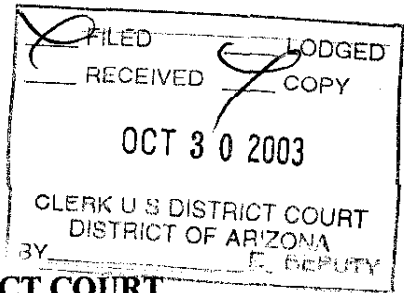


1 Scott M. McNair
(Plaintiff, Pro Per)

2 Phoenix, Arizona



3
4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE DISTRICT OF ARIZONA**

6 SCOTT M. MCNAIR
7 Plaintiff (Pro Per)

8 vs.

9 MARICOPA COUNTY;
10 KENNETH MEDLIN;
11 TERRY PETERSON;
12 JENNIPHER RAMSEY
13 Defendants

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CV _____

COMPLAINT
(Jury Trial Demanded)

14
15 **NATURE OF ACTION**

- 16 1. This is an action, in part, under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
17 2000e et seq. ("Title VII") and Title I of the Civil Rights Act of 1991, 42 U.S.C. 1981a, to correct
18 unlawful employment practices on the basis of sexual harassment and retaliation, and to provide
19 appropriate relief to Scott McNair (the "Plaintiff") who as adversely affected by such.
- 20 2. The Plaintiff alleges the Defendants subjected him to ongoing sexual harassment, retaliated against
21 him for opposing such by deliberately creating a hostile work environment, retaliated against him by
22 suspending and discharging him for his reporting and opposing such unlawful practices, retaliated
23 against him by denying him future employment, and retaliated against him for pursuing his lawful
24 rights to administrative and judicial remedies for such.

25 **JURISDICTION AND VENUE**

- 26 3. Jurisdiction of this Court is invoked, in part, pursuant to 28 U.S.C. 451, 1331, 1337, 13342, and
27 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of

1 the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1), (3) and pursuant to section 102
2 of the Civil Rights Act of 1991, 42 U.S.C. 1981a.

3 4. The employment practices alleged to be unlawful were and are now being committed within the
4 jurisdiction of the United States District Court for the District of Arizona.

5 5. At all relevant times, Maricopa County has continuously been a employer within the meaning of
6 Title VII

7 **PARTIES**

8 6. Plaintiff, Scott McNair, resides in Maricopa County, Arizona, is an aggrieved party, and is permitted
9 to bring this action, in part, by 42 U.S.C. section 20003-5(f)(1).

10 7. Defendant, Maricopa County (the "County") is a government entity acting by and through its
11 employees and agents. The Maricopa County Department of Transportation ("MCDOT") is an
12 agency within Maricopa County.

13 8. At all relevant times, Defendant, Maricopa County has continuously been a political subdivision of
14 the State of Arizona.

15 9. At all relevant times, Defendant, Maricopa County has continuously been an employer within the
16 meaning of Title VII.

17 10. At all relevant times, Defendant Kenneth Medlin ("Medlin") has been continuously employed by
18 Maricopa County, and until the termination of the Plaintiff on June 30 2002, was the Director of the
19 department in which the Plaintiff was employed.

20 11. At all relevant times, Defendant Terry Peterson ("Peterson") has been continuously employed by
21 Maricopa County, and until the termination of the Plaintiff on June 30 2002, was the Manager of the
22 department in which the Plaintiff was employed, and his direct supervisor.

23 12. At all relevant timed, Defendant, Jennipher Ramsey ("Ramsey") has been continuously employed by
24 Maricopa County, and until the termination of the Plaintiff on June 30 2002, was a coworker of the
25 Plaintiff.

STATEMENT OF CLAIMS

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2 13. More than thirty days prior to the institution of this lawsuit, Plaintiff filed a charge with the Equal
3 Employment Opportunity Commission (the “Commission” or the “EEOC”) alleging violations of
4 Title VII by the Defendants. All administrative conditions precedent to the institution of this lawsuit
5 have been fulfilled.

6 14. From March of 1998 until October of 2000, the Plaintiff was employed by Raymond James
7 Consulting as a Database Administrator assigned to work at the Maricopa County Department of
8 Transportation under the direct supervision of Defendants Medlin and Peterson.

9 15. From October of 2000 until June 30 2002, the Plaintiff was employed directly by the County as a
10 Database Administrator under the direct supervision of Defendants Medlin and Peterson, as such, he
11 was a person in “state service”.

12 16. At all relevant times the Plaintiff’s job performance was satisfactory.

13 17. At all relevant times, Defendant Ramsey was employed by the County and was a coworker of the
14 Plaintiff.

15 18. As early as March of 1998, Defendant Ramsey engaged in unlawful conduct by subjecting the
16 Plaintiff and other employees to unwelcome sexually explicit conversations, activities, and advances.

17 19. At all relevant times, Defendants Maricopa County, Medlin, and Peterson were aware of Defendant
18 Ramsey’s unlawful activities.

19 20. Defendant Ramsey’s unlawful activities continue to occur and Defendants Maricopa County,
20 Medlin, and Peterson have failed to take appropriate action to end such.

21 21. On December 26 2001, the Plaintiff was subjected to harassment and threats of physical violence by
22 a male partner of Defendant Ramsey, in retaliation for his opposing her unlawful activities.

23 22. From December 26 2001 through December 31 2001, the Plaintiff attempted to contact Defendant
24 Peterson to report and complain about the unlawful activities of Defendant Ramsey.

25 23. On December 31 2001, the Plaintiff verbally reported the unlawful activities of Defendant Ramsey
26 to Defendant Peterson. Thereby Defendant Peterson unlawfully retaliated against the Plaintiff by

1 suspending his employment for a period of seven days in reprisal for his exercising his rights to
2 oppose, object to, and disclose violations of federal and state laws.

3 24. On January 7 2002, Defendants Peterson and Medlin unlawfully refused to allow the Plaintiff to file
4 formal reports and complaints of the unlawful activities of Defendant Ramsey, and threatened the
5 Plaintiff with reprisal should he attempt to exercise his rights to oppose, object to, and disclose
6 violations of federal and state laws.

7 25. From January 7 2002, and continuing thereafter, the defendants harassed, ostracized, discriminated,
8 retaliated, and took reprisal against the Plaintiff as result of his prior attempts to exercise his rights to
9 oppose, object to, and disclose violations of federal and state laws.

10 26. From as early as May of 2002, Defendants Medlin and Peterson denied the Plaintiff opportunity for
11 future employment in reprisal for his attempts to exercise his rights to oppose, object to, and disclose
12 violations of federal and state laws

13 27. On June 30 2002, defendants Medlin, Peterson, and Maricopa County terminated the Plaintiff's
14 employment as reprisal for his attempts to exercise his rights to oppose, object to, and disclose
15 violations of federal and state laws.

16 28. From June 30 2002, and continuing thereafter, the defendants discriminated, retaliated, and took
17 reprisal against the Plaintiff as result of his prior attempts to exercise his rights to oppose, object to,
18 and disclose violations of federal and state laws, by refusing him further employment and interfering
19 with his attempts to seek employment.

20 29. On July 17 2002, the Plaintiff submitted reports of unlawful and prohibited activity by defendants
21 Medlin, Peterson, and Ramsey with the Maricopa County Board of Supervisors and other public
22 bodies and officials within Maricopa County government.

23 30. As early as July 17 2002, the Plaintiff submitted a Notice(s) of Claim with the Maricopa County
24 Board of Supervisors and other officials directed to receive such from the Plaintiff.

25 31. From July 17 2002, and continuing thereafter, the defendants discriminated, retaliated, and took
26 reprisal against the Plaintiff as result of his exercising his rights to administrative and judicial
27 remedies for their violations of federal and state laws.

1 32. On November 19 2002, the Plaintiff filed Charges of Discrimination and Retaliation with the United
2 States Equal Employment Opportunity Commission.

3 33. On August 3 2003, the Plaintiff received a Notice of Right to Sue from the United States Equal
4 Employment Opportunity Commission.

5 34. Defendants engaged in extreme and outrageous conduct.

6 35. Defendants' extreme and outrageous conduct intentionally or recklessly caused severe financial loss
7 and adverse impact upon the Plaintiff.

8 36. Defendants' extreme and outrageous conduct intentionally or recklessly caused severe emotional
9 distress and mental anguish to the Plaintiff.

10 37. Defendants' conduct includes a continuous pattern of discriminatory harassment and retaliation
11 against the Plaintiff and other employees of the County.

12 38. The effect of the practices complained of in paragraphs 13-40 has been to deprive the Plaintiff of
13 equal employment opportunities and otherwise adversely affect his employment status.

14 39. The unlawful practices complained of in paragraphs 12-40 above were intentional.

15 40. The unlawful practices complained of in paragraphs 12-40 above were and are done with malice or
16 with reckless indifference to the federally and state protected rights of the Plaintiff.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, the Plaintiff respectfully requests that this Court:

- 19 A. Grant a permanent injunction enjoining Defendant Maricopa County, its officials, employees,
20 and all persons in active concert or participation with it from engaging in discriminatory
21 practices, and retaliating against any employee or person because he or she has reported or
22 opposed practices made unlawful by federal or state law, or participated in any manner in any
23 investigation, proceeding, hearing, or claim pursuant to such.
- 24 B. Order Defendant Maricopa County to institute and diligently carry out policies, practices, and
25 programs which prevent unlawful employment practices and/or retaliation for reporting such,
26 and which eradicate the effects of its past and present unlawful practices.

- 1 C. Order Defendant Maricopa County to make whole the Plaintiff by providing appropriate back
2 pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
3 necessary to eradicate the effects of its unlawful practices.
- 4 D. Order Defendant Maricopa County to make whole the Plaintiff by rightful place reinstatement.
- 5 E. Order Defendant Maricopa County to make whole the Plaintiff by providing compensation for
6 past and future non-pecuniary losses resulting from the unlawful practices described above,
7 including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in
8 amounts to determined at trial, but no less than ten million dollars.
- 9 F. Order Defendant Maricopa County to pay punitive damages to the Plaintiff for its malicious
10 and/or reckless conduct, described above, in amounts to be determined at trial, but no less than
11 ten million dollars.
- 12 G. Order Defendant Maricopa County to make a donation of no less than ten million dollars to a
13 non-profit organization to be named by the Plaintiff, whose purpose is to promote and protect the
14 rights of workers.
- 15 H. Order Defendant Maricopa County to provide all employees at the time their employment
16 begins, with a written notice, the contents of which shall be approved by both the Plaintiff and
17 the Court, informing the employee of the existence of the non-profit organization stated in
18 paragraph G. Upon receiving such, the employee will be required to sign said notice with the
19 original being placed in the employee's personnel file, and a copy being provided to the
20 employee at that time.
- 21 I. Order Defendant Maricopa County to send to all employees by United States Postal Service
22 Mail, within ten days of the their end of employment with Maricopa County, a copy of the notice
23 specified in paragraph H. The County shall maintain a copy of proof of delivery of such for a
24 period of no less than three years.
- 25 J. Grant a permanent injunction enjoining Defendant Maricopa County from beginning the tolling
26 of any complaint, action, or remedy, by an employee, former employee, temporary or contract

1 employee, until no less than ten business days has passed since the employee or former employee
2 has received the written notice specified in Paragraph H.

3 K. Order Defendant Maricopa County to carry out its own policies of “zero tolerance” of sexual
4 harassment and discrimination, prohibited retaliatory conduct, and its own policies concerning
5 unlawful and prohibited conduct by employees, by permanently terminating the employ of
6 Defendant Ramsey, retroactive from December 31 2001, and order Ramsey to repay Maricopa
7 County with prejudgment interest all income, monies, benefits, or any other interests she has
8 received since such date.

9 L. Order Defendant Maricopa County to carry out its own policies of “zero tolerance” of sexual
10 harassment and discrimination, prohibited retaliatory conduct, and its policies concerning
11 unlawful and prohibited conduct by employees, by permanently terminating the employ of
12 Defendant Medlin, retroactive from July 17 2002, and order Medlin to repay Maricopa County
13 with prejudgment interest all income, monies, benefits, and any other interests he has received
14 since such date.

15 M. Order Defendant Maricopa County to carry out its own policies of “zero tolerance” of sexual
16 harassment and discrimination, prohibited retaliatory conduct, and its own policies concerning
17 unlawful and prohibited conduct by employees, by permanently terminating the employ of
18 Defendant Peterson, retroactively from July 17 2002, and order Peterson to repay Maricopa
19 County with prejudgment interest all income, monies, benefits, and any other interests he has
20 received since such date.

21 N. Order Defendant Maricopa County to be barred from employing or allowing Defendants Medlin,
22 Peterson, and Ramsey to provide any goods or services to the County, and barring said
23 Defendants from holding any position with the County for a period of no less seven ten years.

24 O. Order Defendant Medlin to make whole the Plaintiff by providing compensation for past and
25 future non-pecuniary losses resulting from the unlawful practices described above, including
26 emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts
27 to be determined at trial, but no less than one million dollars.

- 1 P. Order Defendant Medlin to pay punitive damages to the Plaintiff for his malicious and/or
2 reckless conduct, described above, in amounts to be determined at trial, but no less than one
3 million dollars.
- 4 Q. Order Defendant Medlin to make a donation of no less than ten percent of his household's annual
5 gross income, for each of the next ten years, to a non-profit organization to be named by the
6 Plaintiff, whose purpose is to promote and protect the rights of workers.
- 7 R. Order Defendant Peterson to make whole the Plaintiff by providing compensation for past and
8 future non-pecuniary losses resulting from the unlawful practices described above, including
9 emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts
10 to be determined at trial, but no less than five hundred thousand dollars.
- 11 S. Order Defendant Peterson to pay punitive damages to the Plaintiff for his malicious and/or
12 reckless conduct, described above, in amounts to be determined at trial, but no less than five
13 hundred thousand dollars.
- 14 T. Order Defendant Peterson to make a donation of no less than ten percent of his household's
15 annual gross income, for each of the next ten years, to a non-profit organization to be named by
16 the Defendant, whose purpose is to promote and protect the rights of workers.
- 17 U. Order Defendant Ramsey to make whole the Plaintiff by providing compensation for past and
18 future non-pecuniary losses resulting from the unlawful practices described above, including
19 emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts
20 to be determined at trial, but no less than two hundred and fifty thousand dollars.
- 21 V. Order Defendant Ramsey to pay punitive damages to the Plaintiff for her malicious and/or
22 reckless conduct, described above, in amounts to be determined at trial, but no less than two
23 hundred and fifty thousand dollars.
- 24 W. Plaintiff seeks to recover all costs and fees incurred by his attempts to seek administrative and
25 judicial remedies associated with the unlawful actions by the Defendants against him.

- 1 X. Order Defendant Ramsey to make a donation of no less than ten percent of her household's
2 annual gross income, for each of the next ten years, to a non-profit organization to be named by
3 the Defendant, whose purpose is to promote and protect the rights of workers.
4 Y. Any other costs or remedies this Court may deem just, proper, or appropriate.

5 **JURY TRIAL DEMAND**

6 The Plaintiff requests a trial by jury on all questions of fact and claims raised by this complaint
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8

9 DATED this 30th day of OCTOBER 2003.
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11 Respectfully submitted by
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14 Scott M. McNair, Plaintiff Pro Per
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