

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

NANCY MAYEDA-BRESCIA

:

PLAINTIFF,

:

NO.

VS.

:

CROMWELL FIRE DISTRICT,

:

DEFENDANT.

:

DECEMBER 9, 2019

C O M P L A I N T

COUNT ONE

1. This is an action for money damages to redress the deprivation by the defendant of rights secured to the plaintiff by the Constitutions and the laws of the United States and the State of Connecticut. The defendant subjected the plaintiff to, inter alia, racial and age discrimination and wrongful termination in violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C.A. § 2000e and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A. §§ 621, et seq.

The defendants further subjected the plaintiff to the intentional infliction of emotional distress, in contravention of the laws of the State of Connecticut, invoked pursuant to the Court's supplemental jurisdiction.

2. Jurisdiction of this Court is invoked under the provisions of Title 28 United States Code §§1331, 1343(3) and 1367(a), and Title 42 United States Code §§1981A, 1983, 1988 and 2000e-5(f).

3. The defendant recklessly, intentionally and maliciously discriminated against the plaintiff and treated her differently from similarly situated employees not of the plaintiff's race, color, ethnicity, age or who had not complained about unlawful conduct. The defendant's treatment of the plaintiff was due to or motivated by plaintiff's race, color, ethnicity, age or in retaliation for her complaints about unlawful conduct.

4. At all times mentioned herein, the plaintiff, Nancy Mayeda-Brescia, was and is an adult resident of the City of Rocky Hill, Connecticut. The plaintiff is female and of Japanese ancestry. The plaintiff was born on May 8, 1961.

5. The Cromwell Fire District of Cromwell, Connecticut is the defendant.

6. At all times relevant to the instant complaint, the defendant was and is an employer with more than 25 employees.

7. The plaintiff was hired by the defendant on or about September 27, 2017, to be a Dispatcher in the defendant's Fire District Communications Center.

8. The plaintiff was the only person of Japanese extraction employed by the defendant. The plaintiff was also the only female Dispatcher. The other Dispatchers were non Japanese males, and were significantly younger than the plaintiff.

9. The plaintiff is highly qualified for this position, and has a significant amount of experience and education in this field. The plaintiff has multiple degrees, was among the first female firefighters in Connecticut, and has numerous licenses and certificates.

10. From the outset, however, the plaintiff was treated differently and more harshly than her younger male non Japanese counterparts, by both supervisors and fellow employees.

11. Throughout her time as a Dispatcher employed by the defendant, the plaintiff has been scrutinized and monitored more closely than her younger male non Japanese counterparts.

12. Throughout her time as a Dispatcher employed by the defendant, the plaintiff has been less trained than her younger male non Japanese counterparts.

13. The plaintiff was subjected to harassment both by her fellow employees, agents of the defendant, and by her employer, the defendant. Commissioners of the defendant spoke ill of the plaintiff, demanding that the plaintiff resign or be terminated.

14. The plaintiff requested that the harassment cease. The plaintiff also requested that the defendant provide her the training that it provided all other dispatchers not of her race, gender or age. The defendant refused the plaintiff's requests and did nothing to address her complaints.

15. The training the plaintiff received was inconsistent, often contradictory and not similar to the training given to other dispatchers not of her race, gender and age.

The plaintiff complained about this to the defendant. Rather than correcting the training deficiencies, the defendant blamed the plaintiff, monitored and punished her.

16. The harassment of the plaintiff by the other male, younger non Japanese dispatchers was obvious. After a training session where the other dispatchers were acting in their typical manner where the plaintiff was concerned, the outside instructor took the plaintiff aside and apologized to her for the “boys’ rude behavior” towards the plaintiff.

17. The plaintiff was terminated by the defendant on April 26, 2018.

18. The plaintiff was terminated in retaliation for her complaints to and about the defendant.

19. The plaintiff was treated differently and more harshly than similarly situated employees of the defendant due to her race, gender, age and in retaliation for her complaints about the defendant’s conduct.

20. As detailed herein and continuing to the date of the defendant’s termination of the plaintiff, the defendant subjected the plaintiff to a pattern of discrimination, harassment, disparate treatment, hostile work environment and retaliation, culminating in her termination.

21. The plaintiff has exhausted her administrative remedies in this matter, and has sought and received a Notice of Right To Sue letter from the United States Equal

Employment Opportunity Commission, and a Release of Jurisdiction from the Connecticut Commission on Human Rights and Opportunities.

22. The conduct of the defendant constitutes discrimination, hostile work environment, wrongful termination and retaliation, in violation of the rights secured to the plaintiff by the provisions of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C.A. § 2000e.

23. As a direct and proximate result of the acts of the defendant, the plaintiff has suffered, continues to and will into the future suffer severe financial harm and loss, loss of employment, loss of rights, duties, obligations or benefits, severe emotional distress, loss of personal and professional reputation, humiliation, embarrassment, loss of privacy, upset, anxiety, inconvenience, physical harm, loss of property, and loss of employment opportunities.

COUNT TWO

1 - 20. Paragraphs 1 through 20 of Count One are hereby made Paragraphs 1 through 20, respectively, of Count Two.

21. In the manner described above, the defendant has subjected the plaintiff to, *inter alia*, discrimination based upon her age.

22. In the manner described above, the actions of the defendant constitute violations of the provisions of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A. §§ 621, et seq.

23. As a direct and proximate result of the acts of the defendant, the plaintiff has suffered, continues to and will into the future suffer severe financial harm and loss, loss of employment rights, duties, obligations or benefits, severe emotional distress, loss of personal and professional reputation, humiliation, embarrassment, loss of privacy, upset, anxiety, inconvenience, physical harm, loss of property, and loss of employment opportunities.

COUNT THREE

1 - 20. Paragraphs 1 through 20 of Count One are hereby made Paragraphs 1 through 20, respectively, of Count Three.

21. The actions of the defendant as detailed in the foregoing paragraphs were extreme and outrageous.

22. The actions of the defendant were intentional.

23. The actions of the defendant were likely to cause emotional distress, and that emotional distress was severe.

24. The actions of the defendant constitute the intentional infliction of emotional distress.

25. As a direct and proximate result of the acts of the defendant, the plaintiff has suffered, continues to and will into the future suffer severe financial harm and loss, loss of employment, loss of rights, duties, obligations or benefits, severe emotional distress, loss of personal and professional reputation, humiliation, embarrassment, loss of

privacy, upset, anxiety, inconvenience, physical harm, loss of property, loss of employment opportunities and suffer a chilling effect upon her First Amendment rights.

WHEREFORE, the plaintiff claim judgment against the defendants as follows:

- A. Compensatory damages;
- B. Punitive damages;
- C. Attorney fees and the costs of this action pursuant to all applicable provisions of state and federal law;
- D. Equitable relief pursuant to 29 U.S.C.A. §§ 626(b) and (c), 633a(b) and (c) and all other applicable provisions of state and federal law;
- E. Such other relief as this Court shall consider to be fair and equitable.

CLAIM FOR JURY TRIAL

The plaintiff claims trial by jury of all issues in this case.

THE PLAINTIFF

BY _____/s/ _____

WILLIAM S. PALMIERI
Fed. Bar No. 14361
Law Offices of William S. Palmieri, L.L.C.
110 Whitney Avenue
New Haven, CT 06510
(203) 562-3100
(203) 909-6006 (fax)
wpalmieri@hotmail.com
Her Attorney