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JEFFERSON CO TEXAS
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JAMIE SMITH
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B-198422

CASE NO. _____

ASHLEY SCOTT,
Plaintiff

v.

CITY OF BEAUMONT, and
CHIEF ANNE HUFF,
Defendants

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IN THE DISTRICT COURT OF
JEFFERSON COUNTY, TEXAS
____ JUDICIAL DISTRICT
TRIAL BY JURY DEMANDED

PLAINTIFF'S ORIGINAL PETITION

COMES NOW Plaintiff, Ashley Scott ("Plaintiff" or "Scott"), files this, her Original Petition, complaining of Defendant City of Beaumont ("City"), and Chief Anne Huff ("Chief Huff"), by way hereof, Plaintiff Scott would show the following:

A. Parties

1. Plaintiff Scott is a resident of Texas.
2. Defendant City of Beaumont is a municipality in the State of Texas and may be served by personally serving Mayor Becky Ames, at 801 Main St, Beaumont, Texas 77701, or wherever she may be found.
3. Defendant Chief Anne Huff is the Fire Chief for the City of Beaumont Fire and Rescue Services, and may be served with citation at her place of business, located at 400 Walnut, Beaumont, Texas 77701, or wherever she may be found.

B. Jurisdiction

4. The amount in controversy exceeds this court's minimal jurisdictional amount.

5. This Court has jurisdiction of all matters in this legal controversy (i) as a court of general jurisdiction, (i) the amount in controversy does not exceed this court's jurisdiction, and (ii) Plaintiff has exhausted all administrative requirements set forth in the legislative scheme of the Texas Lab. Code, Chapter 21 et seq., for TWC/CRD Charge of Discrimination Nos 460-2015-03943.

6. This Court has jurisdiction under the Texas Uniform Declaratory Judgment Act.

7. Further this court has jurisdiction of claims against the City, and Fire Department for violations of the Texas Constitution wherein Plaintiff Scott seeks only equitable relief.

C. Claims for Relief

8. Scott seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00.

D. Venue

9. Venue is proper in this county because the alleged unlawful employment practices, and constitutional violations were committed in Jefferson County.

E. Exhaustion of Administrative Procedures

10. Plaintiff timely filed charges of discrimination with the Equal Employment Opportunity Commission ("EEOC") and the Texas Workforce Commission("TWC/CRD"). Plaintiff filed her original complaint in charge no. 460-2015-03943 within 60 days after receiving a notice of the right to sue thereon from the Texas Workforce Commission on April 20, 2016.

F. Facts

11. Plaintiff, a female, was hired at the City of Beaumont Fire Department as a "Fire Administrator" on July 29, 2013.

12. [REDACTED]
[REDACTED]

13. Plaintiff has been sexual harassed by Huff since shortly after being employed with the Fire Department.

14. Plaintiff has been an employee within the meaning of all applicable statutes of the State of Texas, which proscribe discrimination in the workplace, specifically Texas Lab. Code. Chapter 21 et seq.

15. Plaintiff Scott recent Supervisor, Chief Anne Huff, has presented herself as an unpredictable person [REDACTED] and driven by her unrequited attraction for Plaintiff Scott.

16. Plaintiff attended the 2013 LIT Foundation Scholarship Award Banquet in evening at Calvary Baptist Church.

17. After the event, Chief Huff invited Plaintiff Scott to Chief Huff's home for wine.

18. Plaintiff declined and said it was late and she needed to go since she had to come into work early the next morning.

19. Chief Huff told Plaintiff, it was "ok if [Plaintiff] came in late to work since [Chief Huff] was the boss."

20. Plaintiff again declined, and drove home.

21. Chief Huff barraged Plaintiff with numerous Facebook messages.

22. Undetermined by Plaintiff's Scott's rejection, Chief Huff invited Plaintiff over to watch TV at her home in Katy.

23. Chief Huff made sexual remarks regarding Plaintiff's fingernails, saying "Have you ever hurt anyone with those nail?" When Plaintiff stated her [children] said they hurt when she tickled them, Chief Huff seductively stated, "No, that's not what I mean. Have you ever hurt any girlfriend while you were having sex?"

24. Not long thereafter, Chief Huff professed to Plaintiff Scott her affection for Scott.

25. After many rebuffed advances, Chief Huff grew upset with Plaintiff

associating with men in the Fire Department.

26. Chief Huff displayed signs of jealousy when it came to Plaintiff.

27. [REDACTED]
[REDACTED]

28. [REDACTED]
[REDACTED]

29. [REDACTED]
[REDACTED]
[REDACTED]

30. [REDACTED]
[REDACTED]

31. In January 2015, Chief Huff made the workplace a hostile environment for Plaintiff.

32. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

33. [REDACTED]
[REDACTED]

34. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

35. On May 6, 2015, the retaliation of Chief Huff began in earnest.

36. Chief Huff came into Plaintiff's office and stated she wanted to start tracking how Plaintiff was spending her day.

37. Shortly after, Chief Huff informed Plaintiff that she was going to get rid of the Fire Administrator position and split it to 2 positions.

38. Chief Huff then told Plaintiff that she was paid too much to enter data.

39. Plaintiff asked Chief Huff if she was eliminating her position, the Chief Huff ambivalently, in a threatening manner replied that she was "not sure."

40. Plaintiff made a comment regarding obtaining a lawyer and Chief Huff became furious stating, "You know I can fire you right now,"

41. A week after that incident Chief Huff placed Plaintiff on a pre-termination Performance Improvement plan.

42. Plaintiff filed her first grievance on May 5, 2015.

43. On May 19, 2015, Plaintiff asked for approval to attend an appointment which she expected would last approximately an hour. The appointment only last for 30 minutes.

44. Chief Huff arbitrarily decided that Plaintiff was being insubordinate by returning to work fifteen (15) minutes early.

G. Count 1 – Sex Harassment

45. Plaintiff Scott is a female, single parent employed at the City of Beaumont Fire Department and protected by whatever protection is afforded by the applicable statutes of the State of Texas, proscribing discrimination in the workplace, pursuant to Texas Lab. Code. Chapter 21 et seq.

46. Chief Huff has by unwanted, uninvited, and repugnant advances. To force Scott into a sexual relationship with Huff.

47. Scott's rebuff of Huff has resulted in Huff's retaliation against Scott.

H. Count 2 – Retaliation

48. Defendants retaliated against Scott by placing her on an Improvement Plan for no reason, micromanaging Plaintiff, and threatening to eliminate her position, when it became clear to Defendant that Scott was going to act on her grievance rights and EEOC issued right to sue letters, the City fired Scott.

49. Defendant retaliated against Plaintiff by soliciting false statements about job performance against Scott in an attempt to destroy her career and professional reputation.

I. Constitutional Violations

50. Plaintiff Scott has a protected right to speak freely or any matter,

whether as a public employee, or not, under Article One, Section 8, Texas Constitution.

51. Plaintiff Scott spoke freely when she filed grievances naming Chief Huff, against City of Beaumont Fire Department.

52. The City protects and engages in cover-up for Chief Huff and her unpredictable, risk-creating personality and the constitutional invalid acts in which the engages.

53. Plaintiff Scott has a constitutional right of privacy which City and Chief Huff have knowingly invaded

J. Damages

54. Plaintiff suffered economic and non-economic damages as a direct and proximate result of Defendant's conduct, including suffering mental anguish and emotional distress.

55. Plaintiff does not seek damages for violation of a Texas constitutional right which the Supreme Court has denied by *City of Beaumont v Bouillion*, 896 S.W.2d 143 (Tex.1995).

K. Attorney's Fees

56. Plaintiff is entitled to an award of attorney's fees and costs.

L. JURY DEMAND

57. Plaintiff prays that this Court empanel a lawful jury to hear this case

and tenders the jury fee with this Petition.

M. Prayer

58. For these reasons, after trial by jury Plaintiff prays for judgment against Defendant for the following:

- a. Reasonable and appropriate damages.
- d. Reasonable attorney's fees and costs of suit.
- e. All other relief to which she may be deemed entitled at equity or under law. deems appropriate.

Respectfully submitted,

WATTS & COMPANY LAWYERS, LTD,

/s/ Larry Watts

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ATTORNEYS FOR PLAINTIFF

ASHLEY SCOTT

JURY DEMANDED