

FILED

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

2014 OCT 15 P 4:10

ANN GOOD)
6504 Basil Court)
Manassas, Virginia 20112)
))
Plaintiff,)
))
v.)
))
FAIRFAX COUNTY,)
12000 Government Center Pkwy.)
Fairfax, Virginia 22035)
))
and)
))
STACEY KINCAID,)
Fairfax County Sheriff)
4110 Chain Bridge Road)
Fairfax, Virginia 22030)
))
Defendants.)
))

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No. 1:14-CV-1350
(JCC/TCB)

COMPLAINT
(Employment Discrimination)

1. Plaintiff Ann Good brings this action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et. seq.*, to remedy acts of employment discrimination and retaliation against her when the Fairfax County Sheriff's Office and the Fairfax County Police Department took multiple adverse actions against her because of her sex and her protected activity.

Jurisdiction

2. This Court has jurisdiction over the subject matter of this civil action pursuant to

28 U.S.C. § 1331.

Exhaustion of Administrative Remedies

3. Plaintiff has exhausted her administrative remedies by filing a charge of discrimination with the U.S. Equal Employment Opportunity Commission against the Fairfax County Police Department on January 24, 2014, and against the Sheriff's Office on February 5, 2014, alleging that each entity unlawfully subjected her to sex-based discrimination and in retaliation for her complaints of discrimination in violation of Title VII of the Civil Rights Act of 1964. Separate right to sue notices pertaining to her complaints against the Fairfax County Sheriff's Office (Sheriff's Office) and Fairfax County Police Department (Police Department) were issued on August 26, 2014, which is less than 90 days before the filing of this complaint.

Venue

4. Venue is proper in the Eastern District of Virginia as Plaintiff was employed by both Defendants in this judicial district and the acts complained of occurred in this judicial district.

Parties

5. Plaintiff Ann Good is female. She is a citizen of the United States and of the Commonwealth of Virginia. Plaintiff has been employed by the Sheriff's Office from 1993 until the present. At all times relevant to this Complaint, she worked at the Fairfax County Criminal Justice Academy (Criminal Justice Academy) which is jointly operated by the Police Department and the Sheriff's Office. As such, she was jointly supervised by managers from both the Police Department and Sheriff's Office, both of whom exercised authority and control over her duties and working conditions.

6. Defendant Fairfax County is an official subdivision of the Commonwealth of Virginia under the latter's constitution and statutes. It has employed more than 500 persons in each of the last 20 months.

7. Defendant Stacey Kincaid is the Sheriff of Fairfax County, an elected official of the Commonwealth of Virginia under the latter's constitution. She is sued herein in her official capacity only. The Sheriff's Office of Fairfax County has employed more than 500 persons in each of the last 20 months.

Statement of Facts

8. Plaintiff Ann M. Good began her employment with the Sheriff's Office of Fairfax County as a Deputy Sheriff in 1993. She served successfully in that capacity and was promoted to the level of Master Deputy Sheriff.

9. In 2008, Good was transferred to the Fairfax County Criminal Justice Academy as a Basic Instructor. The Criminal Justice Basic Academy is a joint Academy which trains new police recruits for the Fairfax County Police Department, Sheriff's Office, Animal Control, Fire Marshall's Office, and the Towns of Vienna and Herndon.

10. The Basic Recruit School is under the command of the Fairfax County Police Department, the Sheriff's Office and the Towns of Vienna and Herndon each having an officer assigned to the Police Department as an Instructor. Good reported to the Police Department on a daily basis. Her leave and overtime were authorized through her Police Department chain of command, while her time and attendance were submitted by her Sheriff's Office Chain of Command. Her evaluation was completed by her Police Department Supervisors, with an occasional addendum added by her Sheriff's Office Supervisors.

11. Her chain of command in the Police Department included Sgt. Eric Bridge, Lt. Mike Shamblin, Sgt. Pete Massaro, Captain Dorian Portee, Captain Dave M. Smith, Major Cindy McAllister, and Major Shawn Bennett.

12. While Sheriff Deputies attend the Academy's Basic School to obtain their Law Enforcement Certification, they also attend a four-week Sheriff's Combined School to obtain their Civil Enforcement, Court and Jailer Certification.

13. While Good was under the Command of the Police Department and reported to them on a daily basis, she was also assigned tasks for the Sheriff's Basic Recruit Combined School and pre-academy physical training when necessary, under the Command of the Sheriff's Office.

14. Her Sheriff's Office chain of command included Sgt. Amy Gaisor, Lt. Dennis Holmes, Lt. Mylene Whorton, Captain Ramarr Prudhum and Major Tamara Gold.

15. In 2009, James Summers, who was a Fairfax County Police Officer, began to stalk and harass Good. In the Fall of 2009, he sexually assaulted her in her home. He was subsequently prosecuted for this crime and was convicted of forcible sodomy in April 2013. He was sentenced to a prison term of seven years with two years suspended.

16. During the time she was being stalked and harassed by Summers, Police Department Sergeant Eric Bridge was her supervisor at the Criminal Justice Academy. Initially, she had a good working relationship with Sgt. Bridge and considered him to be a friend. She confided in Sgt. Bridge about some of the terrible experiences involving Summers.

17. Sgt. Bridge attempted to exploit Good's vulnerability by making unwanted sexual overtures toward her, which included running his fingers down her back and squeezing her thigh.

He also made unwanted comments to Good, saying that if he were her husband he would treat her well and bring her flowers. Good did nothing to encourage Sgt. Bridge and asked him to stop making these advances. Sgt. Bridge told Good that because he had supported her, she "owed" him. He also threatened that if she did not do what he wanted he would transfer her back to the jail.

18. Good complained about Bridge's actions toward her and asked for relief from this sexual harassment from almost every supervisor at the Criminal Justice Academy, including Lt. Shamblin, Captain Portee, Major McAllister, Sgt. Amy Gaisor, Lt. Holmes, Lt Whorton, Captain Prudhum, and then-Captain Stacey Kincaid. From 2010 through 2012, Good complained several times to Captain Prudhum, her supervisor who was in charge of Inservice training at the Academy. On one occasion, Captain Prudhum responded to her complaint by telling her that "Eric and I are on the same page." On another occasion, he simply opened his office door, signaling for her to leave.

19. Because Sgt. Bridge's actions continued, Good complained about the sexual harassment to Lt. Jarmal Perkins, who was the Equal Employment Opportunity/Affirmative Action Officer for the Fairfax County Sheriff's Office in the Internal Investigations Department. An internal investigation was initiated and Bridge was reassigned from the Academy.

20. Though Internal Affairs investigations are supposed to be kept confidential, it became common knowledge that Good was the complainant against Sgt. Bridge. Prior to leaving the Criminal Justice Academy, Sgt. Bridge addressed many of his colleagues in a conference room, telling them that Good was the one who had made a complaint against him. He warned them, "first she went after Summers, then she went after me, you could be next."

21. After Bridge's warning, Good was shunned and ostracized by her colleagues and her chain of command in retaliation for her complaint of sexual harassment against Bridge. Her colleagues refused to speak to her or go to lunch with her. She was excluded from group activities such as group runs and defensive tactics scenarios. When she would speak during roll call, others would speak over her and laugh out loud at her.

22. The chain of command at the Academy, which included officers from both the Police Department and Sheriff's Office, observed this harassing behavior on a regular basis but did nothing to stop it.

23. In January 2013, Lt. Shamblin, one of Good's supervisors from the Police Department, asked her if she watched "Survivor." Lt. Shamblin then stated that she was like a person on Survivor who had no allies, because she had no allies in the Police Department. He told her that she should apologize to all of her colleagues in the Criminal Justice Academy.

24. In February 2013, Capt. Prudhum told Good's colleague Amy Gaisor, who was a member of the Inservice staff, not to speak to Good because "she would only get her in trouble." Good complained to Major Gold, a member of the Sheriff's Department who served as the Director of Human Resources and was Capt. Prudhum's supervisor, about his statement. Major Gold held a meeting with Good and Captain Prudhum. Prudhum turned the situation around, putting the blame on Good and demanding that she tell him who told her what he had said to Gaisor.

25. Master Deputy Sheriff Good endured repeated threats and intimidation by her colleagues and those above her in her chain of command because she had complained of sexual harassment by Bridge. For example:

- In March 2013, Lt. Shamblin told Good that her Internal Affairs interview would not be confidential and that it would be widely discussed.
- In April 2013, Police Officer Rick Bistline told Good that after the Internal Affairs' matter was over, there would be "hell to pay."
- A few weeks later, Police Department/Sheriff Capt. David M. Smith who was also a supervisor at the Academy, endorsed Bistline's threat toward Good by saying he "understood" why Bistline had threatened her.

26. In June 2013, Sgt. Pete Massaro, the Basic Supervisor for the Police Department, removed Good as Lead Physical Trainer in retaliation for her sexual harassment complaint. Good had worked very hard to be appointed as Lead Physical Trainer and as a result of her removal, she lost her responsibility for supervising the physical trainers who, in turn, supervised the recruits. Sgt. Massaro said the reason for her removal was the "atmosphere" at the Criminal Justice Academy, which included the encouragement to turn against Good because she had complained about Sgt. Bridge's sexually harassing treatment of her.

27. In July 2013, Sgt. Massaro told Good that everyone in the Police Department knew about her complaint against Bridge and had seen the Internal Affairs' case because the file was sitting on Captain Smith's desk for everyone to see. He further explained to her that Captain Smith had no plans to rectify the way she was being treated. Massaro relayed that Officer Rich Cash said that no one in the Department cared about what Good was going through and that she had no allies.

28. In August 2013, Major Gold said that Captain Prudhum, Captain Smith, and Major Bennett were looking into removing Good from the Basic Staff of the Criminal Justice

Academy.

29. To justify the move, Captain Prudhum ordered Sgt. Massaro to lower Good's performance rating in the area of working cooperatively with others. On her August 19, 2013 performance evaluation, Sgt. Massaro made clear that management considered her complaint of sexual harassment as not working cooperatively with her colleagues; he wrote:

Master Deputy Sheriff Good is currently the complainant in an ongoing Internal Affairs investigation. The investigation involves several members of the basic staff to include former supervisors. This unsettled situation has resulted in tension and distrust among the staff. Although these allegations and issues pertaining to the investigation occurred prior to my arrival; they have made management of the basic staff extremely difficult. The physical and mental stress placed on Master Deputy Sheriff Good in these past months is evident. She has attempted to overcome and repair relations with her fellow staff members. However, several of these relations may be damaged beyond repair.

30. On August 21, 2013, Good complained to Sgt. Massaro that the incessant threats and mistreatment of her, including the lowered rating and paragraph in her evaluation, were in retaliation for her sexual harassment complaint. Massaro responded by becoming irate. He screamed at her and used profanity, asking "are you that f***ing righteous?"

31. Also in August 2013, the retaliatory treatment of Master Deputy Sheriff Good became physically brutal. At the Criminal Justice Academy, recruits are trained to avoid using excessive force in the field. The training involves one officer wearing a padded rubber "red man" suit to play the role of the subject. The padding is meant to protect the "red man," and the Safety Officer is supposed to stop recruits from using excessive force, both for their training and for the safety of the "red man." Good was the "red man" during one such training exercise, but the Safety Officer, Rich Cash, allowed the recruit to keep beating her well beyond the point of excessive force. As a result, Good was pummeled by the recruit approximately eight times while

she was down on the ground. Cash was apparently going to let this go on indefinitely, but Good eventually managed to tell the recruit to stop. Good suffered severe bruising due to this excessive beating.

32. On September 27, 2013, Good was removed from her position as a Basic Instructor at the Academy, where she had supervisory responsibilities over the recruits. First, she was involuntarily reassigned to the Law Enforcement Training Unit where she was given no duties. At the end of October 2013, she was transferred to Civil Enforcement where she had some duties, but no supervisory authority.

33. Throughout the trial and preparation of the criminal case against James Summers in 2012 and 2013, the Sheriff's department forced Good to take annual leave to attend court, even though she was under subpoena. The Sheriff's requirement violated Virginia Code § 18.2-465.1. In the Spring of 2014, Master Deputy Sheriff Good forwarded Virginia Code § 18.2-465.1 to the Internal Affairs Section of the Sheriff's Office and requested that her leave be returned to her. More than one year after she took the 58 hours of annual leave, it was returned to her in the form of sick leave.

34. In June 2014, the Internal Affairs Supervisor, Lt. William Friedman, asked Master Deputy Sheriff Good to submit to a "voluntary" interview. She complied. At the start of the interview, Sgt. Alma Smith told her to give her her weapon so she could put it into a lock box. She began to do so, when Sgt. Smith forcefully grabbed her hand and removed her weapon from the holster. Master Deputy Sheriff Good did nothing to provoke this type of treatment. In fact, there have been no allegations that she has ever been physically aggressive with anyone.

Count I
(Discrimination Based upon Sex-Fairfax County Sheriff)

35. Plaintiff restates and incorporates by reference the averments set out in the foregoing paragraphs 8 through 34.

36. By subjecting MDS Good to a hostile work environment, removing her as Lead Physical Trainer, reducing her performance rating in 2013, and removing her from the Criminal Justice Academy based on her sex, defendant Fairfax County Sheriff violated Title VII of the Civil Rights Act by discriminating against her based upon her sex.

Count II
(Retaliation for Protected Activity-Fairfax County Sheriff)

37. Plaintiff restates and incorporates by reference the averments set out in the foregoing paragraphs 8 through 34.

38. By subjecting MDS Good to a hostile work environment, removing her as Lead Physical Trainer, reducing her performance rating in 2013, and removing her from the Criminal Justice Academy based on her complaints of discrimination, defendant Fairfax County Sheriff violated Title VII of the Civil Rights Act by retaliating against her for complaining about sex-based discrimination and harassment.

Count III
(Discrimination Based upon Sex-Fairfax County Police Department)

39. Plaintiff restates and incorporates by reference the averments set out in the foregoing paragraphs 8 through 34.

40. By subjecting MDS Good to a hostile work environment, removing her as Lead Physical Trainer, reducing her performance rating in 2013, and removing her from the Criminal

Justice Academy based on her sex, defendant Fairfax County violated Title VII of the Civil Rights Act by discriminating against her based upon her sex.

Count IV
(Retaliation for Protected Activity-Fairfax County Police Department)

41. Plaintiff restates and incorporates by reference the averments set out in the foregoing paragraphs 8 through 34.

42. By subjecting MDS Good to a hostile work environment, removing her as Lead Physical Trainer, reducing her performance rating in 2013, and removing her from the Criminal Justice Academy based on her complaints of discrimination, defendant Fairfax County violated Title VII of the Civil Rights Act by retaliating against her for complaining about sex-based discrimination and harassment.

DAMAGES

43. As a result of the unlawful discrimination and retaliation described above, Master Deputy Sheriff Good has suffered and continues to suffer pain and mental anguish, curtailment of career opportunities, personal and professional humiliation, and emotional distress.

Prayer for Relief

WHEREFORE, plaintiff prays that this Court enter judgment in her favor and against defendants on all claims brought herein and provide her with the following relief:

- a. award plaintiff \$300,000.00 compensatory damages against each defendant, plus interest thereon;
- b. reinstate plaintiff to the position of Lead Physical Trainer retroactive to the date of

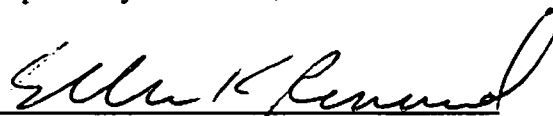
her removal;

- c. enjoin defendants from discriminating or retaliating against plaintiff in the future;
- d. award plaintiff the costs of bringing and maintaining this civil action and the investigation that preceded it, including reasonable attorneys' fees and costs; and
- e. award plaintiff such other and further relief as the interests of justice may require.

Jury Demand

Plaintiff hereby requests a jury trial on all issues of fact and damages.

Respectfully submitted,



Ellen K. Renaud
V.A. Bar # 47326
SWICK & SHAPIRO, P.C.
1101 15th Street, NW, Suite 205
Washington, D.C. 20005
Tel. (202) 842-0300
Fax (202) 842-1418
E-mail: EKREnaud@swickandshapiro.com

Attorney for Plaintiff