

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

MARTHA JEAN

Plaintiff,

vs.

Case No.

THE JOSEPH L.MORSE HEALTH CENTER, INC.,

Defendant.

_____ /

COMPLAINT

Plaintiff, (“Plaintiff”), MARTHA JEAN, by and through the undersigned counsel, hereby
sues Defendants, THE JOSEPH L.MORSE HEALTH CENTER, INC., hereinafter (“Defendant”)
and in support aver as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Five Hundred Thousand Dollars (\$500,000.00),
exclusive of attorneys’ fees, interest, and costs; and therefore, this action is within the
jurisdiction of this Court. This action is brought by the Plaintiff for declaratory and injunctive
relief and damages pursuant to the Florida Civil Rights Act of 1992, Florida Statute Section
760, et seq. (FCRA”), to redress injury done to Plaintiff by the Defendant for discriminatory
treatment on the basis of Race, National Origin, Retaliation and a Hostile Work Environment.
2. This Court has jurisdiction over Plaintiff’s claims pursuant to the FCRA.

3. Plaintiff was at all times relevant to this action, and continues to be, a resident of Palm Beach County, Florida, within the jurisdiction of this Honorable Court. Plaintiff is a covered employee for purposes of the FCRA.
4. Plaintiff was employed by Defendant, having a place of business in Palm Beach County, Florida, where Plaintiff worked for Defendant.
5. Venue is proper in Palm Beach County, Florida because all of the actions that form the basis of this Complaint occurred within Palm Beach County, Florida and payment was due in Palm Beach County, Florida.
6. Defendant was a “person” and/or “employer” pursuant to the Florida Civil Rights Act of 1992, *Fla. Stat. Section 760.01, et seq.* since it employs fifteen or more employees for the applicable statutory period; and it is subject to the employment discrimination provisions of the applicable statute, the FCRA.
7. At all times material hereto, Plaintiff was an “employee” within the meaning of the Florida Civil Rights Act of 1992, *Fla Stat. Section 760, et seq.* and it is subject to the employment discrimination provisions of the applicable statutes.
8. Plaintiff previously filed a timely charge of employment discrimination with the Equal Employment Opportunity Commission, the agency responsible for investigating claims of employment discrimination. This charge was dually filed with the Florida Commission on Human Relations.
9. More than 180 days have passed since the filing of the Plaintiff’s charge of discrimination, and the Plaintiff has requested or otherwise obtained the Notice of Right to Sue. Plaintiff is now timely filing suit.

10. Declaratory, injunctive, legal, and equitable relief is sought pursuant to the laws set forth above together with attorneys' fees, costs and damages.
11. All conditions precedent for the filing of this action before this Court have previously been met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. Plaintiff was employed by Defendant, The Joseph L. Morse Health Center Inc., on or about February 1, 2014, as a Certified Nursing Assistant ("CNA").
13. Plaintiff is a Black Haitian individual and a member of protected classes based on race and national origin.
14. Plaintiff's direct supervisor was the Director of Nursing, Kayla, a white female.
15. Plaintiff's job duties included assisting patients with daily activities, including showering, changing clothes, and laundry.
16. On or about Thursday, September 25, 2025, Plaintiff worked her scheduled shift and was off the following day.
17. The next day, Plaintiff received a call from Kayla, the Director of Nursing, informing Plaintiff that Human Resources was conducting an investigation and that Plaintiff was required to stay home until the investigation was completed.
18. Kayla stated she hoped to contact Plaintiff before the following Friday.
19. Shortly after this call, Plaintiff discovered that she had been removed from the work schedule.
20. After not receiving any follow-up communication, Plaintiff contacted Human Resources and spoke with the HR Director, Sharmaine.

21. Plaintiff asked why she had been suspended. Sharmaine initially stated that she was unaware of any suspension.
22. Sharmaine later called Plaintiff back and stated that Plaintiff was suspended due to an incident reported by a patient.
23. The alleged incident involved Plaintiff and two other CNAs: Gina Pouponneau (Haitian) and Maria Ramos (Hispanic).
24. According to Defendant, the patient reported that a staff member stated, "I know you do not like me because I am Black. You will like Maria because you are the same color as her."
25. Despite three CNAs allegedly being involved in the incident, only Plaintiff and Gina Pouponneau, both Haitian CNAs, were suspended.
26. Maria Ramos, the Hispanic CNA involved in the same alleged incident, was not suspended and was not disciplined in any manner.
27. Only three CNAs worked on that floor of the facility.
28. On or about October 8, 2025, Kayla called Plaintiff and informed her that she could return to work.
29. Kayla told Plaintiff that she would be paid for the days she was originally scheduled but could not work due to the suspension.
30. Plaintiff later contacted Sharmaine in Human Resources regarding her pay.
31. Sharmaine informed Plaintiff that she would not be paid for the days she missed during the suspension.
32. On or about October 9, 2025, Gina Pouponneau, the other Haitian CNA who had been suspended, was terminated.

33. Maria Ramos, the Hispanic CNA involved in the same alleged incident, was never suspended or disciplined.
34. Plaintiff was treated less favorably than a similarly situated employee outside her protected classes.
35. Defendant failed to conduct a fair and thorough investigation before suspending Plaintiff, failed to provide Plaintiff with a meaningful opportunity to defend herself, subjected Plaintiff to unequal discipline based on race and national origin, caused Plaintiff loss of wages and financial harm, created a discriminatory and hostile work environment, and relied on a stated reason for suspension that was pretextual.
36. Plaintiff reasonably believes she was suspended because of her race (Black) and national origin (Haitian).
37. Defendant retaliated against Plaintiff by denying her pay after promising compensation.
38. Plaintiff remains employed by Defendant.
39. Throughout Plaintiff employment she was able to perform the essential functions of her job duties and responsibilities, and at all relevant times Plaintiff did perform her job at satisfactory or above-satisfactory level.
40. Any reason proffered by Plaintiff employer for the adverse employment actions is mere pretext for unlawful discrimination.
41. Plaintiff has retained the undersigned counsel so that her rights and interests may be protected and thus has become obligated to pay the undersigned a reasonable attorney's fee.

COUNT I
Discrimination based on Race in Violation of the FCRA

42. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-41 of this

Complaint as if set out in full herein.

43. The applicable statute, FCRA, prohibits an employer from making employment decisions, or from taking any personnel action, affecting the terms, conditions and privileges of one's employment, based upon racial classifications, national origin, racial considerations, or color-based reasons.
44. Plaintiff possessed the requisite qualifications and skills to perform the position for The Defendant.
45. Plaintiff was subjected to disparate treatment in the workplace, in that a similarly situated non-Black employees were allowed opportunities not given to Plaintiff due to Plaintiff's race and color.
46. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered great and irreparable economic harm and other associated losses.
47. Moreover, as a further result of the Defendant's unlawful discriminatory-based conduct, the Plaintiff has been compelled to file this action, and he has incurred the costs of litigation.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against The Defendant; find that the Defendant indeed violated the FCRA, and in addition, order the following additional relief:

- A. Award the Plaintiff actual damages, including appropriate amounts of back pay, front pay, and lost benefits; and
- B. Award Plaintiff as to this count prejudgment interest; and
- C. Award Plaintiff damages for the amount of the costs of litigation and filing including attorney's fees; and
- D. Grant such other and further equitable relief as this court deems equitable and just

and/or available pursuant to State Law including punitive damages.

E. Plaintiff demands a trial by jury.

COUNT II

Discrimination Based on National Origin in Violation of the FCRA

48. Plaintiff re-adopts every factual allegation as stated in paragraphs 1-41 of this Complaint as if set out in full herein.
49. At all times material hereto, Defendant failed to comply with the Florida Civil Rights Act of 1992 Florida Status Section 760.10 which in its relevant section states it is an unlawful employment practice for an employer to discriminate or discharge or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individuals race, color, or national origin.
50. The applicable statute, FCRA, prohibits an employer from making employment decisions, or from taking any personnel action affecting the terms, conditions and privileges of one's employment, based upon national origin considerations or reasons.
51. Plaintiff is a member of a protected class under the FCRA.
52. By the conduct described above, Defendant has engaged in discrimination against Plaintiff because of Plaintiff's national origin and subjected Plaintiff to national origin-based animosity.
53. Such discrimination was based upon the Plaintiff's national origin in that Plaintiff would not have been the object of discrimination but for the fact that Plaintiff's national origin is Haitian.
54. Defendant violated the Florida Civil Rights Act of 1992 (FCRA) by discriminating against Plaintiff because of her national origin in the terms, conditions, and privileges of employment.

55. Defendant's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination on the basis of national origin was unlawful but acted in reckless disregard of the law.
56. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff possessed the authority to affect the terms, conditions, and privileges of Plaintiff's employment with the Defendant.
57. Defendant retained all employees who exhibited discriminatory conduct toward the Plaintiff and did so despite the knowledge of said employees engaging in discriminatory actions.
58. As a result of Defendant's actions, as alleged herein, Plaintiff has been deprived of rights, has been exposed to ridicule and embarrassment, and has suffered emotional distress and damage.
59. Moreover, as a further result of the Defendant unlawful national origin based discriminatory conduct, the Plaintiff has been compelled to file this action, and she has incurred the costs of litigation.
60. The representatives, and the Defendant's failure to make prompt remedial action to conduct of Defendant, by and through the conduct of its agents, employees, and/or prevent continued discrimination against the Plaintiff, deprived the Plaintiff of statutory rights under State law.
61. The actions of the Defendant and/or its agents were willful, wanton, and intentional, and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant

to State law, to punish the Defendant for its actions and to deter them, and others, from such action in the future.

62. Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of Defendant's discriminatory practices unless and until this Honorable Court grants relief.

WHEREFORE, Plaintiff respectfully prays for the following relief against Defendant:

- A. Adjudge and decree that Defendant has violated the FCRA, and has done so willfully, intentionally, and with reckless disregard for Plaintiff's rights.
- B. Enter a judgment requiring that Defendant pay Plaintiff appropriate back pay, benefits' adjustment, and prejudgment interest at amounts to be proved at trial for the unlawful employment practices described herein.
- C. Enter an award against Defendant and award Plaintiff compensatory damages for mental anguish, personal suffering, and loss of enjoyment of life.
- D. Require Defendant to reinstate Plaintiff to the position at the rate of pay and with the full benefits Plaintiff would have had Plaintiff not been discriminated against by Defendant, or in lieu of reinstatement, award front pay.
- E. Award Plaintiff the costs of this action, together with a reasonable attorneys' fees; and Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

COUNT III
Retaliation in Violation of the FCRA

63. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 41 above as if set out in full herein.

64. Defendant is an employer as that term is used under the applicable statutes referenced above.
65. The foregoing allegations establish a cause of action for unlawful retaliation after Plaintiff engaged in a statutorily protected activity under the FCRA.
66. The foregoing unlawful acts by Defendant were purposeful.
67. Plaintiff is a member of a protected class because he engaged in a statutorily protected activity and was the victim of retaliation thereafter. There is a causal connection between the engagement of the statutorily protected activity, Plaintiff's complaints with Defendant, and the adverse employment action taken thereafter.
68. As a direct and proximate result of the foregoing unlawful acts and omissions, Plaintiff has suffered mental anguish, emotional distress, expense, loss of benefits, embarrassment, humiliation, damage to reputation, illness, lost wages, loss of capacity for the enjoyment of life, and other tangible and intangible damages.
69. These damages are continuing and are permanent.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the FCRA, and in addition, order the following additional relief:

- A. Declare that the acts complained of herein are in violation of the Florida Civil Rights Act.
- B. Award Plaintiff compensatory damages for emotional distress, embarrassment and humiliation.

- C. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates.
- D. Reinstate Plaintiff to the same position he held before the retaliatory personnel action, or to an equivalent position.
- E. Reinstate full fringe benefits and seniority rights to Plaintiff.
- F. Order Defendant to make Plaintiff whole, by compensating Plaintiff for lost wages, benefits, including front pay, back pay with prejudgment interest.
- G. For a money judgment representing prejudgment interest.
- H. Grant Plaintiff's costs of this action including reasonable attorney's fees.
- I. Grant Plaintiff a trial by jury; and
- J. Grant such other and further relief as the Court deems just and proper.

COUNT IV

Hostile Work Environment in Violation of the FCRA

- 70. Plaintiff re-adopts each and every factual allegation as stated in 1-41 of this Complaint as if set out in full herein.
- 71. Defendant is an employer as that term is used under the applicable statutes referenced above.
- 72. The foregoing allegations establish a cause of action for unlawful discrimination after Plaintiff adversely affecting him under the FCRA.
- 73. Plaintiff as a Black-Haitian female, is within a protected class as envisioned by the FCRA.
- 74. During her employment with Defendant, Defendant subjected Plaintiff to unwelcome harassment.

75. The harassment Plaintiff endured by Defendant was predicated on Plaintiff being a Black-Haitian female, is within a protected class as envisioned by the FCRA.
76. The harassment was decidedly severe, as Defendant had continuously harassed at Plaintiff for her race, color and national origin.
77. The harassment Plaintiff endured was severe and pervasive where Plaintiff agonized going work as he continually feared the harassment. Such conduct occurred during each of Plaintiff's workdays (not isolated to a single occurrence), was demonstratively abusive, and altered the conditions as of Plaintiff's employment as he could not complete her duties in a timely and orderly fashion due to the abuse. Finally, the conditions of Plaintiff's employment were ultimately terminated.
78. Defendant is liable for this conduct, either vicariously or directly, because Plaintiff's supervisor had knowledge of the harassment and abuse, and no remedial or disciplinary action was undertaken.
79. As a direct and proximate result of the foregoing unlawful acts and omissions, Plaintiff has suffered mental anguish, emotional distress, expense, loss of benefits, embarrassment, humiliation, damage to reputation, lost wages, loss of capacity for the enjoyment of life, and other tangible and intangible damages.
80. These damages are continuing and are permanent.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter judgment against the Defendant; find that the Defendant indeed violated the FCRA by failing to remedy this hostile work environment; and in addition, order the following additional relief:

- A. Declare that the acts complained of herein are in violation of the Florida Civil Rights Act.
- B. Award Plaintiff compensatory damages for emotional distress, embarrassment and humiliation.
- C. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates.
- D. Reinstate Plaintiff to the same position he held before the retaliatory personnel action, or to an equivalent position.
- E. Reinstate full fringe benefits and seniority rights to Plaintiff.
- F. Order Defendant to make Plaintiff whole, by compensating Plaintiff for lost wages, benefits, including front pay, back pay with prejudgment interest.
- G. For a money judgment representing prejudgment interest.
- H. Grant Plaintiff's costs of this action including reasonable attorney's fees.
- I. Grant Plaintiff a trial by jury; and
- J. Grant such other and further relief as the Court deems just and proper.

COUNT V

***Negligent Failure to Provide a Safe Work Environment /
Negligent Infliction of Emotional Distress***

81. Plaintiff Martha Jean repeats and realleges the allegations contained in paragraphs through of this Complaint as if fully set forth herein. The foregoing facts are incorporated herein.
82. At all times relevant to this action, Defendant THE JOSEPH L.MORSE HEALTH CENTER, INC owed a duty of care to its employees, including Plaintiff, to provide a safe, secure, and non-hostile working environment.

83. Defendant breached this duty by failing to take reasonable steps to prevent, investigate, or stop the severe and pervasive harassment and hostile behavior conducted by Angus Wesby against the Plaintiff, despite having actual or constructive knowledge of the behavior.
84. Specifically, Defendant was negligent in its handling of the reported incident and investigation, as Plaintiff was suspended based on a patient complaint without being provided details or an opportunity to respond, Defendant failed to conduct a fair and impartial investigation, treated similarly situated employees differently by suspending only Plaintiff and another Haitian employee while not disciplining the Hispanic employee involved, provided inconsistent and misleading information regarding pay during suspension, and ultimately allowed discriminatory decision-making to affect disciplinary outcomes without taking appropriate corrective action.
85. A reasonable employer in the same or similar circumstances would have taken immediate action to prevent this toxic environment.
86. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe emotional distress and mental anguish, and humiliation.
87. As a further direct result of Defendant's actions, Plaintiff has suffered loss of enjoyment of life and, in some cases, diminished earning capacity.
88. The emotional distress suffered by Plaintiff is severe and beyond that which a reasonable person could be expected to endure in a typical workplace setting.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages, emotional distress damages, medical expenses incurred, lost wages, and such other relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury of all issues so triable.

Dated: 3/24/2026

Respectfully submitted,

/s/ Anthony M. Georges-Pierre

Anthony M. Georges-Pierre, Esq.

Fla. Bar No.: 0533637

***REMER, GEORGES-PIERRE, &
HOOPERWOERD, PLLC***

2745 Ponce de Leon Blvd

Coral Gables, FL 33134

(305) 416-5000- Telephone

agp@rgph.law

NOT A CERTIFIED DOCUMENT