

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DARLENE BALL-RICE,

Plaintiff,

v.

BOARD OF EDUCATION OF
PRINCE GEORGE'S COUNTY,

Defendant.

Civil Action No. 11-cv-1398 PJM

AMENDED COMPLAINT

Pursuant to United States District Judge Peter J. Messitte's Order, dated October 24, 2011, the Plaintiff submits an Amended Complaint.

COMES NOW Plaintiff through undersigned counsel states as follows:

JURISDICTION AND VENUE

1. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of equal protection rights secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.
2. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d-7 et seq. The U.S. Department of Education has provided Maryland public schools with more than \$1 billion under the American Recovery and Reinvestment Act of 2009. Prince George's County Public Schools are receiving stimulus funds for the expressed purpose of creating jobs and maintaining existing ones. Title VI requires the recipients of federal funds to waive Eleventh Amendment sovereign immunity.

3. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.]. The U.S. Department of Education has provided Maryland public schools with more than \$1 billion under the American Recovery and Reinvestment Act of 2009. Prince George's County Public Schools are receiving stimulus funds. Title IX requires the recipients of federal funds to waive Eleventh Amendment sovereign immunity.
4. Venue lies in this District pursuant to 42 U.S.C. § 2000e-5(f)(3) and because the events and occurrences giving rise to this action occurred within this judicial district.

PARTIES

5. Darlene Ball-Rice is a current employee of Prince George's County Public Schools.
6. The Prince George's County Public Schools are located in Prince George's County, Maryland.

STATEMENT OF CLAIM

Darlene Ball-Rice

Introduction

7. Darlene Ball-Rice has been employed as a secretary by Prince George's County Public Schools since October 1994.
8. Darlene Ball-Rice was the secretary to the principal (Secretary II) at Largo High School.
9. Ms. Ball-Rice is a forty nine (49) year old African American woman.

Hostile Work Environment

10. From 2007 to 2010, on a daily basis, Principal Simpson-Marcus humiliated two African American secretaries, Nicole Turner and Tracy Allison, by calling them derogatory

names, such as, “chicken head”, “bird”, “hood rat” and “ghetto” in the presence of faculty, staff, parents, and students.

11. On a daily basis, Ms. Ball-Rice witnessed Principal Simpson-Marcus call Ms. Turner and Ms. Allison derogatory names, such as, “chicken head”, “bird”, “hood rat” and “ghetto” and threaten them with termination.
12. Ms. Turner and Ms. Allison regularly complained to Ms. Ball-Rice about Principal Simpson-Marcus’ abusive behavior and the stress they were experiencing.
13. Ms. Ball-Rice witnessed Ms. Allison crying uncontrollably and having anxiety attacks that forced her to leave the building.
14. Ms. Ball-Rice believed that Ms. Allison was on the verge of a nervous breakdown.
15. During the 2008 – 2009 school year, Ms. Allison attempted suicide, by taking an overdose of pills, and ended up in the hospital.
16. Ms. Ball-Rice witnessed Ms. Turner having difficulty breathing and sweating profusely after encounters with Principal Simpson-Marcus.
17. In June 2008, Ms. Turner transferred to another school after a school nurse warned her that her elevated blood pressure put her at risk for a stroke.
18. During the 2007 – 2008 school year, both Ms. Turner and Ms. Allison, who have bubbly personalities, became depressed and withdrawn.
19. As the secretary to the principal, Ms. Turner and Ms. Allison turned to Ms. Ball-Rice to do something about Principal Simpson-Marcus’ abusive behavior.
20. Initially, Ms. Ball-Rice complained to Principal Simpson-Marcus about the effect her behavior was having on Ms. Turner and Ms. Allison.

21. However, Principal Simpson-Marcus ignored Ms. Ball-Rice and continued the name-calling and threats of termination.
22. Ms. Ball-Rice then complained to her union, but Principal Simpson-Marcus would not meet with the union representative despite multiple attempts.
23. The stress of coping with Principal Simpson-Marcus' abusive behavior made it difficult for Ms. Ball-Rice, Ms. Turner, and Ms. Allison to report to work each day.
24. Ms. Ball-Rice, Ms. Turner, and Ms. Allison began to meet after work to discuss what could be done about Principal Simpson-Marcus abusive behavior.
25. Terms like "chicken head" and "bird" are urban slang terms for slut, according to the Urban Dictionary website at www.urbandictionary.com.
26. These terms refer to the motion a woman's head makes when she performs fellatio.
27. Principal Simpson-Marcus specifically referred to Ms. Turner as a "Palmer Park hood rat".
28. The term "hood rat" is an urban slang term for ghetto slut, according to the Urban Dictionary website at www.urbandictionary.com.
29. Ms. Ball-Rice, Ms. Turner, and Ms. Allison found slang terms like "chicken head", "bird", "hood rat" and "ghetto" to be demeaning and racially offensive.

White Teachers Targeted for Harassment and Termination

30. Principal Simpson-Marcus became the principal of Largo High School in 2007.
31. Principal Simpson-Marcus is an African American woman in her early forties.
32. Principal Simpson-Marcus openly despised older white teachers.

33. Starting during the summer of 2007, Principal Simpson-Marcus regularly refer to older white teachers as “poor white trash”, “dirty white man”, “old white ass”, and “old white bitch”.
34. In the presence of her staff, Principal Simpson-Marcus pledged to get rid of these teachers.
35. The method for getting rid of these teachers would be to give them negative job performance evaluations.
36. Principal Simpson-Marcus stated that she had the support of Superintendent Hite and Executive Director Monica Goldson.
37. Principal Simpson-Marcus particularly despised Jon Everhart, a white English teacher.
38. When referring to Mr. Everhart, Principal Simpson-Marcus would occasionally say to her staff, “I can’t stand that motherfucker”.
39. Principal Simpson-Marcus openly referred to Mr. Everhart as “poor white trash”.
40. In the spring of 2010, Mr. Everhart became ill at school.
41. Mr. Everhart stopped by the principal’s office to submit the forms that would allow him to take the remainder of the day off.
42. Ms. Ball-Rice accepted the completed forms from Mr. Everhart before he left the school to go home.
43. Days later, Principal Simpson-Marcus summoned Mr. Everhart to her office and accused him of not submitting the required forms.
44. Ms. Ball-Rice, who had accepted the required forms from Mr. Everhart, spoke up in Mr. Everhart’s defense.
45. Principal Simpson-Marcus expressed immediate displeasure with Ms. Ball-Rice.

Retaliation

46. Principal Simpson-Marcus instructed teachers and staff not to talk to or associate with Mr. Everhart.
47. Nonetheless, Ms. Ball-Rice, Ms. Turner, and Ms. Allison treated Mr. Everhart with due respect.
48. Principal Simpson-Marcus labeled Ms. Ball-Rice, Ms. Turner, and Ms. Allison as not being team players.
49. Principal Simpson-Marcus began to threaten Ms. Ball-Rice, Ms. Turner, and Ms. Allison with termination.
50. Starting in late 2007, Ms. Ball-Rice began to complain to William Barnes, a Regional Director of the High School Consortium, about Principal Simpson-Marcus' abusive behavior.
51. In June 2008, Ms. Ball-Rice assisted Ms. Turner in preparing a written complaint against Principal Simpson-Marcus that was sent to several school officials, including the superintendent.
52. However, Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.
53. Principal Simpson-Marcus' name-calling and threats of termination continued.
54. Ms. Ball-Rice was the secretary to the principal.
55. The secretary to the principal is a Secretary II position and entails greater responsibilities and higher pay than other secretarial positions.
56. The secretary to the principal supervises one or more lower level secretaries.
57. The secretary to the principal reports directly to the school's principal.

58. Ms. Ball-Rice had been the secretary to the principal at Largo High School for approximately five years before Principal Simpson-Marcus became the school's principal in 2007.
59. In early 2008, shortly after Ms. Ball-Rice began to complaint to Regional Director William Barnes, Principal Simpson-Marcus began to take away Ms. Ball-Rice's duties as the secretary to the principal and threaten her with termination.
60. Ms. Ball-Rice was no longer allowed to prepare the school's budget or issue stipends to teachers, as she had done for years.
61. Principal Simpson-Marcus would not allow Ms. Ball-Rice to maintain her appointment schedule, which is traditionally done by the secretary to the principal.
62. Ms. Ball-Rice's duties were reduced to answering the phone and covering the front office, which are the duties of a lower leveled Secretary I front office secretary.
63. Starting in early 2008, Principal Simpson-Marcus taunted Ms. Ball-Rice with comments like, "Are you upset because I took your power away?"
64. One day, after assisting a teacher, Ms. Ball-Rice overheard Principal Simpson-Marcus say to the teacher, "I know you didn't allow that bitch to help you with anything."
65. Ms. Ball-Rice was so distressed by the Principal Simpson-Marcus' comment that she rushed into her office and burst into tears.
66. Principal Simpson-Marcus continued to harass Ms. Ball-Rice until Ms. Ball-Rice was transferred to another school in the summer of 2010.

Count I – Title IX - Hostile Work Environment (Sex)

67. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.
68. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was unwelcomed.

69. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was based on her sex.
70. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was severe and pervasive.
71. Prince George's County Public Schools is liable.
72. Principal Simpson-Marcus was Ms. Ball-Rice's supervisor.
73. Ms. Ball-Rice complained about Principal Simpson-Marcus' harassment to William Barnes, a Regional Director of the High School Consortium.
74. Prince George's County Public School did not conduct an investigation or take prompt corrective action.
75. Principal Simpson-Marcus' daily harassment unreasonably interfered with Ms. Ball-Rice's work performance.

Count II – Title VI – Hostile Work Environment (Race)

76. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.
77. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was unwelcomed.
78. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was based on her race.
79. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was severe and pervasive.
80. Prince George's County Public Schools is liable.
81. Principal Simpson-Marcus was Ms. Ball-Rice's supervisor.
82. Principal Simpson-Marcus' daily harassment unreasonably interfered with Ms. Ball-Rice's work performance.

Count III - Title IX (Retaliation)

83. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs

84. Prince George's County Public Schools retaliated against Ms. Ball-Rice.

85. Ms. Ball-Rice engaged in protected activity by complaining to Regional Director William Barnes about Principal Simpson-Marcus' discriminatory practices.

86. Principal Simpson-Marcus responded to Ms. Ball-Rice's protected activity by threatening to termination her and taking away her job duties.

Count IV – Title VI (Retaliation)

87. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.

88. Prince George's County Public Schools retaliated against Ms. Ball-Rice.

Emotional Pain and Suffering

89. Ms. Ball-Rice suffers from anxiety, migraine headaches, and heart palpitations due to job stress.

90. Ms. Ball-Rice continues to experience emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other pecuniary and non pecuniary losses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays this court:

(a) Issue a declaratory judgment that Defendant's acts, policies, practices and procedures complained of herein-violated Plaintiff's rights as secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution; Title VI of CRA; Title IX of the Education Act; and, Order Defendant to make whole Plaintiff who has been adversely affected by the policies and practices described herein in an amount to be shown at trial and other affirmative relief;

- (b) Compensate the Plaintiff for loss pay and benefits, with interest;
- (c) Retain jurisdiction over this action to assure full compliance with the orders of the court and with applicable law and require defendant to file such reports as the court deems necessary to evaluate compliance;
- (d) To award them reasonable attorney's fees and costs of this action;
- (e) Award Plaintiff compensatory and punitive damages; and,
- (f) Grant such additional relief as the court deems just and proper; and

WHEREFORE, the premises considered, the Plaintiff demands judgment against the Defendant in the amount of five million dollars (\$5,000,000).

JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,

Bryan A. Chapman, Esquire Bar No.012274
Law Office of Bryan A. Chapman
325 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

(202) 558-6168
bchapman@baclaw.com

Attorney for Plaintiff