

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION
CASE NO.:

NAVIDA PERRY,

Plaintiff,

v.

SOUTH WALTON FIRE DEPARTMENT, INC.,
a Florida Not For Profit Corporation,

Defendant.

PLAINTIFF’S COMPLAINT AND DEMAND FOR A JURY TRIAL

Plaintiff, NAVIDA PERRY (“Plaintiff”) files this Complaint against Defendant, SOUTH WALTON FIRE DEPARTMENT, INC., (“Defendant”), and states as follows:

INTRODUCTION

1. Plaintiff brings this action for race discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”).
2. Plaintiff is seeking damages including back pay, front pay, compensatory damages, punitive damages, and Plaintiff’s attorneys’ fees and costs.

JURISDICTION, VENUE AND PARTIES

3. This Court has original jurisdiction over Plaintiff's Title VII claims pursuant to 28 U.S.C. § 1331, as they arise under 42 U.S.C. § 2000e, *et seq.*

4. At all times relevant hereto, Plaintiff was an employee of Defendant.

5. Plaintiff worked for Defendant in Walton County, Florida, and this venue is therefore proper.

6. Defendant is located and doing business in Walton County, Florida, and is therefore within the jurisdiction of the Court.

7. At all times material, Plaintiff was protected during her employment with Defendant by Title VII because:

- a. Plaintiff is a black woman who suffered from racial discrimination by Defendant; and
- b. Plaintiff suffered an adverse employment action and was subjected to an increasingly hostile work environment as a result of this racial discrimination.

8. Defendant was at all material times an "employer" as envisioned by Title VII because it employed in excess of fifteen (15) employees.

9. Defendant is Florida not for profit corporation that operates in, among other places, Walton County, Florida.

CONDITIONS PRECEDENT

10. On or around December 21, 2023, Plaintiff filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging claims for racial discrimination and retaliation against Defendant.

11. More than 180 days have passed since the filing of the Charge of Discrimination.

12. On November 5, 2024, Plaintiff received the EEOC’s Notice of Right to Sue against Defendant, giving Plaintiff the right to bring a civil action on her claims within 90 days of her receipt of the same.

13. Plaintiff timely files this action within the applicable period of limitations against Defendant.

14. All conditions precedent to this action have been satisfied and/or waived.

FACTUAL ALLEGATIONS

15. Plaintiff worked for Defendant, most recently as an 9-1-1 operator, from October 3, 2022, until her constructive termination on March 11, 2023.

16. Plaintiff is a black woman.

17. In November of 2022, Plaintiff observed and overheard two (2) male White/Caucasian co-workers discussing President Joseph Biden and the

President's plans for student loan forgiveness.

18. This was prompted by a news segment on the television.

19. In the news segment, a black female discussed her prayers for student loan forgiveness.

20. In reaction to this, one of Plaintiff's male White/Caucasian co-workers stated, "THEY are always looking for handouts. Just like government assistance, food stamps, and shit. THEY should just get off of their lazy asses and work."

21. It was crystal clear to Plaintiff, as it would have been to anybody, that the "THEY" under discussion were African-Americans.

22. In January of 2023, another male White/Caucasian co-worker of Plaintiff's had racist things to say when Black/African-American football player Damar Hamlin of the Buffalo Bills suffered serious injuries and almost died during a football game in Cincinnati, Ohio.

23. The co-worker stated, "I bet it comes out that the thug was using drugs. That didn't look like he was hit hard enough to collapse."

24. Later, when news reporters spoke of a GoFundMe fund-raising drive that had been started for Damar Hamlin, the same male White/Caucasian co-worker stated, "why the fuck are they raising money for him? He should be rich already, but he's probably broke from buying cars with big rims, women, and

houses.”

25. In February of 2023, some co-workers of Plaintiff offered racist observations concerning Black History Month.

26. They laughed and joked while saying that only Black people eat “chicken and waffles” or black-eyed peas for New Years’.

27. They said “watermelon” was “Black people’s food” and asked Plaintiff if she ate chicken and waffles.

28. On another occasion, Plaintiff overheard a female White/Caucasian EMT/Paramedic call one of their male Black/African-American co-workers a “nigger.”

29. The male victim of this despicable racial abuse reported the racism to Defendant and was swiftly retaliated against by Defendant for reporting the racism and getting outside sources involved.

30. Plaintiff observed as Defendant’s Supervisors and Managers spoke of “sticking together” and “making sure all of [their] stories and emails line up or say the same thing” in connection with this horrific incident of racial discrimination and abuse.

31. In early March of 2023, Plaintiff objected to her Director and to Defendant’s Human Resources Manager that the racial discrimination, abuse, and harassment violated, *inter alia*, Title VII and the FCRA.

32. In response to Plaintiff's objections, Defendant took no meaningful action to ameliorate the environment and instances of race-based discrimination, abuse, and harassment.

33. Instead, the bullying and racial discrimination became worse.

34. On March 11, 2023, realizing that matters were worsening rather than improving, and that Defendant would not soon change its ways, Plaintiff reluctantly resigned from employment with Defendant.

35. No reasonable person would have done otherwise.

36. It is clear that Defendant discriminated against Plaintiff based on race, and forced her discharge in retaliation for her objections to Defendant's severe discrimination, abuse, and harassment based on race.

37. Any other "reason" dreamt up after the fact by Defendant for its treatment and discharge of Plaintiff is pure pretext.

38. Title VII prohibits discrimination and retaliation based on race in the workplace.

39. Plaintiff's constructive discharge constitutes adverse employment actions as defined by Title VII.

40. Plaintiff suffered an adverse employment action or actions as a result of her race.

41. With respect to Plaintiff's objections to Defendant's racial

discrimination, Defendant violated Title VII because it failed to take prompt and remedial action to correct the racial discrimination, as the law required, and instead forced Plaintiff's constructive discharge.

42. Defendant did not have a legitimate, non-discriminatory, non-retaliatory reason for Plaintiff's adverse employment action.

43. At all times material hereto, Plaintiff was ready, willing, and able to perform her job duties.

44. By reason of the foregoing, Defendant's actions violated Title VII.

45. Plaintiff has suffered damages as a result of Defendant's conduct.

46. Defendant lacked a good faith basis for its actions.

47. Plaintiff has retained the law firm of RICHARD CELLER LEGAL, P.A., to represent her in the litigation and has agreed to pay the firm a reasonable fee for its services.

COUNT I: RACE-BASED DISCRIMINATION
IN VIOLATION OF TITLE VII

48. Plaintiff realleges and adopts the allegations contained in paragraphs 1-47 if fully set forth in this Count.

49. The acts of Defendant, by and through its agents and employees, violated Plaintiff's rights against racial discrimination under Title VII.

50. The discrimination/disparate treatment to which Plaintiff was subjected was based on her race.

51. Defendant's discriminatory comments and actions were egregious, and provide direct evidence of its discriminatory motive to discriminate against Plaintiff.

52. The conduct of Defendant and its agents and employees proximately, directly, and foreseeably injured Plaintiff, including, but not limited to, lost wages and benefits, future pecuniary losses, emotional pain and suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

53. Plaintiff has suffered damages as a result of Defendant's illegal conduct toward her.

54. The conduct of Defendant was so willful, wanton, and in reckless disregard of the statutory rights of Plaintiff, as to entitle her to an award of punitive damages against Defendant, to deter it, and others, from such conduct in the future.

55. Plaintiff is entitled to recover reasonable attorneys' fees and litigation expenses pursuant to 42 U.S.C. § 2000e-5(k). Plaintiff, a female, belonged to a protected group.

56. Plaintiff has no plain, adequate, or complete remedy at law for the actions of Defendant, which have caused, and continue to cause, irreparable harm.

WHEREFORE, Plaintiff requests a judgment in her favor and against Defendant for her actual and compensatory damages, including, but not limited to, front pay, back pay, emotional distress damages, and punitive damages, as well as her costs and attorneys' fees, declaratory and injunctive relief, and such other relief as is deemed proper by this Court.

COUNT II: RETALIATION IN VIOLATION OF TITLE VII

57. Plaintiff realleges and adopts the allegations contained in paragraphs 1-47 if fully set forth in this Count.

58. The acts of Defendant, by and through its agents and employees, violated Plaintiff's rights against being retaliated against for opposing discrimination under Title VII.

59. The retaliation to which Plaintiff was subjected was based on her opposition to Defendant's illegal and discriminatory actions based on race.

60. Plaintiff's termination was in very close temporal proximity to her objections to Defendant that she felt she had been discriminated against based on her race.

61. Plaintiff's objections constituted protected activity under Title VII.

62. Plaintiff was terminated as a direct result of her objections to what she reasonably believed to be discrimination based on race.

63. Plaintiff's objections to Defendant's conduct and Plaintiff's

termination are causally related.

64. Defendant's stated reasons for Plaintiff's adverse employment action are a pretext.

65. The conduct of Defendant and its agents and employees proximately, directly, and foreseeably injured Plaintiff, including, but not limited to, lost wages and benefits, future pecuniary losses, emotional pain and suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

66. Plaintiff has suffered damages as a result of Defendant's illegal conduct toward her.

67. The conduct of Defendant was so willful, wanton, and in reckless disregard of the statutory rights of Plaintiff, as to entitle her to an award of punitive damages against Defendant, to deter it, and others, from such conduct in the future.

68. Plaintiff is entitled to recover reasonable attorneys' fees and litigation expenses pursuant to 42 U.S.C. § 2000e-5(k).

69. Plaintiff has no plain, adequate, or complete remedy at law for the actions of Defendant, which have caused, and continue to cause, irreparable harm.

WHEREFORE, Plaintiff demands trial by jury, reemployment or reinstatement, back pay, lost wages, front pay if reinstatement and/or reemployment

is not possible, compensatory damages, punitive damages, attorneys' fees and costs, and any other relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated this 3rd day of February 2025.

Respectfully Submitted,

By: /s/ Noah Storch

Noah E. Storch, Esq.

Florida Bar No. 0085476

RICHARD CELLER LEGAL, P.A.

7951 SW 6th Street, Suite 316

Plantation, FL 33324

Telephone: (866) 344-9243

Facsimile: (954) 337-2771

E-mail: noah@floridaovertimelawyer.com

Attorneys for Plaintiff

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida

NAVIDA PERRY,

Plaintiff(s)

v.

SOUTH WALTON FIRE DEPARTMENT, INC.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SOUTH WALTON FIRE DEPARTMENT, INC., ELIZABETH, NICHOLSON - REGISTERED AGENT RT. 1, BOX 576 SANTA ROSA BEACH, FL 32459

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Noah E. Storch, Esq. (noah@floridaovertimelawyer.com) RICHARD CELLER LEGAL, P.A. 7951 SW 6th Street Suite 316, Plantation, Florida, 33324 Telephone: (866) 344-9243 Facsimile: (954) 337-2771

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

NAVIDA PERRY,

(b) County of Residence of First Listed Plaintiff Okaloosa (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Richard Celler Legal, P.A., Noah E. Storch, Esq. 7951 SW 6th Street Suite 316, Plantation, Florida, 33324 (866) 344-9243 noah@floridaovertimelawver.com

DEFENDANTS

SOUTH WALTON FIRE DEPARTMENT, INC.,

County of Residence of First Listed Defendant Walton (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, PERSONAL PROPERTY, HABEAS CORPUS, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title VII of the Civil Rights Act of 1964 ("Title VII") Brief description of cause: Violation of Title VII

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 2/3/2025 SIGNATURE OF ATTORNEY OF RECORD Noah E. Storch

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.