

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 12 2019

JAMES W. McCORMACK, CLERK
By: [Signature] DEP CLERK

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

LATASHA RIDGLE, :
1775 Hwy 161 :
P.O. Box 682 :
England, Arkansas 72046 :

Plaintiff, :

v. :

ARKANSAS DEPARTMENT :
OF CORRECTION :
6814 Princeton Pike :
Pine Bluff, Arkansas 71602 :

Defendant. :

Civil Action No. 5:19-cv-197-KGB

JURY TRIAL DEMANDED

This case assigned to District Judge Baker
and to Magistrate Judge Deere

COMPLAINT

Plaintiff Latasha Ridgle, by and through her attorneys, alleges the following against Defendant Arkansas Department of Correction (“ADC” or “Defendant”):

NATURE OF THE CASE

1. This action is brought to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.*, and to remedy sexual harassment that Defendant failed to take prompt and appropriate action to curtail and retaliation Ms. Ridgle experienced as a result of her protected activity.

PARTIES

2. Plaintiff Latasha Ridgle is a female citizen of the United States who resides in Arkansas at the following address in Lonoke County: 1775 Hwy 161, P.O. Box 682, England, Arkansas 72046. She was employed by ADC as a correctional officer at the Tucker Unit from

January 2015 until September 2018. Plaintiff is a protected person within the meaning of 42 U.S.C. § 2000e-2.

3. Defendant ADC is a state governmental agency with more than 15 employees; it is located at 6814 Princeton Pike, Pine Bluff, Arkansas 71602. Defendant operates several facilities in the State of Arkansas including the Tucker Unit, which is located in Jefferson County, Arkansas at the following address: 2400 State Farm Rd., Tucker, Arkansas 72168. Defendant is a “person” within the meaning of 42 U.S.C. § 2000e(a) and is an “employer” within the meaning of 42 U.S.C. § 2000e(b).

JURISDICTION

4. This Court has jurisdiction under 42 U.S.C. § 2000e-5(f) because this is a civil action alleging a violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.*

EXHAUSTION

5. Plaintiff timely filed a charge with the Equal Employment Opportunity Commission (“EEOC”) and received a notice of her right to file a civil action on March 19, 2019. A copy of the notice is attached as Exhibit A.

VENUE

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the events and omissions giving rise to the claims alleged in this Complaint occurred within this judicial district at the ADC’s Tucker Unit in Jefferson County, Arkansas.

FACTUAL ALLEGATIONS

7. Plaintiff Latasha Ridgle worked as a correctional officer at the ADC’s Tucker Unit from January 2015 until September 2018. During this time, she was repeatedly subjected to

sexual harassment by male inmates including, among other things, exposing their genitals to her, masturbating at her with and without clothes, making sexual comments, groping her, and sexually assaulting her.

8. Defendant was aware of the harassment Ms. Ridgle experienced because, among other things, a) it was open and obvious; and b) Ms. Ridgle and other female officers filed incident reports concerning the harassment and complained to supervisors when ADC failed to take action to curtail it. However, despite Defendant's actual and constructive knowledge of the harassment Ms. Ridgle experienced, the Defendant failed to take prompt and appropriate action reasonably calculated to prevent the harassment from continuing.

9. In addition to failing to take action to protect her from harassment, Ms. Ridgle's supervisor, Major Rodney Ford, subjected her to additional discrimination and harassment. For example, Major Ford made demeaning comments about women working in correctional facilities including a comment on or around November 1, 2017, that "I think women shouldn't work in a prison, especially a single woman because she has something against men and work around all men."

10. Male inmates frequently exposed their genitals and masturbated at Ms. Ridgle. The Defendant failed to take sufficient action to discipline the inmates or to prevent the harassment from continuing. For example, on or around March 22, 2018, an inmate masturbated at Ms. Ridgle. Ms. Ridgle reported the incident, but on or about April 14, 2018, she learned that her report had been deleted. This is just one example of the harassment Ms. Ridgle repeatedly experienced with Defendant taking no sufficient action to prevent the harassment from continuing.

11. Male inmates also masturbated at Ms. Ridgle with their hands in their pants. Ms. Ridgle was told that she could not even report such conduct as masturbation; she was only allowed to report incidents involving inmate masturbation if the inmate exposed his penis while masturbating at her. As a result, Defendant expected Ms. Ridgle to tolerate inmates leering at her while masturbating in their pants.

12. Male inmates repeatedly leered at Ms. Ridgle and subjected her to sexual comments. For example, on one occasion an inmate told her, "Damn, you lookin' thick today." When she reported this to Major Ford, he dismissed the report and Defendant took no action to discipline the inmate. On another occasion, an inmate approached Ms. Ridgle and said, "Aye, I don't know what you doing, but whatever you doing it's working. You looking good." Once again Ms. Ridgle reported the incident and Major Ford dismissed the allegations. No action was taken to discipline the inmate. On another occasion, Ms. Ridgle noticed an inmate staring at her. When she told him to stop, he said, "You looking good today." Ms. Ridgle reported this and no action was taken. Instead, to the best of her knowledge, her report was deleted. These are just a few examples of the harassment that Ms. Ridgle experienced, with the Defendant taking no action to discipline the inmates or prevent the harassment from continuing.

13. On or around May 21, 2018, an inmate was able to view Ms. Ridgle while she used the toilet in an elevated tower. Inmates cannot generally view this area because it is elevated from the ground. However, on or around May 21, 2018, an inmate – while standing on a pallet that had been lifted by a forklift – watched Ms. Ridgle use the toilet. Later that day, Ms. Ridgle noticed the same inmate leering at her. Ms. Ridgle reported this, but no action was taken to discipline the inmate or to protect Ms. Ridgle from further harassment. A few days later, on May 27, 2018, Ms. Ridgle noticed the same inmate staring at her buttocks.

14. On or around November 21, 2017, a male inmate sexually assaulted Ms. Ridgle by grabbing and squeezing her buttocks and touching her between her legs. Ms. Ridgle submitted a report and requested that the inmate be moved from the area where she worked. Defendant initially placed the inmate in isolation but released him less than a month later. Despite Ms. Ridgle's request to be separated from the inmate, Defendant did not move him out of her unit. As a result, she was forced to continue to interact with the inmate who had assaulted her.

15. After she was assaulted, inmates subjected Ms. Ridgle to additional sexually demeaning comments such as "I can see why he grabbed your butt."

16. When the inmate who assaulted her returned to Ms. Ridgle's work area, she told her supervisors, including Lieutenant Kimberly Riley, that she did not feel safe and that she should not be forced to continue to interact with an inmate who had sexually assaulted her. An administrative employee, Carlisia Wren, told Ms. Ridgle that when her request was taken to Warden Joe Page, he stated, "That's what she signed up for. She gone have to deal with it." To the best of Ms. Ridgle's knowledge, her separation request was deleted from the system.

18. Rather than taking action to protect Ms. Ridgle in response to her reports of sexual harassment, her supervisors retaliated against her. After she requested to be separated from the inmate who sexually assaulted her, Ms. Ridgle was assigned to less desirable tasks such as monitoring inmates in their eating area during meal periods. This is among the least desirable and potentially dangerous tasks for a correctional officer to perform because fights and other issues often occur during meal periods, when large numbers of inmates are together in one location.

19. On or around February 7, 2018, Ms. Ridgle contacted ADC Director Wendy Kelley and spoke to her secretary, Jada Lawrence, who indicated that she would pass on the information to Ms. Kelley. Ms. Ridgle explained that she did not feel safe because she was forced to continue to interact with the inmate who had assaulted her. One week later, on the morning of February 13, 2018, Defendant told Ms. Ridgle that she was being transferred to the night shift and that she could only stay on the day shift if she took a demotion from the position of sergeant to corporal. Ms. Ridgle's supervisors were aware that she had a child for whom she was responsible in the evenings. Defendant demoted Ms. Ridgle to corporal effective February 16, 2018.

20. After Ms. Ridgle filed her charge with the EEOC on April 28, 2018, she was subjected to further retaliation. For example, on June 28, 2018, Major Ford stopped Ms. Ridgle as she was going through the metal detector before her shift. Although Sergeant Barbara Montgomery was handling Ms. Ridgle's screening that day, Major Ford intervened. Ms. Ridgle explained that the hooks on the back of her bra had set off the metal detector, and Sergeant Montgomery confirmed this with a hand-held detector. However, Major Ford instructed Sergeant Montgomery to use her hands to touch Ms. Ridgle to confirm that nothing was there. After she did this and confirmed that there was nothing of concern, Major Ford then instructed Sergeant Montgomery to take Ms. Ridgle to the bathroom to remove her bra so that she could walk through the metal detector again without her bra. Ms. Ridgle was then forced to walk through the metal detector while she held her breasts in place with her hands as Major Ford watched.

21. At the shift meeting that morning, Major Ford admonished Ms. Ridgle in front of her coworkers. He told her, “You will go to the library to get a policy to use against me, but you can’t beat me.”

22. Upon information and belief, in approximately July and August of 2018, Major Ford asked inmates to write grievances about Ms. Ridgle and give them to him.

23. In September 2018, Ms. Ridgle left ADC to become a parole officer at Arkansas Community Correction (“ACC”). However, the retaliation from Major Ford and other ADC supervisors continued. Upon information and belief, when she began her new job at ACC, Ms. Ridgle’s former supervisors sent derogatory emails about her to Shirley Ellingburg, her new supervisor at ACC, in an attempt to jeopardize her employment with ACC. Upon information and belief, one of Ms. Ridgle’s former supervisors, Lieutenant Riley, told Ms. Ellingburg to get rid of Ms. Ridgle.

FIRST CLAIM FOR RELIEF

Title VII – Sex Discrimination/Hostile Work Environment

24. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint.

25. Because of her sex, Ms. Ridgle was repeatedly subjected to sexual harassment by male inmates including, among other things, exposing their genitals at her, exhibitionist masturbation with and without clothes, sexual comments, groping, and sexual assault.

Ms. Ridgle was subjected to this harassment not because of her individual characteristics but because she was a woman. This conduct was unwelcome and it was sufficiently severe and/or pervasive to alter the terms and conditions of her employment and create a hostile work environment.

26. At all relevant times, Defendant had actual and constructive knowledge of the harassment that created the hostile work environment. Specifically, Ms. Ridgle repeatedly notified Defendant of the harassment and requested protection from the harassment.

27. Despite that knowledge, throughout Ms. Ridgle's employment at ADC, Defendant failed to take prompt and appropriate action reasonably calculated to end the harassment.

28. Ms. Ridgle was injured as a direct and proximate result of the Defendant's failure to take prompt and appropriate action reasonably calculated to end the harassment she experienced.

SECOND CLAIM FOR RELIEF

Title VII – Retaliation

29. Plaintiff repeats and re-alleges all previous paragraphs of this Complaint.

30. Ms. Ridgle engaged in conduct protected by Title VII when she complained to Defendant about sexual harassment and when she filed a charge with the EEOC.

31. After she engaged in this protected activity, the Defendant retaliated against Ms. Ridgle through a series of materially adverse actions that would dissuade a reasonable employee from making or supporting a charge of discrimination. These retaliatory actions included, among other things, the following: (1) she was assigned onerous duties; (2) she was demoted; (3) Major Ford unreasonably subjected her to additional security screening in a manner meant to demean and embarrass her; (4) Major Ford ridiculed her at a staff meeting and made comments directly expressing his animosity toward her protected activity, stating that she could try to enforce policy against him but that he would beat her; (5) Major Ford solicited grievances from inmates about Ms. Ridgle; and (6) Major Ford and other ADC supervisors and managers

contacted Ms. Ridgle's new supervisor at ACC and made derogatory statements about Ms. Ridgle in an attempt to jeopardize her employment with ACC.

32. In addition to the other direct and circumstantial evidence of motive such as Major Ford's comments, the temporal proximity between Ms. Ridgle's protected activity and the Defendant's retaliatory actions demonstrates a causal connection. Some of the retaliatory actions occurred shortly after Ms. Ridgle complained to ADC's Director about her supervisors' failure to take action to protect her from the inmate who sexually assaulted her. Others occurred shortly after Major Ford and other ADC supervisors learned that Ms. Ridgle had filed her EEOC charge.

33. After Ms. Ridgle inquired of Defendant during December 2017 and January 2018 why her request to be separated from the inmate who sexually assaulted her had been ignored, she was assigned additional and less desirable duties.

34. When she received no relief from her supervisors, Plaintiff contacted ADC's Director on or around February 7, 2018 to discuss her request to be separated from the inmate who sexually assaulted her. The following week, Defendant told Ms. Ridgle that she was being transferred to the night shift and that she could only stay on the day shift if she took a demotion to the position of corporal. Plaintiff's demotion to the position of corporal was not voluntary.

35. Ms. Ridgle filed her charge with the EEOC on April 28, 2018 and Defendant submitted its initial position statement on or about July 2, 2018. Major Ford's retaliatory actions during Ms. Ridgle's security screening and his comments about her during the staff meeting occurred on or about June 28, 2018, shortly before Defendant submitted its position statement. Shortly thereafter, in July and August of 2018, Major Ford further retaliated against Ms. Ridgle by soliciting grievances about her from inmates.

36. Even after Ms. Ridgle left ADC to become a parole officer for ACC, Major Ford and other supervisors continued to retaliate against her by contacting her new supervisor at ACC and making derogatory statements about Ms. Ridgle in an attempt to jeopardize her employment with ACC.

RELIEF REQUESTED

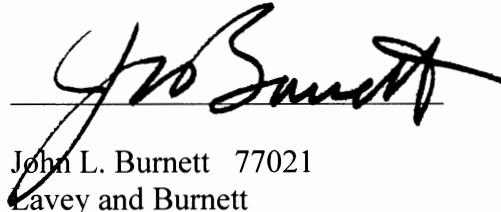
WHEREFORE, the Plaintiff prays that this Court grant the following relief:

- A. Declare that the Defendant violated the Plaintiff's rights under Title VII of the Civil Rights Act of 1964;
- B. Order the Defendant to adopt and implement policies, procedures, and practices that will protect female correctional officers from sexual harassment by male inmates;
- C. Award Plaintiff pecuniary and non-pecuniary compensatory damages;
- D. Retroactively reinstate Plaintiff to the position of Sergeant with full backpay, benefits, and correction of records;
- E. Order the Defendant to pay the Plaintiff's reasonable attorney's fees, costs, and expenses;
- F. Award pre- and post-judgment interest; and
- G. Order all other legal and equitable relief as may be just and proper.

JURY DEMAND

Plaintiff requests a jury trial for all claims that may be tried to a jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John L. Burnett", written over a horizontal line.

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Counsel for Plaintiff

¹ *Pro Hac Vice application to be made

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Latasha Ridgle
1775 Hwy 161
England, AR 72046

From: Little Rock Area Office
820 Louisiana
Suite 200
Little Rock, AR 72201

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No. 493-2018-00842
EEOC Representative Ivonne A. Knutson, Investigator
Telephone No. (501) 324-5469

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
[X] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission
[Signature]

MAR 14 2019

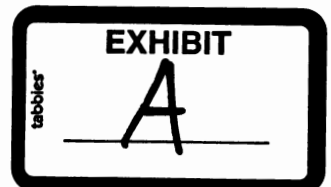
Enclosures(s)

William A. Cash, Jr.,
Area Office Director

(Date Mailed)

cc: Lyn Bennett
EEO/Grievance Officer
AR DEPARTMENT OF CORRECTION
PO BOX 8707
Pine Bluff, AR 71611

Heidi Burakiewicz
KALIJARVI, CHUZI NEWMAN & FITCH PC
818 Connecticut Ave Nw Suite 1000
Washington, DC 20006



CIVIL COVER SHEET 5:19-cv-197-KGB

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Latasha Ridgle

(b) County of Residence of First Listed Plaintiff Lonoke County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See Attachment

DEFENDANTS

Arkansas Department of Correction

County of Residence of First Listed Defendant Jefferson County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, and Labor.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq

Brief description of cause:

Ms. Ridgle was subjected to sexual harassment that created a hostile work environment and retaliation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS compensatory damages CHECK YES only if demanded in complaint: JURY DEMAND: X Yes O No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 06/12/2019 SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature of J. B. Smith

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Attachment A – Plaintiff’s Attorneys

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*Pro Hac Vice application to be made

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