

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Patrice White)
15 R Street NW)
Washington, DC 20001)
Plaintiff,)

vs.)

Civil Action No.

District of Columbia)
2720 Martin Luther King, Jr. Ave. SE)
Washington, DC 20032)
Defendant,)

Christopher Rodriguez)
Director, Homeland Security and)
Emergency Management Agency (HSEMA))
for the District of Columbia)
2720 Martin Luther King, Jr. Ave. SE)
Washington, DC 20032)
Defendant.)

Serve:)
Dion E. Black, Esq.)
General Counsel, HSEMA)
2720 Martin Luther King, Jr. Ave. SE)
Washington, DC 20032)

_____)

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Patrice White, by and through undersigned counsel, brings this civil action against the District of Columbia (“DC”) and Christopher Rodriguez, Director, Homeland Security and Emergency Management Agency (HSEMA) for the District of Columbia (“Director Rodriguez” or the “Individual Defendant”) (collectively, the “Defendants”), and alleges as follows:

1. Plaintiff Patrice White was a senior and high performing emergency management professional who had served HSEMA for over thirty three years, repeatedly rising through the ranks. In 2021, she was abruptly terminated for unfounded reasons by HSEMA's new Director, Christopher Rodriguez, who made comments showing his animus for older Black women like Ms. White, and also showed a pattern of discriminating against older and/or Black employees while providing preferential treatment to younger and/or Caucasian employees. While Ms. White's termination was underway, one of the highest ranking HSEMA employees, Dr. Donell Harvin, submitted a highly publicized EEO Complaint to HSEMA detailing the ways he personally observed Director Rodriguez discriminating against Ms. White, and comments Director Rodriguez made showing his animus towards Black employees, especially older Black women. Despite this evidence of discrimination, Defendants did not investigate the matter, and moved forward to terminate Ms. White. Defendants terminated Ms. White in the midst of the COVID-19 pandemic in April 2021, rather than allowing Ms. White to continue serving the District of Columbia with her decades of emergency management experience.

2. This Complaint challenges unlawful discrimination based on race, sex and age committed against Plaintiff Patrice White by Director Rodriguez and HSEMA in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* ("Title VII"); Section 1 of the 1866 Civil Rights Act, 42 U.S.C. § 1981 ("Section 1981"); and/or the Age Discrimination in Employment Act (ADEA). This lawsuit seeks equitable relief and compensatory, consequential and punitive damages and lost wages for the injuries Plaintiff suffered by reason of the Defendants' discriminatory acts.

Jurisdiction and Venue

3. This Court has original jurisdiction over this Complaint pursuant to 28 U.S.C. § 1331 because those claims arise under the laws of the United States.

4. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1391 because the claim arose in the District of Columbia.

Exhaustion of Administrative Remedies

5. Plaintiff timely filed her Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC) on December 23, 2021.

6. The EEOC issued the Notice of Right to File Suit on September 16, 2022. *See* Exh. 1.

7. All statutory prerequisites for bringing this action have been timely satisfied.

Parties

8. Plaintiff Patrice White (“Ms. White”) is a citizen of the United States and an adult resident of the District of Columbia. She currently resides at 15 R Street NW, Washington, DC 20001. Ms. White employed by the District of Columbia Homeland Security and Emergency Management Agency (HSEMA) for thirty three years: from 1988 until 2021. Ms. White is a Black woman. She was 61 years old at the time Defendants terminated her. Due to a disability, she walks with a cane, which has the impact of visually signaling that she is an older woman.

9. Defendant District of Columbia is a municipal corporation empowered to sue and be sued and is the governmental entity that subjected Plaintiff to discrimination. Defendant the District of Columbia was Plaintiff’s employer as defined under Title VII, Section 1981, and the ADEA.

10. Defendant Christopher Rodriguez (“Director Rodriguez”) is the Director of the District of Columbia Homeland Security and Emergency Management Agency (“HSEMA” or the “Agency”) for the District of Columbia. Defendant Rodriguez was Plaintiff’s employer as defined Section 1981. He is personally responsible for the discrimination against Plaintiff. Director Rodriguez is a light skinned man in his early forties. Upon information and belief, he is of Hispanic origin.

FACTS

Ms. White’s Background and Accomplishments

11. Ms. White worked for HSEMA for over 33 years, from 1988 until her termination on April 6, 2021. Beginning as an entry level employee, she rose up the ranks, with HSEMA repeatedly promoting her to positions of greater responsibility and authority. HSEMA promoted Ms. White to a GS-15, and to the Management Supervisory Service, one of the most senior ranks within the DC government, from which she was terminated. In addition to these promotions and the corresponding salary increases, HSEMA gave Ms. White positive reviews of her performance and regular salary increases.

12. Ms. White’s primary area of expertise is overseeing and managing projects related to emergency preparedness in the National Capitol Region. Beginning around 2012, HSEMA appointed Ms. White to the role of Associate Director for Plans and Preparedness, where she oversaw emergency management planning, training, and exercises, and oversaw approximately twenty two HSEMA employees. From 2017 to 2019, HSEMA selected Ms. White to serve on a detail to the Metropolitan Washington Council of Governments, where she served as the National Capitol Region Preparedness Coordinator on behalf of HSEMA. In this role, she was responsible for coordinating the efforts of the District of Columbia, Maryland and Virginia to

strengthen emergency preparedness capabilities in the National Capital Region, and she oversaw approximately 54 employees. In 2019, Ms. White returned to her prior leadership role at HSEMA where she continued to support the National Capital Region emergency preparedness efforts. Her portfolio for HSEMA included Hazard Mitigation; Critical Infrastructure Protection; Business Continuity and Preparedness; Coordination of the Business Emergency Management Operations Center; Disability Integration; and Community Outreach. After the COVID-19 pandemic hit the DC region in 2020, Ms. White took on additional responsibilities and worked extra-long hours for HSEMA's Emergency Operations Center and to support HSEMA's response to COVID-19.

13. In addition to her years of experience, Ms. White is certified by the Federal Emergency Management Agency (FEMA) to serve in the roles of Emergency Operations Center Manager; Planning Section Chief; State Liaison Officer; and State Coordinating Officer during a broad range of natural and man-made incidents, disasters, special events and National Security Special Events (NSSEs).

New HSEMA Director, Chris Rodriguez

14. The District of Columbia appointed Chris Rodriguez as the new director of HSEMA.

15. Director Rodriguez made it clear that he preferred younger employees and Caucasian employees, and that older employees and Black employees such as Ms. White were less desirable and even expendable.

16. Director Rodriguez made comments about wanting to fire older Black women, including Ms. White, and how he thought older Black women were not worth the amount he paid them, while not making the same comments about younger and/or Caucasian employees.

Director Rodriguez stated that an experienced and high performing contractor for HSEMA, who was an older Black woman, was “over the hill” and had “nothing to offer.” Director Rodriguez’s comments are direct evidence of his animus to older and/or Black and/or female employees.

17. Under Director Rodriguez, HSEMA began a noticeable trend of discharging and demoting older and/or Black employees transferred to undesirable assignments, or being offered unsolicited buyouts, which they were strongly encouraged to accept. Those employees were then frequently replaced with new employees that were much younger and less-experienced. Under Director Rodriguez, HSEMA began a noticeable trend of providing preferential assignments, promotions, and pay increases to Caucasian employees who had less experience and/or fewer education credentials.

18. Director Rodriguez also exhibited preferential treatment for Caucasians when hiring contractors, including paying Caucasian contractors higher salaries and giving them preferential treatment. Director Rodriguez exhibited particular hostility to the only Black contractor for HSEMA, who was an older woman. In addition to stating that an older Black woman contractor was “over the hill” and had “nothing to offer,” Director Rodriguez asked that a member of the HSEMA Senior Leadership Team not renew a contract for a high performing Black contractor. In contrast, Director Rodriguez provided high paying and lucrative contracts to less productive Caucasian contractors. Upon information and belief, Director Rodriguez arranged to pay a Caucasian contractor a salary of approximately \$160,000.00 per year, which was above the amount authorized for such work. This Caucasian contractor did not work full time, and worked fully remotely. There was no business justification for this, nor was it justified under the HSEMA contracting rules, the work performed by the employee, or any legitimate non-discriminatory reason.

19. In the summer of 2020, HSEMA posted a vacancy for a position in Ms. White's division that would directly report to her. The incumbent would manage the Acting Hazard Mitigation Officer, the COOP/Business Emergency Management Operations Center Manager, and the Critical Infrastructure Protection Manager. There was an older, highly experienced Black woman within HSEMA applying for the positions. However, instead, Defendants promoted a less experienced Caucasian woman in her thirties to the vacant position. Defendants did not consult Ms. White about the hiring decision, which was highly unusual for a position reporting directly to her. Defendants did not sideline other Caucasian managers about hiring decisions in a similar manner.

20. Dr. Donell Harvin served as the Chief of Homeland Security and Intelligence for the District of Columbia, until he resigned on April 1, 2021. On April 1, 2021 Dr. Harvin filed an EEO Complaint with DC regarding the discriminatory manner in which Director Rodriguez treated Black and/or older employees at HSEMA. The EEO Complaint was made public, and garnered substantial media attention. In the EEO Complaint, Dr. Harvin detailed how Director Rodriguez unjustifiably targeted Ms. White and other older Black women for termination, making disparaging comments about their worth to HSEMA.

Director Rodriguez Reassigns and Demotes Ms. White

21. In or around April 2020, Director Rodriguez involuntarily transferred Ms. White out of her role as the National Capital Region Emergency Preparedness Coordinator to serve as the Resilience Bureau Chief.

22. The Resilience Bureau Chief position was an undesirable and challenging position that few senior employees with Ms. White's experience would voluntarily accept. It also had fewer opportunities for high profile accomplishments, and less opportunity for advancement. As

such, the Resilience Bureau Chief position constituted a demotion from Ms. White's prior position. Nonetheless, Ms. White accepted the position, and worked hard to serve HSEMA and the Resilience Bureau.

23. Defendants set Ms. White up for failure in her new position. Defendants did not update Ms. White on active contracts, grant projects, as well as failed to give Ms. White proper notice about personnel issues in the division, which HSEMA would ordinarily give to a new manager. HSEMA did not treat younger employees or Caucasian employees in this manner when they took on new managerial roles. Nonetheless, Ms. White continued to work hard for HSEMA.

HSEMA Makes Comments that Ms. White Should Retire

24. Defendants tried to coerce Ms. White into retirement even though Ms. White had no plans to retire. HSEMA made open comments that Ms. White should retire. For example, in an open environment within the HSEMA office, HSEMA's HR Advisor approached Ms. White and told her that she was eligible to retire. HSEMA's HR Advisor's "advice" regarding Ms. White's retirement eligibility was completely unsolicited, and unwelcomed. HSEMA's HR Advisor said this openly in the workplace, within earshot of any number of HSEMA employees who were working in surrounding cubicles. Ms. White found this unprofessional and demeaning, as it created the impression that it would be better for Ms. White, an older employee, to retire rather than continue working. Ms. White informed the HSEMA HR Advisor that she was not considering retirement.

25. The HSEMA HR Advisor also approached another older Black employee in the workplace, and subjected her to unsolicited discussions regarding her retirement eligibility. HSEMA did not do the same to Caucasian employees.

Defendants Pressure Managers to Give Older and/or Minority Employees Poor Performance Ratings

26. HSEMA pressured Ms. White to give older staff and/or minority staff unjustifiably low performance ratings, while not encouraging Ms. White to do the same to younger employees. In November 2020, HSEMA management gave Ms. White explicit directions to make such downgrades with respect to the performance ratings for multiple specific older employees of color. Ms. White objected, and explained to HSEMA management that she believed the higher ratings for these older employees of color were warranted based on her detailed review of their performance, as well as feedback from others, and that these performance ratings were warranted by HSEMA policies.

27. In Dr. Harvin's EEO Complaint he detailed how Director Rodriguez pressured him to give negative performance evaluations to minority members of his staff.

Defendants Give Ms. White a Discriminatory Negative Performance Review and Notify Her HSEMA Will Seek to Terminate Her

28. In February of 2021, HSEMA's general counsel met with Ms. White and notified her that HSEMA was downgrading her performance rating from Valuable Performer to Marginal Performer (with ratings of 1s and 2s). This was a shock to Ms. White. In this same meeting, HSEMA's general counsel informed her that HSEMA was going to seek to terminate her due to this poor performance rating. During this meeting, HSEMA counsel repeatedly referred to Ms. White's age, including asking about her birthday and when she would turn 62.

29. In her thirty three years of service to HSEMA, Ms. White had never received such a low review. This poor review was not justified based on her performance or accomplishments.

30. Prior to this poor review, no one from HSEMA management had ever told her that HSEMA believed she was a poor performer, or that her performance was in need of such

substantial improvement. HSEMA did not give Ms. White a legitimate reason for the downgrade and did not provide Ms. White with an opportunity to make improvements, such as through a Performance Improvement Plan, as set forth in the DC Personnel Manual.

31. The poor review was unfounded, and not a legitimate basis to terminate her. HSEMA conducted the performance review in November 2020, approximately six months after Ms. White took on the new position as the Resilience Bureau Chief. The rating was based on only a few months of Ms. White's performance in her new job. Moreover, Ms. White had excellent performance during the time period, and her accomplishments included taking on the position of Resilience Bureau Chief, managing an entirely new team, handling major personnel issues, completing all fiscal year 2020 plans, and providing input regarding performances for her former regional team. All of these goals were achieved under the unprecedented stress and strain caused by the COVID-19 pandemic. Furthermore, Ms. White went above and beyond to take on extra duties and working long hours to assist HSEMA's efforts in responding to the COVID-19 pandemic.

32. Prior to Director Rodriguez assuming his role at HSEMA, Ms. White had never observed a long term employee being abruptly terminated from HSEMA over a single poor performance review. Ms. White was shocked to hear that HSEMA was seeking to terminate her after over thirty three years of service based on one review.

33. It is both the policy and practice of the District of Columbia to give employees notice of poor performance, and the employee the opportunity to demonstrate improvement. The DC Personnel Manual sets forth these policies, including regarding issuing employees Performance Improvement Plans (PIPs), and using termination as an option only where the

employee fails to demonstrate improvement. Defendants' actions towards Ms. White were contrary to both HSEMA policy and practice.

34. Ms. White asked for HSEMA's general counsel to reconsider the proposed termination. She had served HSEMA for thirty three years and did not wish to retire. There was no legitimate reason to terminate or, or justification for classifying her as a poor performer. Ms. White also did not think the middle of the COVID-19 global pandemic was the time to abandon her career in emergency preparedness for the District of Columbia.

Discriminatory Termination

35. On March 22, 2021, Ms. White received a Letter from Director Rodriguez officially terminating her employment with HSEMA. The Letter stated that she was being "termination for non-disciplinary reasons." The Letter stated that her "termination from District government service will be effective close of business on Tuesday, April 6, 2021."

36. Under Chapter 38 of the District of Columbia Personnel Manual, the District of Columbia is required to give Management Supervisory Service employees like Ms. White fifteen days' notice of any termination, and may pay employees with three or more years of service, like Ms. White, up to ten weeks of severance pay.

37. Director Rodriguez's Letter notified Ms. White that he was placing her on administrative leave during the fifteen day notice period. Placing employees on paid administrative leave, rather than allowing them to work, when they were being terminated for non-disciplinary reasons was not standard practice for the District of Columbia. Director Rodriguez further declined to give her any severance. There was no legitimate nondiscriminatory reason for these actions.

38. Defendants did not have a legitimate nondiscriminatory reason for terminating Ms. White. Abruptly terminating a senior employee with thirty three years of experience after a single, unfounded, negative review is unfounded. Any further criticism of Ms. White's performance, or other reasons for terminated her, which Defendants may put forward after Ms. White's termination are false and pretextual.

39. In fact, shortly after Ms. White's termination, FEMA announced that it was awarding sizable and impressive competitive grants to HSEMA, totaling approximately \$38.56 million. These were grants that Ms. White was instrumental in obtaining, including overseeing and developing the applications. The FEMA grants awarded to HSEMA included an \$18.61 million grant to implement subsurface and landscape mitigation strategies, including reducing flooding; and a \$19.95 million grant to construct a micro-grid at Saint Elizabeth's Hospital Campus to provide resilient power to their communications center, which provides several vital services including 9-1-1 service. These grant applications were open to states and localities throughout the country, and the application process was highly competitive. It is a testament to Ms. White's skills and leadership that she was able to obtain these impressive grants to help the District of Columbia. Yet Defendants terminated Ms. White for alleged poor performance.

40. Defendants did not similarly discipline and/or terminate Caucasian, white and/or male employees who received similarly poor performance ratings. During the same time frame, a young, white, male employee received a rating of Marginal Performer (2.0). HSEMA promoted this employee.

**Defendants Fail to Investigate and/or Stop the Termination In
Response to Dr. Harvin's April 1, 2021 EEO Complaint**

41. On April 1, 2021, Dr. Donell Harvin filed a five-page detailed EEO Complaint of discrimination with the District of Columbia. Dr. Harvin's EEO Complaint detailed how

HSEMA and Director Rodriguez were discriminating against Dr. Harvin and other employees within HSEMA.

42. Dr. Harvin's EEO Complaint explicitly put Defendants on notice about allegations that Ms. White was being subject to discrimination by Director Rodriguez and HSEMA. Dr. Harvin's EEO Complaint named Ms. White, and detailed how HSEMA and Director Rodriguez were discriminating against Ms. White as an older, Black woman. Dr. Harvin's EEO Complaint provided specific examples of such discrimination against Ms. White, as well as regarding discrimination against other Black employees, especially older Black women.

43. Dr. Harvin's EEO Complaint explicitly stated "I witnessed first-hand both race and age discrimination, with [two older black women] and Ms. White being older black women."

44. Dr. Harvin's EEO Complaint stated that Director Rodriguez had publicly stated in the presence of members of the HSEMA Senior Leadership Team "how can I get rid of them?" in reference to Ms. White and another older Black woman. Dr. Harvin's EEO Complaint stated that Director Rodriguez's desire to get rid of Ms. White was not based on performance.

45. Dr. Harvin's EEO Complaint that he was "persistently been pressured by Chris Rodriguez" to give negative performance evaluations to minority employees, and that he "personally was pressured on several occasions to write negative or poor evaluations for [older Black woman employee] and Ms. Patrice White, while I supervised them." Dr. Harvin's EEO Complaint further detailed how Director Rodriguez did not try and remediate or improve any alleged poor performance, but instead that it was "stated policy and practice that evaluations should be used to "perform people out."

46. Despite receiving this detailed EEO complaint while Ms. White was still employed, Defendants failed to investigate and/or take remedial action to ensure that Ms. White was not being terminated for unlawful, discriminatory reasons as outlined by the first-hand accounts of Dr. Harvin. Instead, Defendants allowed Ms. White's termination to go into effect on April 6, 2021.

47. Defendants' discriminatory termination of Ms. White's employment has inflicted enormous financial, reputational, personal and emotional harm on her.

Defendants Replace Ms. White with a Significantly Younger, Less Experienced, Less Qualified, Caucasian Employee

48. After terminating Ms. White, Defendants promoted a young, Caucasian employee to Ms. White's position. Upon information and belief, this employee was in her early thirties, and had received her Bachelor's Degree in 2010. This employee had little to no experience in emergency management, and did not have the FEMA certifications that Ms. White had earned. The employee did not have the depth of knowledge of the position or field that Ms. White possessed. The employee was so junior that HSEMA could not promote her to the GS-15 level when she took the position, which is the grade typically given to a Bureau Chief. Instead, she held the GS-14 rank.

Count I. Discrimination on the Basis of Race and/or Sex in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. against Defendant District of Columbia

49. Plaintiff incorporates by reference all prior paragraphs to this Complaint, as if fully set forth in this Count.

50. Plaintiff is a Black woman.

51. Discrimination because of an employee's race and/or sex is unlawful under Title VII, 42 U.S.C. § 2000e-1 *et seq.*

52. Defendant qualifies as an employer under Title VII, and thus, Defendant has a legal obligation to provide Plaintiff and all employees a workplace free of unlawful discrimination and to investigate and then to remedy the situation if discrimination occurs.

53. Defendant has a known history of granting preferential treatment to Caucasian and/or male employees, and treating Black employees worse, including older Black women.

54. Defendant, through its Director, Christopher Rodriguez, has made statements showing his animus towards older Black women, which constitute direct evidence of discrimination.

55. On April 1, 2021, Defendant received an EEO complaint from Dr. Donell Harvin that alleged that Defendant and Director Rodriguez were discriminating against Plaintiff because of her race and/or sex, and provided specific examples of such discrimination against Plaintiff as well as regarding discrimination against other Black employees, especially older Black women. Defendant failed to investigate and/or take remedial action to ensure that Plaintiff did not experience such discrimination, and instead allowed her termination to go into effect on April 6, 2021.

56. Defendant treated Plaintiff worse on account of her race and/or sex, and ultimately terminated her because of her race and/or sex. Defendant's treatment of Plaintiff showed transparent bias against Plaintiff because she is an older Black woman.

Count II. Discrimination on the Basis of Race in Violation of Section 1 of the 1866 Civil Rights Act, 42 U.S.C. § 1981 (“Section 1981”) against Defendant the District of Columbia

57. Plaintiff adopts and incorporates each and every allegation contained in each of the foregoing paragraphs as if fully restated herein.

58. 42 U.S.C. § 1981 prohibits race discrimination in the making and enforcement of employment contracts and also covers the employment relationship for employees, including for employees of Defendant the District of Columbia.

59. Plaintiff is a Black woman.

60. Defendant qualifies as an employer under Section 1981, and thus, Defendant has a legal obligation to provide Plaintiff and all employees a workplace free of unlawful discrimination and to investigate and then to remedy the situation if discrimination occurs.

61. Defendant has a known history of granting preferential treatment to Caucasian employees, and treating Black employees worse, including older Black women.

62. Defendant, through its Director, Christopher Rodriguez, has made statements showing his animus towards older Black women, which constitute direct evidence of discrimination.

63. On April 1, 2021, Defendant received an EEO complaint from Dr. Donell Harvin that alleged that Defendant and Director Rodriguez were discriminating against Plaintiff because of her race, and provided specific examples of such discrimination against Plaintiff as well as regarding discrimination against other Black employees, especially older Black women. Defendant failed to investigate and/or take remedial action to ensure that Plaintiff did not experience such discrimination, and instead allowed her termination to go into effect on April 6, 2021.

64. Defendant treated Plaintiff worse on account of her race, and ultimately terminated her because of her race. Defendant's treatment of Plaintiff showed transparent bias against Plaintiff because she is an older Black woman.

Count III. Discrimination on the Basis of Age in Violation Of The Age Discrimination In Employment Act ("ADEA"), 29 U.S.C. §621 *et. seq.* against Defendant the District of Columbia

65. Plaintiff hereby incorporate by reference all of the allegations and facts set forth above.

66. Discrimination because of an employee's age is unlawful under the ADEA, 29 U.S.C. §621 *et. seq.*

67. Defendant qualifies as an employer under the ADEA, and thus, Defendant has a legal obligation to provide Plaintiff and all employees a workplace free of unlawful discrimination and to investigate and then to remedy the situation if discrimination occurs.

68. Plaintiff was 61 years old when Defendant the District of Columbia terminated her without cause, or a legitimate non-discriminatory reason. Defendant the District of Columbia knew Plaintiff's age when terminating her.

69. Defendant has a known history of granting preferential treatment to younger employees, and treating older employees worse, including older Black women.

70. Defendant, through its Director, Christopher Rodriguez, has made statements showing his animus towards older employees, which constitute direct evidence of discrimination.

71. On April 1, 2021, Defendant received an EEO complaint from Dr. Donell Harvin that alleged that Defendant and Director Rodriguez were discriminating against Plaintiff because of her age, and provided specific examples of such discrimination against Plaintiff as well as regarding discrimination against other older employees, especially older Black women.

Defendant failed to investigate and/or take remedial action to ensure that Plaintiff did not experience such discrimination, and instead allowed her termination to go into effect on April 6, 2021.

72. Defendant treated Plaintiff worse on account of her age, and ultimately terminated her because of her age. Defendant's treatment of Plaintiff showed transparent bias against Plaintiff because she is an older employee, and an older Black woman.

Count IV. Discrimination on the Basis of Race in Violation of Section 1 of the 1866 Civil Rights Act, 42 U.S.C. § 1981 ("Section 1981") Against Defendant HSEMA Director Christopher Rodriguez

73. Plaintiff adopts and incorporates each and every allegation contained in each of the foregoing paragraphs as if fully restated herein.

74. 42 U.S.C. § 1981 prohibits race discrimination in the making and enforcement of employment contracts and also covers the employment relationship for employees.

75. Defendant Christopher Rodriguez is an employer under 42 U.S.C. § 1981.

76. Plaintiff was an employee of Defendant Christopher Rodriguez under 42 U.S.C. § 1981.

77. Plaintiff is a Black woman.

78. Defendant Rodriguez qualifies as an employer under Section 1981, and thus, Defendant has a legal obligation to provide Plaintiff and all employees a workplace free of unlawful discrimination and to investigate and then to remedy the situation if discrimination occurs.

79. Defendant Rodriguez is personally responsible for the discrimination against Plaintiff, including because Defendant Rodriguez personally terminated Plaintiff via the March 22, 2022 letter notifying Plaintiff of her termination, which went into effect on April 6, 2022.

80. Defendant Rodriguez as a known history of granting preferential treatment to Caucasian employees, and treating Black employees worse, including older Black women.

81. Defendant Rodriguez has made statements showing his animus towards older Black women, which constitute direct evidence of discrimination.

82. On April 1, 2021, Defendant received an EEO complaint from Dr. Donell Harvin that alleged that Defendant the District of Columbia and Defendant Rodriguez were discriminating against Plaintiff because of her race, and provided specific examples of such discrimination against Plaintiff as well as regarding discrimination against other Black employees, especially older Black women. Defendant failed to investigate and/or take remedial action to ensure that Plaintiff did not experience such discrimination, and instead allowed her termination to go into effect on April 6, 2021.

83. Defendant treated Plaintiff worse on account of her race, and ultimately terminated her because of her race. Defendant's treatment of Plaintiff showed transparent bias against Plaintiff because she is an older Black woman.

RELIEF REQUESTED

84. WHEREFORE, Plaintiff Ms. White demands judgment against the Defendants and prays that the Court:

- a. Issue a declaratory judgment that Defendants' conduct violated her rights;
- b. Reinstate Plaintiff to her prior positions at DC HSEMA, or alternatively, award her an appropriate amount of front pay;
- c. Award Plaintiff all back pay, including but not limited to wages, benefits, and retirement benefits pursuant to Title VII, the Age Discrimination in Employment

Act (ADEA), and Section 1981, plus an equal amount in liquidated damages for all back pay and front pay including benefits pursuant to the ADEA;

- d. Award Plaintiff the out of pocket costs and consequential damages she incurred as a result of Defendants' discrimination against her;
- e. Award Plaintiff compensatory and consequential damages against Defendant the District of Columbia and Defendant Rodriguez to redress her economic and emotional injuries;
- f. Award Plaintiff punitive damages for Defendant the District of Columbia and Defendant Rodriguez's reckless disregard of, and callous indifference to, her rights to be free of discrimination, in an amount appropriate to the proof presented at trial;
- g. Award Plaintiff the reasonable attorney's fees and the costs of this litigation, including the fees and costs incurred in the EEO administrative process;
- h. Award Plaintiff appropriate prejudgment and post-judgment interest;
- i. Award Plaintiff an additional amount to account for any taxes she may be called upon to pay in relation to these awards herein;
- j. Order Defendants to develop and implement effective measures to prevent and then remedy discrimination;
- k. Order Defendants to develop and implement effective measures to ensure that older employees, Black employees, and/or women are not discriminated against;
- l. Order Defendants to develop and implement effective measures to ensure that all claims of discrimination, whether brought by an employee on behalf of

themselves or a complaint about discrimination against other employees, is properly investigated and proper remedial action is taken;

- m. Order Defendants to consider appropriate disciplinary actions against the management officials who engaged in discrimination against Plaintiff;
- n. Posting of notices on Defendants' premises notifying employees that Defendants have violated the anti-discrimination laws, and that employees who report future violations may not be subject to retaliation; and
- o. Grant such other relief as this Court deems just and necessary.

DEMAND FOR JURY TRIAL

85. Plaintiff demands a jury trial as to all issues triable by a jury pursuant to Fed. R. Civ. P.

38.

Respectfully submitted,

JOSEPH, GREENWALD & LAAKE, P.A.

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