

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

GENERAL JURISDICTION DIVISION
CASE No.: _____

MARIE MICHELLE JOSEPH,

Plaintiff,

vs.

SUNRISE SENIOR LIVING MANAGEMENT, INC.,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff MARIE MICHELLE JOSEPH, by and through undersigned counsel, sues Defendant SUNRISE SENIOR LIVING MANAGEMENT, INC., and alleges:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Marie Michelle Joseph is a resident of Palm Beach County, Florida. She is a Black woman of Haitian national origin. At all times material, she was employed by Defendant as a Housekeeper at Defendant's facility located at 6343 De Sonrisa Del Sur, Boca Raton, Florida 33433.
2. Defendant Sunrise Senior Living Management, Inc. is a corporation authorized to do business in Florida, with its principal place of business or registered agent accessible in this state. Defendant employs fifteen or more employees and is therefore an "employer" subject to the Florida Civil Rights Act of 1992, Fla. Stat. Ch. 760 ("FCRA"), and the Family and Medical Leave Act, 29 U.S.C. § 2601, et seq. ("FMLA").
3. This Court has subject-matter jurisdiction pursuant to Fla. Stat. § 760.11 and Fla. Stat. § 26.012. The FMLA claim is brought concurrently. The amount in controversy exceeds \$50,000, exclusive of interest, costs, and attorneys' fees.

4. Venue is proper in Palm Beach County, Florida, pursuant to Fla. Stat. § 47.011, because all or substantially all of the acts and omissions giving rise to this action occurred at Defendant's facility in Boca Raton, Palm Beach County, Florida.
5. Plaintiff timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"). Pursuant to Fla. Stat. § 760.11(1), that filing vested jurisdiction in the Florida Commission on Human Relations. Plaintiff received a Notice of Right to Sue and has satisfied all administrative prerequisites to filing this action.

GENERAL FACTUAL ALLEGATIONS

6. Plaintiff began her employment with Defendant on or about July 16, 2018, as a Housekeeper. Her duties included cleaning resident rooms, making beds, mopping floors, and performing related housekeeping tasks.
7. Plaintiff was paid \$17.00 per hour and worked approximately 30 hours per week. She clocked in and out daily and was paid by direct deposit. She did not have a written employment contract.
8. Throughout her employment, Plaintiff performed her duties satisfactorily and without documented performance deficiencies.
9. The majority of employees in Plaintiff's housekeeping department, which comprised approximately six employees, were of Haitian national origin. The broader department of approximately fifty employees was also predominantly Haitian.
10. Plaintiff's immediate supervisor was Deedra Vanlow. The General Manager was P.J. Petkovic. The Human Resources Manager was Antinile Stanley.
11. In or around the final months of Plaintiff's employment, a new Director of Nursing ("DON") was assigned to the facility. This new DON was hostile and inconsiderate toward Plaintiff. The hostility was directed specifically at Plaintiff and other Haitian employees and was connected to their national origin.

12. Plaintiff raised concerns about the discriminatory treatment to members of Defendant's management. Despite being informed of the conduct, management did not investigate or take corrective action.
13. Due to a left knee replacement surgery, Plaintiff was approved for and took FMLA leave from approximately January 14, 2025, through approximately April 7, 2025.
14. Defendant was aware of Plaintiff's approved FMLA leave at the time it took adverse action against her.
15. On or about January 3, 2025, while Plaintiff was on or about to begin her approved FMLA leave, Defendant terminated her employment. When Plaintiff prepared to return to work following the conclusion of her FMLA leave, her supervisor informed her that she had been fired while she was out on approved FMLA leave.
16. No legitimate, non-pretextual reason was provided to Plaintiff for her termination. Similarly situated employees outside of Plaintiff's protected classes, who had not taken FMLA leave and who had not complained of discriminatory treatment, were not terminated.
17. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered lost wages, lost benefits, severe emotional distress, humiliation, damage to her professional reputation, and other economic and non-economic damages.

COUNT I
RACE, COLOR, AND NATIONAL ORIGIN DISCRIMINATION
IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT
Fla. Stat. § 760.10(1)(a)

18. Plaintiff re-alleges paragraphs 1 through 5, 6 through 10, 11 through 12, and 15 through 17 of this Complaint and incorporates them by reference as if fully set forth herein.
19. The FCRA prohibits an employer from discharging or otherwise discriminating against an employee with respect to the terms, conditions, or privileges of employment because of that individual's race, color, or national origin. Fla. Stat. § 760.10(1)(a).

20. Plaintiff is Black and of Haitian national origin. She is a member of a protected class under the FCRA.
21. Plaintiff was qualified for her position as Housekeeper. She performed her duties satisfactorily for over six years without documented performance deficiencies, from July 16, 2018, through the date of her termination.
22. The new Director of Nursing was hostile and inconsiderate toward Plaintiff and the predominantly Haitian housekeeping staff during the final months of Plaintiff's employment. This hostility was directed at Plaintiff because of her Haitian national origin and her race.
23. Management was informed of the discriminatory treatment and failed to take any remedial action, demonstrating that the discriminatory conduct was condoned and ratified by Defendant.
24. Plaintiff was terminated on or about January 3, 2025. No legitimate reason was provided for the termination. Employees outside of Plaintiff's protected class with similar job duties, tenure, and performance histories were not terminated.
25. The stated or implied reason for Plaintiff's termination was pretextual. The actual reason was Plaintiff's race, color, and Haitian national origin.
26. As a direct and proximate result of Defendant's discriminatory termination, Plaintiff lost her employment, her income of \$17.00 per hour, her employment benefits, and suffered severe emotional distress and damage to her reputation.

WHEREFORE, Plaintiff Marie Michelle Joseph demands judgment against Defendant for back pay, front pay, lost benefits, compensatory damages for emotional distress and humiliation, prejudgment interest, attorneys' fees and costs pursuant to Fla. Stat. § 760.11(5), punitive damages, and all other relief this Court deems just and proper. Plaintiff demands a trial by jury.

COUNT II
RETALIATION
IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT
Fla. Stat. § 760.10(7)

27. Plaintiff re-alleges paragraphs 1 through 5, 6 through 12, and 15 through 17 of this Complaint and incorporates them by reference as if fully set forth herein.
28. The FCRA prohibits an employer from retaliating against an employee who has opposed a discriminatory employment practice or who has participated in a proceeding under the Act. Fla. Stat. § 760.10(7).
29. During the final months of her employment, Plaintiff opposed and complained to management about the hostile and discriminatory treatment directed at her and other Haitian employees by the new Director of Nursing. Those complaints constituted protected activity under the FCRA.
30. Defendant was aware of Plaintiff's complaints at the time of her termination. Her supervisor and other management personnel were the recipients of those complaints.
31. Shortly after Plaintiff engaged in this protected activity, Defendant terminated her employment on or about January 3, 2025. The temporal proximity between Plaintiff's protected activity and her termination supports a causal connection between the two.
32. No legitimate, non-retaliatory reason has been offered for Plaintiff's termination. Employees who did not complain of discriminatory treatment were not terminated under similar circumstances.
33. As a direct and proximate result of Defendant's retaliation, Plaintiff lost her position, her hourly income, and her benefits, and has suffered severe emotional distress and damage to her professional reputation.

WHEREFORE, Plaintiff Marie Michelle Joseph demands judgment against Defendant for back pay, front pay, lost benefits, compensatory damages, prejudgment interest, attorneys' fees and costs pursuant to Fla. Stat. § 760.11(5), punitive damages, and all other relief this Court deems just and proper. Plaintiff demands a trial by jury.

COUNT III
HOSTILE WORK ENVIRONMENT BASED ON NATIONAL ORIGIN AND RACE
IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT

Fla. Stat. § 760.10(1)(a)

34. Plaintiff re-alleges paragraphs 1 through 5, 6 through 12, and 15 through 17 of this Complaint and incorporates them by reference as if fully set forth herein.
35. The FCRA prohibits an employer from maintaining a work environment that is so permeated with discriminatory intimidation, ridicule, and insult based on a protected characteristic that it alters the terms and conditions of employment. Fla. Stat. § 760.10(1)(a).
36. During the final months of Plaintiff's employment, the new Director of Nursing was hostile and inconsiderate toward Plaintiff because of her Haitian national origin and race. This conduct was unwelcome, directed at Plaintiff because of her protected characteristics, and sufficiently severe or pervasive to alter the terms of her employment.
37. The discriminatory hostility was not an isolated incident. It was persistent during the final period of Plaintiff's employment and was directed at Plaintiff and other Haitian members of the housekeeping staff.
38. The conduct was objectively hostile. A reasonable person of Haitian national origin in Plaintiff's position would have found the environment intimidating and abusive.
39. Defendant knew or should have known about the hostile environment because Plaintiff reported the conduct to management. Defendant failed to take prompt or effective corrective action.
40. The hostile work environment contributed directly to the adverse employment action Plaintiff ultimately suffered, including her termination.
41. As a direct and proximate result of the hostile work environment maintained by Defendant, Plaintiff suffered emotional distress, humiliation, anxiety, and other non-economic harm, as well as the loss of her employment and associated economic damages.

WHEREFORE, Plaintiff Marie Michelle Joseph demands judgment against Defendant for compensatory damages for emotional distress and humiliation, back pay, front pay, lost benefits, prejudgment interest, attorneys' fees and costs pursuant to Fla. Stat. § 760.11(5), punitive damages, and all other relief this Court deems just and proper. Plaintiff demands a trial by jury.

COUNT IV
FMLA INTERFERENCE
IN VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT
29 U.S.C. § 2615(a)(1)

42. Plaintiff re-alleges paragraphs 1 through 5, 6 through 10, and 13 through 17 of this Complaint and incorporates them by reference as if fully set forth herein.
43. The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave for a serious health condition. 29 U.S.C. § 2612(a)(1)(D). It is unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA. 29 U.S.C. § 2615(a)(1).
44. At all relevant times, Defendant employed fifty or more employees within a seventy-five-mile radius for each of twenty or more calendar workweeks and was therefore a "covered employer" under the FMLA. 29 U.S.C. § 2611(4).
45. Plaintiff had worked for Defendant since July 16, 2018, and had worked more than 1,250 hours in the twelve months preceding her leave, making her an eligible employee under the FMLA. 29 U.S.C. § 2611(2).
46. Plaintiff underwent left knee replacement surgery, a serious health condition within the meaning of the FMLA. Her physician required her to take leave both before and after the surgery. Defendant approved Plaintiff's FMLA leave from approximately January 14, 2025, through approximately April 7, 2025.
47. On or about January 3, 2025, while Plaintiff was on, or was about to begin, her approved FMLA leave, Defendant terminated her employment. When Plaintiff prepared to return to work at the conclusion of her approved leave period in April 2025, her supervisor informed her that she had been fired.

48. By terminating Plaintiff's employment while she was on approved FMLA leave, and by failing to restore her to her position upon the conclusion of that leave, Defendant interfered with Plaintiff's rights under the FMLA.
49. Defendant's interference was not the result of any lawful restructuring, reduction in force, or elimination of Plaintiff's position. No legitimate reason for Plaintiff's termination during her protected leave has been offered.
50. As a direct and proximate result of Defendant's FMLA interference, Plaintiff lost her position, her income of \$17.00 per hour, and her employment benefits, and has suffered economic and emotional damages.

WHEREFORE, Plaintiff Marie Michelle Joseph demands judgment against Defendant for lost wages, lost benefits, liquidated damages as provided under 29 U.S.C. § 2617(a)(1)(A)(iii), prejudgment interest, attorneys' fees and costs pursuant to 29 U.S.C. § 2617(a)(3), and all other relief this Court deems just and proper. Plaintiff demands a trial by jury.

COUNT V
FMLA RETALIATION
IN VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT
29 U.S.C. § 2615(a)(2)

51. Plaintiff re-alleges paragraphs 1 through 5, 6 through 10, and 13 through 17 of this Complaint and incorporates them by reference as if fully set forth herein.
52. The FMLA prohibits an employer from discharging or in any other manner discriminating against an employee for opposing any practice made unlawful by the FMLA. 29 U.S.C. § 2615(a)(2).
53. Plaintiff exercised her right to FMLA leave by requesting and receiving approval for leave from approximately January 14, 2025, through approximately April 7, 2025, for left knee replacement surgery.
54. Plaintiff's exercise of her FMLA rights was the but-for cause of Defendant's decision to terminate her employment. Defendant terminated Plaintiff on or about January 3, 2025, contemporaneous with the commencement of her approved leave. No performance-based or operational reason for the termination has been offered.

55. The close temporal proximity between Plaintiff's exercise of FMLA rights and her termination, combined with the absence of any legitimate stated reason, establishes that Defendant's decision was motivated by retaliatory animus.
56. As a direct and proximate result of Defendant's FMLA retaliation, Plaintiff lost her employment, her hourly wages, and her benefits, and has suffered severe emotional distress and other damages.

WHEREFORE, Plaintiff Marie Michelle Joseph demands judgment against Defendant for lost wages, lost benefits, liquidated damages as provided under 29 U.S.C. § 2617(a)(1)(A)(iii), prejudgment interest, attorneys' fees and costs pursuant to 29 U.S.C. § 2617(a)(3), and all other relief this Court deems just and proper. Plaintiff demands a trial by jury.

DEMAND FOR JURY TRIAL

Plaintiff Marie Michelle Joseph demands a trial by jury on all issues so triable.

Dated: June 5, 2026

Respectfully submitted,

*/s/ Anthony M.
Georges-Pierre*

Anthony M. Georges-Pierre, Esq.

Fla. Bar No.: 0533637

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