

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

NICOLE TURNER
1903 PALMER PARK ROAD
LANDOVER, MD 20785,

Civil Action No.

Plaintiff,

v.

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

Defendant.

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

express 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.

Pendant Claims

5. 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.
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 Negligent Supervision and Retention laws.

PARTIES

7. Nicole Turner is a current employee of Prince George's County Public Schools.
8. The Prince George's County Public Schools and the Prince George's County Educator's Association are located in Prince George's County, Maryland.

STATEMENT OF CLAIM

Nicole Turner

Introduction

9. Nicole Turner has been employed by Prince George's County Public Schools since 2007.

10. Ms. Turner joined Largo High School as a secretary in 2007.

11. Ms. Turner worked in the principal's front office.

12. Ms. Turner is a forty eight (48) year old African American woman.

Hostile Work Environment

13. Principal Simpson-Marcus became the principal of Largo High School in 2007.

14. Principal Simpson-Marcus is an African American woman.

15. Principal Simpson-Marcus regularly called Ms. Turner and other African American secretaries, "chicken head" and "bird", which are urban slang terms for slut.

16. Several times a week, Principal Simpson-Marcus called Ms. Turner "chicken head" and "bird" in the presence of faculty, staff, parents, and students.

17. The terms "chicken head" and "bird" are urban slang terms for slut, according to the Urban Dictionary website at www.urbandictionary.com.

18. The terms "chicken head" and "bird" refer to the motion a woman's head makes when she performs fellatio.

19. Principal Simpson-Marcus also called Ms. Turner "ghetto".

20. Principal Simpson-Marcus specifically called Ms. Turner a "Palmer Park Hood Rat".

21. The term "hood rat" is an urban slang term for ghetto slut, according to the Urban Dictionary website at www.urbandictionary.com.

22. As an African American, Ms. Turner considered Principal Simpson-Marcus' use of slang terms like "chicken head", "bird", "hood rat", and "ghetto" to be racially offensive.
23. During the 2007 – 2008 school year, Ms. Turner complained on several occasions to her union and the Human Resources department.
24. Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.
25. Principal Simpson-Marcus continued to call Ms. Turner "chicken head", "bird", "hood rat", and "ghetto".
26. On June 5, 2008, Ms. Turner confronted Principal Simpson-Marcus about calling her "out of her name".
27. During a heated conversation, Principal Simpson-Marcus referred to the slang term "chicken head" and defined it as "suck dick".
28. When the meeting ended, Ms. Turner had difficulty breathing and she sweated profusely.
29. The school nurse warned Ms. Turner that her blood pressure was dangerously high and that she was at risk of suffering a stroke.
30. The school nurse instructed Ms. Turner to go to the hospital immediately.
31. Ms. Turner never returned to Largo High School.
32. Ms. Turner immediately sought a transfer to another school in order to get away from Principal Simpson-Marcus.
33. Despite leaving, Ms. Turner kept in contact with the secretaries at Largo High School.
34. Principal Simpson-Marcus continued to threaten these secretaries with termination and call them "chicken head", "hood rat", "ghetto" and other derogatory terms until August 2010, when they transferred to other schools.

35. Despite numerous complaints, Prince George's County Public Schools did not conduct an investigation or take prompt corrective action.

Retaliation

36. During the 2007 – 2008 school year, word got back to Principal Simpson-Marcus that Ms. Turner had complained about her to an employee of the school board.

37. Principal Simpson-Marcus called Ms. Turner a “dry snitch”.

38. Principal Simpson-Marcus warned Ms. Turner that if she complained to her union or the school board, documentation would be produced that would make Ms. Turner look like a bad employee.

39. Principal Simpson-Marcus continued to threaten Ms. Turner with termination.

40. On June 5, 2008, Principal Simpson-Marcus warned Ms. Turner that it was in her best interest to leave Largo High School.

41. Ms. Turner wrote a letter to Executive Director Monica Goldson complaining about Principal Simpson-Marcus' behavior.

42. However, Executive Director Goldson never responded to Ms. Turner's letter.

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

43. Ms. Turner incorporates by reference all of the preceding paragraphs

44. Principal Simpson-Marcus' harassment of Ms. Turner was unwelcomed.

45. Principal Simpson-Marcus' harassment of Ms. Turner was based on her sex.

46. Principal Simpson-Marcus' harassment of Ms. Turner was severe and pervasive.

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

48. Principal Simpson-Marcus was Ms. Turner's supervisor.

49. Ms. Turner complained about Principal Simpson-Marcus' harassment to the Human Resources department.

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

51. Principal Simpson-Marcus' daily harassment unreasonably interfered with Ms. Turner work performance.

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

52. Ms. Turner incorporates by reference all of the preceding paragraphs.

53. Principal Simpson-Marcus' daily harassment unreasonably interfered with Ms. Turner's work performance.

Count III – Title IX (Retaliation)

54. Ms. Turner incorporates by reference all of the preceding paragraphs.

55. Prince George's County Public Schools retaliated against Ms. Turner.

56. Ms. Turner engaged in protected activity by complaining about Principal Simpson-Marcus' discriminatory practices.

57. Principal Simpson-Marcus responded to Ms. Turner's protected activity by calling her a "dry snitch" and threatening termination.

58. Principal Simpson-Marcus forced Ms. Turner to transfer to another school.

Count IV – Title VI (Retaliation)

59. Ms. Turner incorporates by reference all of the preceding paragraphs.

60. Prince George's County Public Schools retaliated against Ms. Turner.

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

61. Ms. Turner incorporates by reference all of the preceding paragraphs.

62. Principal Simpson-Marcus' conduct was malicious.

63. Principal Simpson-Marcus's malicious conduct caused Ms. Turner severe emotional distress.

64. Prince George's County Public Schools breached its duty to protect Ms. Turner from Principal Simpson-Marcus' malicious conduct.

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

65. Ms. Turner incorporates by reference all of the preceding paragraphs.

66. Principal Simpson-Marcus' conduct was intentional and reckless.

67. Principal Simpson-Marcus' conduct was extreme and outrageous.

68. Principal Simpson-Marcus' conduct caused severe emotional distress.

Emotional Pain and Suffering

69. Ms. Turner 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; Maryland's Intentional Infliction of Emotional Distress, Negligent Supervision and Retention; 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,

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