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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MICHELLE PIERCE,)	Case No. _____
)	
Plaintiffs)	
)	COMPLAINT AND DEMAND
v.)	FOR JURY TRIAL
)	
CORRECTIONS CORP. OF)	
AMERICA,)	
)	
Defendants)	

Plaintiff MICHELLE PIERCE, through counsel, alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights claim stemming from the sexually hostile work environment that pervades Corrections Corporation of America (“CCA”). While there, Ms. Pierce was subjected to inappropriate sexual comments and uninvited

sexual contact. Once Ms. Pierce complained to her supervisors and filled out the appropriate report, she was required to continue working with her harassers, who were not reprimanded in any way. Within a short time after making the complaint, Ms. Pierce was fired in retaliation.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343, in that this is a civil action arising from unlawful employment practices under 42 U.S.C. § 2000e *et seq.*

3. This court has supplemental jurisdiction over any related state law claims pursuant to 28 U.S.C. § 1367.

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(2), in that the events or omissions giving rise to the claim occurred in Idaho.

PARTIES

5. Plaintiff, Michelle Pierce, a single woman, was a citizen of the State of Idaho, at the times relevant to this complaint.

6. Defendant, Corrections Corp. of America (“CCA”), is a private employer, doing business in state of Idaho, and at the times relevant to the events of this complaint was running a private prison for the State of Idaho.

GENERAL ALLEGATIONS

7. Ms. Pierce began working for CCA at its Kuna, Idaho facility (Idaho Correctional Center) on or about July 19, 2012 as a Licensed Practical Nurse.

8. Ms. Pierce worked the night shift.

9. As part of her job responsibilities, she was required to pass out medications to the inmates, “med pass.”

10. As a safety measure, officers must assist the nurses in med pass, by accompanying them.

11. When she first began employment, Ms. Pierce noticed that the officers were not always willing to accompany and assist her with med pass.

12. She informed her supervisor, Nurse Sarah Field about it, asking what to do to get the help she needed.

13. Nurse Field recommended to Ms. Pierce that she should become more flirtatious with the officers, and that then they would do whatever she wanted.

14. Often during the her shift, Ms. Pierce would observe Nurse Field making sexual jokes with the officers.

15. She observed numerous male officers coming into the medical office and dropping dollar bills on the floor, making statements about paying for services.

16. Officers also felt very comfortable directing crude jokes and sexual innuendo towards Ms. Pierce as well.

17. For example, one evening Ms. Pierce did not have her Monster energy beverage that she usually drinks on the shift. She mentioned it, and another officer offered her a Rockstar drink. Ms. Pierce replied that she did not like the taste, and Officer Kelley inappropriately retorted “Like a shot of [semen]?”

18. Another incident involving Officer Kelley occurred when he assisted her with med pass one evening. When Ms. Pierce accidentally spilled a cup of water

on the medication cart, he made a sexual innuendo about how he had just made her really wet.

19. Crude jokes and sexual comments like these were commonplace at CCA.

20. Another incident occurred on or around the night of September 13, 2012 when Ms. Pierce went into the JKL housing unit to pick up “kites.”

21. A Kite is a health service request used when an inmate wants to see a nurse or a doctor, or has some other medical concern.

22. Three male officer, Spurgess, Vasquez and Omerevich were in the unit when Ms. Pierce arrived.

23. In front of the other officers, Officer Omerevich asked Ms. Pierce if she would show him her breasts.

24. Ms. Pierce refused.

25. Officer Omerevich persisted and even asked if Ms. Pierce would let him touch her breasts.

26. He stood in front of the door, blocking the exit, and refusing to let her leave until she complied.

27. Neither Officer Spurgess nor Officer Vasquez told Officer Omerevich that his behavior was inappropriate.

28. In fact, they chuckled, and one of them said “Just let him already.”

29. Ms. Pierce was completely embarrassed and did not formally report this incident.

30. However, she did tell Nurse Field about it.

31. Nurse Field's response was to chuckle and say, "That sounds like Omerevich."

32. Another incident occurred on or about September 29, 2012 when Captain Weibe came into the medical offices to visit.

33. He and Nurse Field, began making sexual jokes with each other.

34. Captain Weibe fondled Ms. Field's breasts in front of Ms. Pierce.

35. Although sexual innuendos, comments, and jokes appeared to pervade the atmosphere at CCA, Ms. Pierce did not feel there was much she could do about it.

36. Ms. Pierce had already filled out a 51-C internal complaint form regarding an inmate, Chris Gardner, and nothing was done about it.

37. He would come to the medical clinic and ask for Ms. Pierce by her first name, something that inmates are not allowed to do.

38. He also asked personal questions about Ms. Pierce and her children.

39. He also made inappropriate comments to Ms. Pierce.

40. Ms. Pierce informed Chief of Security Jepsen about her fear for her safety regarding this inmate.

41. She was told to fill out the 51-C, which she did.

42. However, nothing was done about the inmate. He was still on Ms. Pierce's med pass list, he was not moved to another wing, and he was allowed to continue to harass her.

43. Accordingly, Ms. Pierce felt that CCA had a cavalier attitude regarding safety and harassment.

44. The final incident occurred around the first part of October 2012, when Ms. Pierce was doing her med pass in Pod A.

45. When she entered the housing unit, Officer Seiple and Officer Heglund were sitting at the front desk.

46. Officer Seiple asked Ms. Pierce what she thought about Officer Tasso.

47. Ms. Pierce answered that she had no problems with Officer Tasso.

48. Officer Seiple then began making remarks about being “Tasso Certified.”

49. He called another employee, Officer Fluharty, on the phone and asked if he was “Tasso Certified.”

50. He then said that they should get Ms. Pierce “Tasso certified.”

51. Officer Seiple continued to make inappropriate sexual comments about Ms. Pierce and Officer Tasso.

52. He said they were both sexually frustrated and needed to start having sex together in order to get Officer Tasso to lighten up.

53. Officer Heglund chimed in that in order to become “Tasso certified you just need to have a vagina on the back of your head.”

54. This statement, besides being inappropriate, was especially hurtful to Ms. Pierce, who believed it to be an insult referring to the scar on the back of her head that she received in a car accident.

55. After Officer Seiple hung up the phone, he and Officer Heglund began making jokes about the new sexual harassment policy that CCA had presented about one week prior, saying that it was “a bunch of crap.”

56. Then, both officers assisted Ms. Pierce with her med pass for the evening.

57. After med pass was complete, Ms. Pierce left the unit.

58. She met Officer Snider, who noticed that she was upset and trying not to cry.

59. Ms. Pierce told him what happened.

60. Officer Snider told Ms. Pierce to immediately report the incident to Lt. Gabbitas.

61. Lt. Gabbitas told Ms. Pierce not to do anything, and specifically not to fill out the 51-C form, until after she had consulted with Captain Weibe.

62. About one hour later, Lt. Gabbitas informed Ms. Pierce that Captain Weibe wanted her to fill out a 51-C.

63. However, neither Captain Weibe nor Lt. Gabbitas could find either a hard copy or a computer copy of the form.

64. At the end of Ms. Pierce’s shift, Captain Leeds came on duty, and he was able to find the 51-C form after searching the computer files.

65. Ms. Pierce had to stay after her shift to complete the complaint form.

66. The next night, Ms. Pierce was required to complete the med pass with Officer Seiple, the very person she had just complained about for sexual harassment.

67. Lt. Gabbitas told Ms. Pierce that working with Officer Seiple should “be fine” because Officer Seiple was really sorry.

68. There was no other followup, and to Ms. Pierce’s knowledge, neither officer was reprimanded.

69. CCA continued to assign Ms. Pierce to work every shift with Officer Seiple and Officer Heglund.

70. On October 12, 2012, Ms. Pierce suffered a back injury while bending over during med pass.

71. She went to the ER, and learned that she would need to be out for a week.

72. One day after Ms. Pierce notified her employer that she would need to be off of work for one week, she was terminated.

73. Ms. Pierce was told that she was being terminated because her nursing license had expired.

74. Although Ms. Pierce’s license had expired on August 31, she had informed her clinical supervisor, Ambra Scouten, that she was trying to get it renewed.

75. Michael Evans, the human resource manager, had also been aware for a few months that Ms. Pierce was late in renewing her license.

76. Additionally, the charge nurse Sarah Field was aware of Ms. Pierce’s license status.

77. When staffing changed, charge nurse Joe Nourse was also made aware of the license status.

78. Although Ms. Pierce's supervisors were aware that her LPN license had not yet been renewed, they did not take her off the work schedule.

79. Rather, they simply told her to renew it as soon as possible.

80. In fact, Ms. Scouten told Ms. Pierce that because of short staffing, she needed her to continue working.

81. Ms. Pierce was never told that her job was in jeopardy because of her tardiness in renewing her license.

82. Additionally, Ms. Pierce was still qualified to do the work that she was doing, mainly med passes, through her separate certified medication assistant license.

83. On October 18, 2012, Warden Wengler signed and sent a termination letter to Ms. Pierce, informing her that she would be given the opportunity to grieve her termination.

84. On October 24, Mr. Evans called Ms. Pierce to inform her about the termination.

85. She went to CCA to fill out the grievance form.

86. On October 25, 2012, Mr. Evans called Ms. Pierce to notify her about her grievance hearing date, scheduled for October 30, at 11:00 a.m.

87. On October 29, 2012, Mr. Evans called Ms. Pierce to inform her that Warden Wengler was refusing her grievance because her discharge was nongrievable.

88. That same day Ms. Pierce sent an email to Warden Wengler, informing him of her license status, which was current at that time, and also informing him of her medication certificates which qualified her to perform med pass.

89. On October 30, Ms. Pierce showed up for her grievance appointment anyway, but she was not allowed to see Warden Wengler.

90. She was told several times that Warden Wengler was on a conference call.

91. She was left waiting in the lobby for four hours.

92. Finally Mr. Evans came to the lobby to inform Ms. Pierce that Warden Wengler was refusing to see her.

93. Ms. Pierce attempted to provide Mr. Evans copies of her medication certificates, proving that she had not exposed CCA to liability regarding med passes, but Mr. Evans refused to accept them.

94. Mr. Evans told Ms. Pierce that she would have to leave, threatening to call the police if she did not.

95. Ms. Pierce asked for copies of the 51-Cs that she had filed, and Mr. Evans told her that he would not provide them.

96. He again threatened to call the police.

97. The conduct described above is in violation of CCA's Code of Conduct and its Sexual Harassment Policy.

98. Additionally, the conduct described above is in violation of Title VII of the Civil Rights Act of 1964, as amended.

COUNT ONE

HOSTILE WORK ENVIRONMENT IN VIOLATION OF TITLE VII OF CIVIL RIGHTS ACT

99. Ms. Pierce repeats the allegations of the preceding paragraphs.

100. During her employment at CCA, Ms. Piece was subjected to sexual advances, requests for sexual conduct, and numerous comments of a sexual nature.

101. That conduct was unwelcome.

102. The conduct was pervasive.

103. Ms. Pierce perceived the working environment at CCA to be sexually hostile.

104. A reasonable woman in Ms. Pierce's circumstances would consider the working at environment at CCA to be sexually hostile.

105. CCA is a sexually hostile work environment.

COUNT TWO

HOSTILE WORK ENVIRONMENT CAUSED BY A SUPERVISOR IN VIOLATION OF TITLE VII OF CIVIL RIGHTS ACT

106. Ms. Pierce repeats the allegations of the preceding paragraphs.

107. Ms. Field was Ms. Pierce's nursing supervisor.

108. Captain Weibe was supervisor for the unit.

109. Ms. Field did nothing to correct the sexually harassing behavior of Officer Omerevich.

110. Both Ms. Field and Captain Weibe contributed to the hostile work environment.

COUNT THREE

HOSTILE WORK ENVIRONMENT CAUSED BY CO-WORKERS IN VIOLATION OF TITLE VII OF CIVIL RIGHTS ACT

111. Ms. Pierce repeats the allegations of the preceding paragraphs.

112. Ms. Pierce was subjected to a sexually hostile work environment one or more of the following co-workers, Officer Omerevich, Officer Seiple, and Officer Heglund.

113. When Ms. Pierce reported the incident with Officer Omerevich to Nurse Field, Nurse Field took no remedial action whatsoever to end the harassment.

114. When Ms. Pierce filled out the 51-C form after the incident with Officer Seiple and Officer Heglund, no remedial action was taken against either officer.

115. Ms. Pierce was required to continue working with her harassers for the remaining time with CCA.

COUNT FOUR

**RETALIATION
IN VIOLATION OF TITLE VII OF CIVIL RIGHTS ACT**

116. Ms. Pierce repeats the allegations of the preceding paragraphs.

117. Filing a complaint for sexual harassment is a protected activity under federal law.

118. Within days of filing the report, Ms. Pierce was terminated from her employment.

119. Ms. Pierce's filing of the report was at least a motivating factor in her termination.

PRAYER FOR RELIEF

WHEREFORE, Ms. Pierce respectfully requests:

1. Compensatory damages for harassment, in an amount to be determined by the trier of fact;
2. Compensatory damages for retaliation, in an amount to be determined by the trier of fact;
3. Compensatory damages for back pay, in an amount to be determined by the trier of fact;
4. Compensatory damages for front pay, in an amount to be determined by the trier of fact;
5. Punitive damages, in an amount to be determined by the trier of fact;

6. Reasonable attorneys' fees and costs, as provided by 42 U.S.C. § 1988, I.R.C.P. 54(d), I.C. §§ 12-120, 12-121, and other applicable statutes and rules;

7. Any other relief the court deems appropriate.

JURY TRIAL

Ms. Pierce requests a jury trial, pursuant to F.R.C.P. 38.

Respectfully submitted this 14th day of February, 2014.

_____/s/ _____

Renee Karel
Attorney for Plaintiff

CIVIL COVER SHEET

The JS 44 civil coversheet 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

Michelle Pierce

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Renee Karel - Karel Law Office, PLLC
787 E State St., #150, Eagle, ID 83616

DEFENDANTS

Corrections Corp. of America, Inc.

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

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

Attorneys (If Known)

Naylor & Hales
950 Bannock, Boise, ID 83702

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)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, PERSONAL INJURY, PERSONAL INJURY, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC § 2000e et seq
Brief description of cause: Sexually Hostile Work Environment at CCA, and Retaliation by termination once formal complaint made

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 2/14/2014 SIGNATURE OF ATTORNEY OF RECORD /s/ Renee Karel

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE