

Filing # 117044068 E-Filed 11/20/2020 01:35:30 PM

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

JEAN DORSAINVIL,

Plaintiff,

CASE NO.:

vs.

SCHOOL DISTRICT OF
PALM BEACH COUNTY,

Defendant.

_____ /

COMPLAINT

Plaintiff, JEAN DORSAINVIL ("Plaintiff"), by and through her undersigned counsel, sues Defendant, SCHOOL DISTRICT OF PALM BEACH COUNTY ("Defendant"), and alleges as follows:

INTRODUCTION

1. This is a proceeding for damages to remedy discrimination on the basis of handicap affecting the terms, conditions and privileges of employment and to redress the deprivation of rights secured to Plaintiff by the Florida Civil Rights Act of 1992, Florida Statutes §760, et seq. ("FCRA").

JURISDICTION

2. Jurisdiction is invoked pursuant to the FCRA.

VENUE

3. The claims asserted herein arose in this judicial circuit.

PARTIES

4. At all times material hereto, the Plaintiff is a citizen of the United States,

resident of this judicial circuit and an employee or former employee of the Defendant.

5. At all times material hereto, the Defendant is operating in this judicial circuit, was the employer or former employer of the Plaintiff, and is an employer as defined by the FCRA.

6. The Plaintiff has exhausted and fulfilled all conditions precedent to the institution of this action pursuant to the FCRA. Specifically, Plaintiff filed his charge of discrimination with the US EEOC and the Florida Commission on Human Relations on or about February 28, 2020. Pursuant to Fla. Stat. 760.11(8), Plaintiff has exhausted his pre-suit administrative remedies.

STATEMENT OF FACTS

7. The Plaintiff was an employee of the Defendant at Spanish River High School as the Lead Custodian.

8. On July 26, 2019, Plaintiff had neck surgery and was to be out for a month.

9. When he returned to work on August 26, 2019, he was able to work but was informed he would be in pain for at least the next 2-3 months.

10. Just a few weeks later, on September 17, 2019, the assistant principal suddenly asked Plaintiff if he can start working during the night shift, which involves more physical labor.

11. Plaintiff could not do this as a result of his surgery and stated such.

12. In response, the assistant principal removed Plaintiff from the schedule altogether, effectively ending his employment.

COUNT I **FLORIDA CIVIL RIGHTS ACT OF 1992-DISABILITY DISCRIMINATION**

Plaintiff incorporates by reference paragraphs 1 through 12 herein and states as follows:

13. The Defendant has discriminated against the Plaintiff in the terms and conditions of her employment and has denied the Plaintiff continued employment because of his handicap, or alternatively, the Defendant's perception of a handicap.

14. The unlawful discriminatory practices by the Defendant and its agents, as set forth herein, violates The Florida Civil Rights Act of 1992.

15. As a direct and proximate result of the Defendant's unlawful and discriminatory conduct, the Plaintiff has and will continue to suffer damages.

WHEREFORE, the Plaintiff, JEAN DORSAINVIL, requests that judgment be entered against the Defendant, SCHOOL DISTRICT OF PALM BEACH COUNTY, for all damages recoverable under the Florida Civil Rights Act of 1992, as well as costs, expenses, attorney fees and any other lawful relief this Court deems to be just and proper.

COUNT II
FLORIDA CIVIL RIGHTS ACT OF 1992-FAILURE TO ACCOMMODATE

Plaintiff incorporates by reference paragraphs 1 through 12 herein and states as follows:

16. The Plaintiff suffered from a disability yet was a qualified individual.

17. Defendant had knowledge of Plaintiff's disability.

18. Plaintiff requested reasonable accommodations from the Defendant in order to remain employed with the Defendant while disabled.

19. Reasonable accommodations existed that would have allowed Plaintiff to perform the essential functions of his position.

20. Defendant failed to provide this reasonable accommodation.

21. The unlawful practices by the Defendant and its agents, as set forth herein, violates The Florida Civil Rights Act of 1992.

22. As a direct and proximate result of the Defendant's unlawful conduct, the Plaintiff has and will continue to suffer damages.

WHEREFORE, the Plaintiff, JEAN DORSAINVIL, requests that judgment be entered against the Defendant, SCHOOL DISTRICT OF PALM BEACH COUNTY, for all damages recoverable under the Florida Civil Rights Act of 1992, as well as costs, expenses, attorney fees and any other lawful relief this Court deems to be just and proper.

DEMAND FOR JURY TRIAL

The Plaintiff demands a jury trial.

Dated: November 20, 2020.

Respectfully submitted,

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