiff that if she was a man, "I would flip you over and suck your dick."
2. Defendant Moore-El continually attempting to touch Plaintiff's hair.
3. Defendant Moore-El grabbing the ass of the other Defendant's in Plaintiff's presence.
4. Defendant McFadden continually asking Plaintiff for sex.
5. Defendants betting on who would get Plaintiff in bed first.

- 6 Making sexist comments regarding other female co-workers in Plaintiff's presence.
7. Making seductive comments to Plaintiff regarding the way Plaintiff dresses
8. Continually propositioning Plaintiff with unwanted requests for dates or sex
9. Being questioned by Defendant McFadden regarding where the dildo he had given her for Christmas was and that he hoped that she had it at home on top of the television where Plaintiff's man could see it.

18. In 2001, it became increasingly difficult for Plaintiff to report to work.

19. In March 2001, Plaintiff placed a Letter of Harassment in the mailbox of Defendants Slattery, Moore-El and Swelle, detailing an incident where Defendant Butler questioned Plaintiff regarding her breasts. During a meeting to discuss this incident, they questioned whether Plaintiff had forwarded the letter to anyone outside of the plant.

During this meeting, Plaintiff advised Defendants that the incident made her very uncomfortable, to the point that she felt it necessary to carry a "blade."

21 Defendant Jackson advised Plaintiff that she was overreacting.

Plaintiff requested a meeting with Defendant Sewell and advised him that Defendant Moore-El was not handling the situation and that Defendant Moore-El was part of the problem. Defendant Sewell assured Plaintiff that he would handle the situation.

23 Shortly thereafter, Plaintiff was advised that she could not carry a "blade."

24. By April 2001 the situation had not improved, so that Plaintiff stayed in the locker room more and more on a daily basis.

During this time, Plaintiff's mother became ill and instead of genuinely inquiring

about her health, Defendant Moore-El advised Plaintiff that when her mother got better, “asks her if she wants a real man since her daughter doesn’t. Maybe she would like a new car and a new lover.”

26. Defendant Moore-El continued attempting to touch Plaintiff’s hair and to brush up his chest to Plaintiff’s breast.

27. Despite Plaintiff’s insistence that she did not want to go out with Defendant Brown, Defendant Brown continuously asked Plaintiff if she wanted to go out.

28. During this time, Plaintiff’s work area was off limits to everyone except Plaintiff’s male co-workers.

29. In June 2001, Defendant Sterling questioned Plaintiff whether it was the 8th. When Plaintiff responded by asking why he was asking if it was the 8th, Defendant Sterling responded that Plaintiff comes on her period on the 8th.

30. In the Fall of 2001, Plaintiff walked into the shop to retrieve a tool and encountered Defendants Moore-El, Carlos, and McFadden. Upon retrieving the tool, Plaintiff turned to leave the shop and saw Defendant Moore-El pull down his pants and shake his penis at her.

In October 2001, Plaintiff fell and hit her head while on the tower. Upon seeing Plaintiff, Defendant McFadden commented to the other co-workers that Plaintiff as dirty because she was giving a co-worker head.

32. In 2002 as a result of the continued harassment, upon completion of assignments, Plaintiff spent the majority of the time inside the locker room and would only come out of when Defendants made her come out.

In November 2002, Plaintiff would be placed under the supervision of Defendant

Moore-El on days when her new supervisor was off. During these times, Defendant Moore-El continued the harassment of Plaintiff by rubbing up against Plaintiff.

34 In December 2002, Plaintiff stayed in the locker room so much that another co-worker complained and Plaintiff's supervisor made her come out.

In January 2003, Plaintiff along with her female co-workers (Jackson and Young) were about to step off the elevator when they encountered Defendant Butler standing in front of the elevator door with his pants down and no underwear on. At the same time, there were also about six other male co-workers standing there as if there was nothing wrong with the situation. No attempt was made by Defendant Butler to pull up his pants.

36 Also in January 2003, Plaintiff filed a complaint against Defendant Moore-El for viewing porn on the office computer.

37 In February 2003, Plaintiff ultimately was forced to seek medical attention due to the physical, emotional and psychological distress she sustained, and continues to experience as a result of the sexual harassment and abusive acts that she endured throughout her tenure with DPW. Plaintiff has sought medical diagnoses from medical doctors, psychologists and licensed social workers to address the trauma she sustained.

As a result, Plaintiff has been prescribed a mental health treatment plan, which consists of obtaining regular counseling sessions from a professional psychologist, medication to ease anxieties, and instructed to not return to work until either her mental stability improves or the conditions at her work place are remedied. Plaintiff has not returned to work since February, and continues to see her psychologist and take the prescribed medication.

39 The treating physicians and professionals has diagnosed Plaintiff's distress as clearly linked to the sexual harassment and abuse that she has endured on her job.

COUNT I
VIOLATION OF EQUAL PROTECTION CLAUSE OF THE FOURTEENTH
AMENDMENT, 42 U.S.C. § 1983 AND ARTICLE 24 OF THE MARYLAND
DECLARATION OF RIGHTS OF THE MARYLAND CONSTITUTION

40. The Plaintiff restates, realleges, and incorporates by reference the averments set forth in paragraphs through 39 as if fully set forth herein.

41 All the forgoing conduct herein alleged constitutes violations of the equal protection clause of the Fourteenth Amendment of the United States Constitution, Articles 24 of the Maryland Declaration of Rights, and 42 U.S.C. § 1983.

42. Plaintiff have no plain, adequate or complete remedy at law to redress the wrongs alleged herein and the injunctive relief sought in this action is the only means of securing complete and adequate relief Plaintiff are now suffering and will continue to suffer irreparable injury from the Defendant's discriminatory acts and omissions.

43 These actions and circumstances on the part of DPW evidence and illustrate a prevalent, continuous and pervasive pattern of condoning sexual harassment against the Plaintiff that amounted to a custom, practice and policy of the DPW, which in turn has caused, and continues to cause, plaintiff to suffer humiliation, embarrassment, mental anguish, pain and suffering.

44. Defendant's actions resulted in their failure to properly investigate and address Plaintiff's allegations of sexual harassment, and in effect acquiesced to the sexual harassment conduct. The malfeasance and nonfeasance on the part of Plaintiff's immediate supervisor, the Department supervisor and the plant manager amounted to an accepted custom, practice and policy of the City of Baltimore's DPW. The supervisors of DPW not only failed to take any meaningful remedial action, but where some corrective measures were taken, no follow-up action was taken to ensure that the harassing conduct had in fact ceased.

45 As a result, the actions and inactions of the supervisors, who were acting as agents for the City of Baltimore, amounted to a conscious failure of the state actors to protect Plaintiff from intentional conduct, and the abusive condition created by her fellow employees and supervisors, and demonstrated a deliberate indifference to Plaintiff's federal and state protected rights. In fact, in many instances, the sexual harassment occurred at the direction of supervisors and with their express consent. The Defendants conduct was so severe that it resulted in the deprivation of Plaintiff's liberties, thereby restricting Plaintiff's movement in the employment area.

46 Further, in light of the repeated complaints filed with the Plant's management, and the oral reports given to the senior management, DPW senior management were sufficiently apprised and on notice of the abuse endured by Plaintiff. As such, for those sexually harassing incidents that occurred after such notice was given demonstrates a failure by DPW officials to protect the Plaintiff from further abuse. In this regard, the senior management's failure to act is evidence of a sexually discriminatory and hostile work environment that was condoned at the level of state agents acting under the color of law.

47 Defendant DPW did the acts herein alleged intentionally and with an improper and evil motive amounting to malice and in conscious disregard of Plaintiff.

COUNT II

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

48 The Plaintiffs restates, realleges, and incorporates by reference the averments set forth in paragraphs 1 through 47 as if fully set forth herein.

49. All the foregoing conduct herein alleged constitutes intentional infliction of emotional distress.

50 Plaintiff have no plain, adequate or complete remedy at law to redress the wrongs

alleged herein and the injunctive relief sought in this action is the only means of securing complete and adequate relief Plaintiffs are now suffering and will continue to suffer irreparable injury from the Defendant's discriminatory acts and omissions.

These actions and circumstances on the part of DPW evidence and illustrate intentional or reckless conduct that was extreme and outrageous and beyond all bounds of decency so as to shock the conscience of all reasonable people, which was the proximate and cause in fact of plaintiff's severe emotional distress, humiliation, embarrassment, mental anguish, pain and suffering.

52. Defendant DPW did the acts herein alleged intentionally and with an improper and evil motive amounting to malice and in conscious disregard of Plaintiff.

COUNT III
NEGLIGENT SUPERVISION AND RETENTION

The Plaintiffs restates, realleges, and incorporates by reference the averments set forth in paragraphs 1 through 52 as if fully set forth herein.

54. All the foregoing conducts herein alleged constitutes negligent supervision and retention.

55. Plaintiff have no plain, adequate or complete remedy at law to redress the wrongs alleged herein and the injunctive relief sought in this action is the only means of securing complete and adequate relief Plaintiffs are now suffering and will continue to suffer irreparable injury from the Defendant's discriminatory acts and omissions.

56. These actions and circumstances on the part of DPW evidence and illustrate a prevalent, continuous and pervasive pattern of condoning sexual harassment against the Plaintiff that amounted to a custom, practice and policy of the DPW, which in turn has caused, and

continues to cause, plaintiff to suffer humiliation, embarrassment, mental anguish, pain and suffering.

57. Defendant's actions resulted in their failure to properly investigate and address Plaintiff's allegations of sexual harassment, and in effect acquiesced to the sexual harassment conduct. The malfeasance and nonfeasance on the part of Plaintiff's immediate supervisor, the Department supervisor and the plant manager amounted to an accepted custom, practice and policy of the City of Baltimore's DPW. The supervisors of DPW not only failed to take any meaningful remedial action, but where some corrective measures were taken, no follow-up action was taken to ensure that the harassing conduct had in fact ceased.

58. As a result, the actions and inactions of the supervisors, who were acting as agents for the City of Baltimore, amounted to a conscious failure of the state actors to protect Plaintiff from intentional conduct, and the abusive condition created by her fellow employees and supervisors, and demonstrated a deliberate indifference to Plaintiff's federal and state protected rights. In fact, in many instances, the sexual harassment occurred at the direction of supervisors and with their express consent.

59. Further, in light of the repeated complaints filed with the Plant's management, and the oral reports given to the senior management, DPW senior management were sufficiently apprised and on notice of the abuse endured by Plaintiff. As such, for those sexually harassing incidents that occurred after such notice was given demonstrates a failure by DPW officials to protect the Plaintiff from further abuse. In this regard, the senior management's failure to act is evidence of a sexually discriminatory and hostile work environment that was condoned at the level of state agents acting under the color of law.

60. Defendant DPW did the acts herein alleged intentionally and with an improper

and evil motive amounting to malice and in conscious disregard of Plaintiff.

COUNT IV
(GENDER BASED DISCRIMINATION –
42 U.S.C. § 2000e-2)

61. The Plaintiffs restates, realleges, and incorporates by reference the averments set forth in paragraphs 1 through 60 as if fully set forth herein.

62. Plaintiff is a member of a protected group, which is female, in accordance with 42 U.S.C. § 2000e.

63. Discrimination, in the form of harassment, against members of a protected group is prohibited by 42 U.S.C. § 2000e-2.

64. All the forgoing conduct herein alleged constitutes violations of 42 U.S.C. § 2000e-3.

65. These actions and circumstances evidence and illustrate a prevalent, continuous and pervasive pattern of condoning sexual harassment against the Plaintiff that amounted to a custom, practice and policy of the DPW, which were un-welcomed by Plaintiff and was done with the purpose and effect of substantially interfering with Plaintiff's employment.

66. These actions and circumstances evidence and illustrate a prevalent, continuous and pervasive pattern of condoning sexual harassment against the Plaintiff that amounted to a custom, practice and policy of the DPW, which were un-welcomed by Plaintiff and was done with the purpose and effect of creating an intimidating, hostile and offensive work environment.

67. Defendant's actions resulted in their failure to properly investigate and address Plaintiff's allegations of sexual harassment, and in effect acquiesced to the sexual harassment conduct. The malfeasance and nonfeasance on the part of Plaintiff's immediate supervisor, the Department supervisor and the plant manager amounted to an accepted custom, practice and

policy of the City of Baltimore's DPW. The supervisors of DPW not only failed to take any meaningful remedial action, but where some corrective measures were taken, no follow-up action was taken to ensure that the harassing conduct had in fact ceased.

68. Such practices constitute a continuing violation under 42 U.S.C. § 2000e-2.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff respectfully demand that this Honorable Court provide for relief as follows:

Compensatory damages which Plaintiff, has sustained as a result of the Defendants' illegal discriminatory conduct for emotional distress, humiliation, embarrassment, mental anguish, pain and suffering in the amount of Fifteen Million Dollars (\$15,000,000.00).

2. Punitive damages for its willful and malicious violation of Federal and State Civil Rights laws in the amount of Fifteen Million Dollars (\$15,000,000.00).

3. A preliminary and permanent injunction against Defendant City of Baltimore, its' supervisors, agents, employees, representatives and all other persons acting in concert on behalf to the City of Baltimore, from engaging in the heretofore mentioned unlawful practices, patterns, policies and customs.

4. Declaratory judgments that the practices herein complained of are unlawful and violate of 42 U.S.C. § 1983

5. All cost included herein, including all reasonable attorney fees, plus pre and post judgment interest.

6. Such other relief as this Honorable court deems just.

PLAINTIFF REQUEST TRIAL BY JURY

**Respectfully submitted,
MARTIN AND JAMES P.C.**

A handwritten signature in cursive script, reading "Lolita James Martin", is written over a horizontal line.

**Lolita James Martin
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