

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

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JON EVERHART  
4962 CLANCY COURT  
GAHANA, OH 43230,

Civil Action No.

Plaintiff,

v.

BOARD OF EDUCATION OF  
PRINCE GEORGE'S COUNTY  
14201 SCHOOL LANE  
UPPER MARLBORO, MD 20772,

and

PRINCE GEORGE'S COUNTY  
EDUCATOR'S ASSOCIATION  
8008 MARLBORO PIKE  
FORESTVILLE, MD 20747,

Defendants.

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**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 VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
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 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 express purpose of creating jobs and maintaining existing ones. Title VI requires the recipients of federal funds to waive Eleventh Amendment sovereign immunity.
4. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by the 42 U.S.C § 1981.
5. 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.

#### Pendant Claims

6. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Intentional Infliction of Emotional Distress laws.
7. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Negligent Supervision and Retention laws.
8. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Civil Conspiracy laws.

9. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Wrongful Discharge laws.

### **PARTIES**

10. Jon Everhart is a former employee of Prince George's County Public Schools.

11. The Prince George's County Public Schools and the Prince George's County Educator's Association are located in Prince George's County, Maryland.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

12. Plaintiff Jon Everhart filed a timely complaint with the Equal Employment Opportunity Commission, Charge No. 531201001747. On December 3, 2010, EEOC issued a Notice of Right to Sue letter to Mr. Everhart.

### **STATEMENT OF CLAIM**

#### **Jon Everhart**

#### Introduction

13. Jon Everhart is a sixty one (61) year old Caucasian man.

14. In January 2003, Jon Everhart was hired as an English teacher by Prince George's County Public Schools.

15. Prince George's County Public Schools are predominately African American.

16. Mr. Everhart was specifically hired to teach upper level English literature courses.

17. From 2003 to 2008, Mr. Everhart taught 11<sup>th</sup> grade, 12<sup>th</sup> grade, and honors English literature courses at Largo High School in Largo, Maryland.

18. Each year, Mr. Everhart was rated satisfactory on his job performance evaluation.

19. However, Mr. Everhart was terminated in August 2010.

#### Hostile Work Environment

20. Mr. Everhart arrived at Largo High School in 2003.
21. That year, several students informed Mr. Everhart that Angelique Simpson-Marcus, then a physical education teacher, told her gym class: “The only reason a white man teaches in PG County is that they can’t get a job elsewhere.”
22. The students told Mr. Everhart that Ms. Simpson-Marcus was making racially derogatory comments specifically about him.
23. Ms. Simpson-Marcus is an African American woman.
24. Mr. Everhart filed a race discrimination complaint against Ms. Simpson-Marcus through his union, the Prince George’s County Educator’s Association.
25. Ms. Simpson-Marcus then told Mr. Everhart that if she ever became principal, he would be the first person she would fire.
26. Shortly thereafter, Ms. Simpson-Marcus was transferred to a Baltimore charter school.
27. In 2007, Ms. Simpson-Marcus returned to Largo High School as its principal.
28. Principal Simpson-Marcus immediately targeted Mr. Everhart and other white teachers for harassment.
29. On the first day of class of the 2007 – 2008 school year, Principal Simpson-Marcus appeared in Mr. Everhart’s classroom and proceeded to criticize him in front of his students.
30. Mr. Everhart found this peculiar since teachers generally attend to administrative matters on the first day of class.
31. Principal Simpson-Marcus appeared in Mr. Everhart’s classroom on at least a half dozen occasions and criticized him in front of his students.

32. On one occasion, Mr. Everhart's students shouted Principal Simpson-Marcus down when she attempted to interrupt the class.
33. Mr. Everhart complained about Principal Simpson-Marcus to his fellow English teachers and the PGCEA.
34. Nonetheless, Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.
35. At the end of the 2007 – 2008 school year, Principal Simpson-Marcus told Mr. Everhart, "I'll put you in 9<sup>th</sup> grade next year and we'll see if those students support you!"
36. For the 2008 – 2009 school year, Principal Simpson-Marcus assigned Mr. Everhart to teach 9<sup>th</sup> grade English.
37. The 9<sup>th</sup> graders are entering high school and are more rambunctious than the upper classmen.
38. Unlike the students Mr. Everhart was accustomed to teaching, many of these 9<sup>th</sup> graders were not interested in taking an English course.
39. The chairman of the English department opposed assigning Mr. Everhart to teach 9<sup>th</sup> grade English courses instead of the upper level literature courses he had successfully taught for the past five years.
40. An African American teacher, offered to teach 9<sup>th</sup> grade English in place of Mr. Everhart.
41. Nonetheless, Principal Simpson-Marcus insisted that Mr. Everhart teach 9<sup>th</sup> grade English.
42. Disruptive students who had been expelled by other teachers were enrolled in Mr. Everhart's 9<sup>th</sup> grade English course.
43. Principal Simpson-Marcus continued to criticize Mr. Everhart in front of his students.

44. Principal Simpson-Marcus told Mr. Everhart's students and their parents that:
- a. Mr. Everhart was a bad teacher;
  - b. Mr. Everhart was "poor white trash";
  - c. Mr. Everhart would be fired; and,
  - d. All students would pass Mr. Everhart's English course even if  
Mr. Everhart did not give them a passing grade.
45. On one occasion, after being incited by Principal Simpson-Marcus, some of Mr. Everhart's students tore up Mr. Everhart's books, threw objects out of the windows of Mr. Everhart's classroom, and destroyed furniture in Mr. Everhart's classroom.
46. When Mr. Everhart referred disruptive students to the administration for disciplinary action, the administration took no disciplinary action against the students.
47. Instead, the disruptive students were returned to Mr. Everhart's class having been told that Mr. Everhart was a bad teacher who would be fired.
48. Teacher evaluators were then sent into Mr. Everhart's classroom to observe Mr. Everhart instruct these disruptive students.
49. Principal Simpson-Marcus told Mr. Everhart that she was going to fire him and take away his teaching certificate.
50. Principal Simpson-Marcus refused to allow Mr. Everhart to transfer to another school.
51. During a meeting with Principal Simpson-Marcus, Mr. Everhart asked, "why am I being treated so badly?"
52. Principal Simpson-Marcus responded that this was payback for the harassment blacks experienced in the past.

#### Retaliation

53. In February 2009, Mr. Everhart filed a race discrimination complaint against Principal Simpson-Marcus with the PGCPs Equity Assurance office.
54. Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.
55. At the conclusion of the 2008 – 2009 school year, Principal Simpson-Marcus gave Mr. Everhart an unsatisfactory job performance rating.
56. For the 2009 – 2010 school year, Principal Simpson-Marcus once again assigned Mr. Everhart to teach 9<sup>th</sup> grade English.
57. Principal Simpson-Marcus humiliated Mr. Everhart by summoning him to her office over the public address system two or three times a day.
58. Principal Simpson-Marcus instructed teachers not to talk to or associate with Mr. Everhart.
59. In 2009, Mr. Everhart retained an attorney named John Finch.
60. From 2009 to 2010, Mr. Finch filed several race discrimination and retaliation complaints against Principal Simpson-Marcus with Superintendent William Hite, the Prince George's County Board of Education, the Maryland State Department of Education, and the Maryland Attorney General's office on behalf of Mr. Everhart and several white and African American teachers and staff at Largo High School.
61. Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.
62. At the conclusion of the 2009 – 2010 school year, Principal Simpson-Marcus gave Mr. Everhart an unsatisfactory job performance rating.

63. With two consecutive unsatisfactory job performance ratings, Mr. Everhart was terminated in August 2010.

**Count I – Title VII - Hostile Work Environment (Race)**

64. Mr. Everhart incorporates by reference all of the preceding paragraphs.

65. Principal Simpson-Marcus' harassment of Mr. Everhart was unwelcomed.

66. Principal Simpson-Marcus' harassment of Mr. Everhart was based on his race.

67. Principal Simpson-Marcus' harassment of Mr. Everhart was severe and pervasive.

68. Prince George's County Public Schools is liable.

69. Principal Simpson-Marcus was Mr. Everhart's supervisor.

70. Mr. Everhart complained about Principal Simpson-Marcus' harassment through: 1) his union, the PGCEA, 2) the PGCPs Equity Assurance office, and 3) Attorney John Finch.

71. Prince George's County Public School did not conduct an investigation or take prompt corrective action.

72. Principal Simpson-Marcus' daily harassment unreasonably interfered with Mr. Everhart's work performance and ultimately resulted in his termination.

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

73. Mr. Everhart incorporates by reference all of the preceding paragraphs.

74. Principal Simpson-Marcus' daily harassment unreasonably interfered with Mr. Everhart's work performance and ultimately resulted in his termination.

**Count III – Title VII (Retaliation)**

75. Mr. Everhart incorporates by reference all of the preceding paragraphs.
76. Principal Simpson-Marcus retaliated against Mr. Everhart.
77. Mr. Everhart engaged in protected activity by complaining about Principal Simpson Marcus' harassment through: 1) his union, the PGCEA, 2) the PGCPs Equity Assurance office, and 3) Attorney John Finch.
78. Principal Simpson-Marcus continued to harass Mr. Everhart.
79. Principal Simpson-Marcus terminated Mr. Everhart in August 2010.
80. Principal Simpson-Marcus terminated Mr. Everhart at the earliest opportunity after he began to complaint about her.

**Count IV – Title VI (Retaliation)**

81. Mr. Everhart incorporates by reference all of the preceding paragraphs.
82. Principal Simpson-Marcus retaliated against Mr. Everhart.

**Count V – 42 U.S.C. § 1981 (Prince George's County Educator's Association)**

83. Mr. Everhart incorporates by reference all of the preceding paragraphs.
84. The Prince George's County Educator's Association breached its duty of fair representation.
85. In 2009, Mr. Everhart attempted to file a grievance, based on race discrimination, with PGCEA against Principal Simpson-Marcus.
86. Jimelatice Gilbert-Thomas, a PGCEA Uniserv director, refused to provide Mr. Everhart with a grievance form.

**Count VI - Negligent Supervision and Retention (Prince George's County Public Schools)**

87. Mr. Everhart incorporates by reference all of the preceding paragraphs.
88. Principal Simpson-Marcus' conduct was malicious.
89. Principal Simpson-Marcus's malicious conduct caused Mr. Everhart severe emotional distress.
90. Prince George's County Public Schools breached its duty to protect Mr. Everhart from Principal Simpson-Marcus' malicious conduct.

**Count VII - Intentional Infliction of Emotional Distress (Prince George's County Public Schools)**

91. Mr. Everhart incorporates by reference all of the preceding paragraphs.
92. Principal Simpson-Marcus' conduct was intentional and reckless.
93. Principal Simpson-Marcus' conduct was extreme and outrageous.
94. Principal Simpson-Marcus' conduct caused severe emotional distress.

**Count VIII - Civil Conspiracy (Prince George's County Public Schools and Prince George's County Educator's Association)**

95. Mr. Everhart incorporates by reference all of the preceding paragraphs.
96. Prince George's County Public Schools and the Prince George's County Educator's Association are co-conspirators.
97. Prince George's County Public Schools allowed Principal Simpson-Marcus to harass teachers and staff.

98. The Prince George's County Educator's Association refused to pursue discrimination and retaliation complaints against Principal Simpson-Marcus.

99. Mr. Everhart suffered harm because of the Prince George's County Educator's Association's refusal to pursue his discrimination/retaliation complaint against Principal Simpson-Marcus.

**Count IX – Wrongful Discharge (Prince George's County Public Schools)**

100. Mr. Everhart incorporates by reference all of the preceding paragraphs.

101. Mr. Everhart complained about racial discrimination and retaliation.

102. Mr. Everhart was terminated.

103. Mr. Everhart was terminated after he complained about racial discrimination and retaliation.

Emotional Pain and Suffering

104. Mr. Everhart developed high blood pressure that required medical attention.

105. Mr. Everhart 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 Defendants' 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 VII of CRA; Title VI of CRA; 42 U.S.C. § 1981; Maryland's Intentional Infliction of Emotional

Distress, Negligent Supervision and Retention; Civil Conspiracy laws; Wrongful Discharge laws; and, Order Defendants 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;

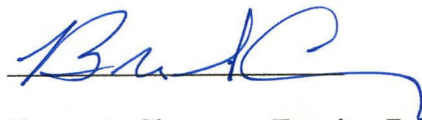
- (b) Compensate the Plaintiff for loss pay and benefits, with interest;
- (c) Retain jurisdiction over this action to assure full compliance with the orders of the court and with applicable law and require defendants to file such reports as the court deems necessary to evaluate compliance;
- (d) To 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(s) in the amount of five million dollars (\$5,000,000).

**JURY DEMAND**

Plaintiff demand a trial by jury.

Respectfully submitted,



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