

Civil Action No. 3:17-cv-441

Defendants.

COMPLAINT

COMES NOW Plaintiff Victoria Squitieri, complaining of Defendant Piedmont Airlines, Inc., Anthony Barden, Darryle Williams, Donielle Prophete, Larry Baldwin, and Darrel Butler, and alleges the following:

NATURE OF THE COMPLAINT

1. This is an action seeking damages against Defendant Piedmont Airlines, Inc. for violation of Plaintiff's rights protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.*; 42 U.S.C. §1981 and rights protected by North Carolina State Law; and Defendants Anthony Barden, Darryle Williams, Donielle Prophete, Larry Baldwin, and Darrel Butler for violation of Plaintiff's rights protected by North Carolina State Law.

PARTIES

2. Plaintiff, Victoria Squitieri, is a citizen and resident of Fulton, Oswego County, New York.

3. Upon information and belief, Defendant Piedmont Airlines, Inc. is a regional airline and wholly owned subsidiary of American Airlines Group, Inc. a corporation duly organized and existing under the laws of the State of Maryland, with its principal office and place of business in Salisbury, Wicomico County, Maryland.

4. Upon information and belief, Defendant Anthony Barden (“Barden”) is a ramp agent employed by Piedmont Airlines, Inc., Area Vice President and/or Current President of Communication Workers of America Local 3645 (“CWA”), and citizen and resident of Mecklenburg County, North Carolina.

5. Upon information and belief, Defendant Darryle Williams (“Williams”) is a gate agent employed by Piedmont, a CWA Vice President/Executive Vice President, and citizen and resident of Mecklenburg County, North Carolina.

6. Upon information and belief, Defendant Donielle Prophete (“Prophete”) is a gate agent employed by Piedmont, a CWA Grievance and System Board Coordinator, and citizen and resident of Mecklenburg County, North Carolina.

7. Upon information and belief, Defendant Larry Baldwin (“Baldwin”) is a ramp duty manager employed by Piedmont, and citizen and resident of Mecklenburg County, North Carolina.

8. Upon information and belief, Defendant Darrel Butler (“Butler”) is a ramp manager employed by Piedmont, and citizen and resident of Mecklenburg County, North Carolina.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as there are issues of Federal Law. The Court has supplemental jurisdiction of Plaintiff’s state law claims pursuant to 28 U.S.C. §1367.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 (b) as Defendants are subject to the personal jurisdiction of this Court and because many of the acts giving rise to this action occurred in this District.

FACTUAL ALLEGATIONS

11. On or about December 01, 2008, Piedmont Airlines, Inc. (hereinafter “Piedmont”) hired Ms. Victoria Squitieri (hereinafter “Plaintiff” or “Squitieri”) as a part-time Customer Service Ramp Agent based out of the Piedmont station in Syracuse, New York.

12. On or about February 08, 2013, Squitieri transferred to Piedmont’s Charlotte operations hub and received a promotion to full-time employee status.

13. Only six months after Squitieri’s transfer and promotion, Piedmont again promoted Squitieri to a Ramp Unit Manager at the Charlotte station on or about August 19, 2013.

Evaluation & Previous Performance

14. Squitieri received satisfactory annual evaluations during her employment, including evaluations for years 2013, 2014, and 2015.

15. Squitieri did not receive any written corrective action, formal warning, final warning, and/or suspension for infractions other than attendance-related infractions (i.e. absenteeism and tardiness) during her tenure in Charlotte prior to July 10, 2016.

16. Upon information and belief, Squitieri’s personnel file does not contain allegations that she failed to demonstrate good judgment in managing and overseeing her supervisees.

Facebook Posts

17. In or about July 2016, Squitieri maintained a personal Facebook account, which was set on a private setting so that only her Facebook friends had access to her Facebook timeline, posts, and shares.

18. On July 08, 2016, Squitieri posted on her Facebook account (the “First Facebook Post”), which could only be accessed directly by her Facebook friends.

19. The comment Squitieri posted on her private Facebook page discussed the Black Lives Matter movement and Squitieri's respect for law enforcement.

20. In her First Facebook Post, Squitieri remarked, "I have 2 brothers and 2 sisters-in-law that are law enforcement. I don't want to see any more of your bullshit posts about cops! There's good an [sic] there's bad - when you need them they come and you're damn glad! I don't care what color you are - stop jumping the bandwagon! Very simply - don't put yourself at the end of a cops [sic] gun! You're black so what, I don't give a shit - don't mean ya [sic] can run your mouth and get on your soap box just because you share skin color! Shut up already!"

21. Squitieri's posting inspired further discussion and comments from Facebook friends as well as persons that were not Facebook friends.

22. At some point following the initial post, Squitieri posted “All lives matter. Period. I will not be preached to. I never said Black lives dont [sic] matter. I believe Black lives matter is stoking the fire of racial tension and hate by exploiting deaths and encouraging division. Period. Look again at my words and do not put words in my mouth.”

23. The comments Squitieri posted were private expressions of her personal opinions expressed as part of a public debate that was a frequent topic of media discussions occurring throughout the country at the time.

24. Issues related to law enforcement are of particular interest to Squitieri because she has two brothers and two sisters-in-law that serve in and/or maintain intimate relationships with the law enforcement community.

25. Squitieri's comments did not target a particular race, and her intent was not racially motivated – as indicated by her criticism of the encouragement of racial division and her statements “I don't care what color you are,” “[a]ll lives matter,” “I never said Black lives dont [sic] matter.”

26. Similarly situated African-American employees engaged in similar conversations on Plaintiff's Facebook post, and posted similar statements on their Facebook profiles.

Coworker Harassment

27. Shortly after publication of the First Facebook Post, Squitieri suffered coworker-led racial harassment at work and online.

28. Upon information and belief, Defendants Barden, Williams, Prophete, Baldwin, and Butler (hereinafter “Individual Defendants”) maliciously posted false, misleading statements regarding Squitieri's Facebook posts on (1) the CWA Local 3645 Facebook Page, (2) the CLT Eagle Swap Facebook Page, (3) and a locked glass case in the kitchen of the Airline Baggage Runner Trailer.

29. Upon information and belief, hundreds of Piedmont employees have access to CWA Local 3645's Facebook page and the CLT Eagle Swap Facebook page.

30. Upon information and belief, business associates of Squitieri living as far away as Indiana and Florida read the false, online portrayals of Squitieri.

31. Upon information and belief, the statements posted by the Individual Defendants remained published on Facebook and in the Airline Baggage Runner trailer until on or about August 2016.

32. Piedmont coworkers, including the Individual Defendants ridiculed Squitieri, subjecting her to contempt by falsely calling her racist, among other false statements, until she transferred to Piedmont's Syracuse, New York station in October 2016.

Complaints and Demotion

33. On or about July 10, 2016, Squitieri emailed Earnest Taylor ("Taylor") complaining that she was the subject of harassing posts and comments, and requested a meeting with Taylor.

34. On or about July 11, 2016, Squitieri met with Taylor. During the meeting, Taylor told Squitieri that certain employees were making a "big deal" about her Facebook post. At no time did Taylor discuss Squitieri's performance as a ramp unit manager.

35. Also during the July 11, 2016 meeting, Squitieri reported to Taylor that she believed the harassment she was being subjected to was based on her race.

36. On or about July 13, 2016, Taylor demoted Squitieri to a part-time ramp agent on account of what Taylor characterized as insensitive behavior. Specifically, Taylor explained that Squitieri had acted insensitively towards the African-American agents she supervised when she posted comments regarding Black Lives Matter and law enforcement on her private Facebook page. Taylor did not mention Squitieri's performance or poor management as justification for Squitieri's demotion.

37. Upon information and belief, none of the similarly situated African-American employees that engaged in similar conversations on the Facebook post, and posted similar statements on their Facebook profiles, were demoted, harassed or otherwise disciplined for their actions.

38. On July 18, 2016, Squitieri complained to Piedmont that race discrimination was at play in management's decision to demote her.

39. At some point after her demotion, Squitieri learned that Defendant alleged they demoted her due to her prior evaluations, even though she was initially told it was due to specifically to her Facebook posts.

Continued Racial Harassment and Defamation

40. On or about July 14 and July 15, 2016, Defendant Baldwin publicly mentioned Squitieri by name and discussed Squitieri's demotion to at least 10 ramp unit managers attending a ramp briefing. Upon information and belief, Defendant Baldwin told employees attending both ramp briefings that Squitieri was demoted for being a racist and/or posting racist comments on Facebook.

41. On or about July 15, 2015, Baldwin openly discussed Squitieri's personnel information with a ramp unit manager and stated that Squitieri was racist.

42. On or about July 19, 2016, Defendant Butler summoned a subordinate ramp unit manager to his office. Upon information and belief, Butler told the supervisee that Squitieri was racist, asked the supervisee whether the supervisee agreed with Squitieri's Facebook post, and asked whether the supervisee was racist since the supervisee had liked Squitieri's post.

43. Upon information and belief, Defendant Butler told Piedmont employees that Squitieri was a racist.

44. Piedmont coworkers, including the Individual Defendants, continued to publicly ridicule Squitieri, subjecting her to contempt by falsely calling her racist, publicly deriding her character, and offering racially inappropriate comments regarding her race.

45. None of the similarly situated African-American employees that engaged in similar conversations on the Facebook post, and posted similar statements on their Facebook profiles, were subjected to harassment as described herein.

46. On July 18, 2016, Squitieri reported suffering frequent, coworker induced racial harassment and racial discrimination to Piedmont management.

47. On or about July 19, 2016, Squitieri again reported experiencing coworker-led racial harassment and complained of the Individual Defendants' defamatory Facebook posts, workplace memorandum, and continued slanderous statements.

48. On or about July 29, 2016, Squitieri applied for a transfer to Wilmington, North Carolina and a promotion to Ramp Unit Manager. Squitieri was denied the promotion and transfer, which she believed to be due to her race.

49. Eventually the working conditions became so caustic that Squitieri transferred to Piedmont's Syracuse, New York station in October 2016.

50. On or about August 29, 2016, Squitieri filed a Charge of Discrimination based on Race against Defendant with the United States Equal Employment Opportunity Commission ("EEOC"). (A copy of that charge, with personal information redacted, is attached hereto as Exhibit A.)

51. The EEOC issued a Notice of Right to Sue with a mailing date of April 24, 2017, which Squitieri received on April 28, 2017 (A copy of the Notice of Right to Sue is attached hereto as Exhibit B). This action is filed within ninety (90) days of Plaintiff's receipt of the Notice of Right to Sue.

FIRST CLAIM FOR RELIEF
(Title VII Discriminatory Disparate Treatment due to Race under 42 U.S.C. §2000e *et. seq.*)

52. Plaintiff refers to the above-referenced paragraphs and incorporates them by reference herein.

53. Defendants subjected the Plaintiff to disparate treatment and harassment based on her race as described herein. Defendants' true reason for subjecting Plaintiff to adverse employment

actions as alleged herein was due to her race, and Defendants' legitimate nondiscriminatory reasons for the adverse employment actions are a pretext to unlawful discrimination.

54. Defendants' actions described herein toward Plaintiff while, upon information and belief, not subjecting other similarly situated African-American employees that engaged in similar conduct to adverse employment action, constituted discriminatory and disparate treatment based on race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et. seq.*

55. Defendants' conduct constitutes unlawful racial harassment in violation of Title VII.

56. Plaintiff was subjected to intense racial harassment of a deeply offensive nature. She was harassed because of her race and the harassment was sufficiently pervasive so as to alter the terms and conditions of her employment and create a hostile work environment.

57. Defendants' actions in violation of Title VII caused Plaintiff's injuries including, but not limited to, lost wages, salary, benefits and emotional distress.

58. Defendants' actions in violation of Title VII were intentional, willful, and in reckless disregard for Plaintiff's legally protected rights and justify awarding punitive damages.

59. Therefore, Plaintiff sues Defendants for their actions described herein in violation of Title VII, 42 U.S.C. § 2000e *et seq.*

SECOND CLAIM FOR RELIEF
(Wrongful Demotion due to Race under N.C.G.S. §143-422.2.)

60. Plaintiff refers to the above-alleged paragraphs and incorporates them by reference herein.

61. The public policy of the State of North Carolina as set forth in N.C.G.S. §143-422.2 prohibits employers from subjecting an employee to adverse employment actions, on account of race, religion, color, national origin, age, sex, or handicap by employers which regularly employ fifteen (15) or more employees.

62. Defendants' adverse employment actions toward Plaintiff as alleged herein, while not subjecting other similarly situated African-American employees that engaged in similar conduct to adverse employment action, was due to her race, Caucasian. Thus, Defendant has violated North Carolina public policy.

63. Defendants' actions described herein due to her race caused Plaintiff injuries including but not limited to: losses in wages, salary and benefits and great emotional distress, mental pain, suffering, stress, grief, worry and mental anguish.

64. Defendants' actions described herein were willful, intentional, and in reckless disregard for Plaintiff's legally protected rights.

65. Therefore, Plaintiff sues Defendant for their actions in violation of North Carolina public policy under N.C.G.S. § 143-422.2.

THIRD CLAIM FOR RELIEF
(Discrimination and Harrassment on the basis of Race in Violation of 42 U.S.C. § 1981)

66. Plaintiff refers to the above-alleged paragraphs and incorporates them by reference herein.

67. Plaintiff is a member of a protected class, Caucasian race.

68. Plaintiff was subjected to adverse employment action and harassment following posting of Black Lives Matter and law enforcement statements on Facebook, while other similarly situated African-American employees that engaged in similar conduct, upon information and belief, were not subjected to adverse employment action by Defendant for their Facebook postings.

69. Defendants' real reason for their actions described herein was due to Plaintiff's race, Caucasian, and thus denied her equal protection under the law.

70. By the conduct described above, Defendants' intentionally deprived Plaintiff of the same rights as are enjoyed by African-American citizens to the creation, performance, enjoyment,

and all benefits and privileges, of her contractual employment relationship with Piedmont, in violation of 42 U.S.C. §1981.

71. Defendants' conduct constitutes unlawful racial harassment in violation of 42 U.S.C. §1981.

72. Plaintiff was subjected to intense racial harassment of a deeply offensive nature. She was harassed because of her race and the harassment was sufficiently pervasive so as to alter the terms and conditions of her employment and create a hostile work environment.

73. Defendants' actions described herein were willful, intentional and in reckless disregard for Plaintiff's legally protected rights and justifies awarding punitive damages.

74. Therefore, Plaintiff sues Defendant for racial discrimination in violation of 42 U.S.C. § 1981.

**FOURTH CLAIM FOR RELIEF
(Defamation/Libel Per Se)**

75. Plaintiff refers to the above-alleged paragraphs above and incorporates them by reference herein.

76. Defendants wrote, printed and/or caused to be printed, or condoned, ratified and adopted the printing of libelous statements regarding Plaintiff.

77. Defendants published these statements, or caused them to be published to third persons with knowledge that it would very likely be communicated to third persons and injurious to the Plaintiff.

78. Defendants' libelous statements about Plaintiff were false.

79. Defendants knew that these libelous statements about Plaintiff were false and would be injurious to Plaintiff in her career, employment, trade and/or profession, and to her character and reputation.

80. Defendants' libelous statements which they published or caused to be published about Plaintiff caused Plaintiff monetary losses, mental and emotional injuries, injury to her career, reputation and other harm.

81. As a result of the aforesaid acts of Defendants, Plaintiff has suffered and continues to suffer various economic losses and consequential losses including, but not limited to, loss of earnings, and claims all economic and consequential losses, for which Plaintiff seeks damages according to proof, together with prejudgment interest.

82. The aforesaid acts of Defendants caused Plaintiff to suffer severe and enduring mental and emotional distress. Plaintiff seeks damages for this severe and enduring mental and emotional distress against Defendants in the amount sufficient to fully compensate Plaintiff.

**FIFTH CLAIM FOR RELIEF
(Defamation/Libel Per Se)**

83. Plaintiff refers to the above-alleged paragraphs and incorporates them by reference herein.

84. Upon information and belief, Defendants orally made, or condoned, ratified or adopted slanderous statements about the Plaintiff, which were communicated to third parties that Plaintiff was among other things, racist.

85. Defendants published the statement, or caused it to be published to third persons with knowledge that it would very likely be communicated to third persons and injurious to the Plaintiff.

86. Defendants' slanderous statements about Plaintiff was false.

87. Defendants knew that these slanderous statements about Plaintiff were false and would be injurious to Plaintiff.

88. Defendants' slanderous statements which they published or caused to be published about Plaintiff caused Plaintiff monetary losses, mental and emotional injuries, injury to her career, reputation and other harm.

89. As a result of the aforesaid acts of Defendants, Plaintiff has suffered and continues to suffer various economic losses and consequential losses including, but not limited to loss of earnings, and claims all economic and consequential losses, for which Plaintiff seeks damages according to proof, together with prejudgment interest.

90. The aforesaid acts of Defendants caused Plaintiff to suffer severe and enduring mental and emotional distress. Plaintiff seeks damages for this severe and enduring mental and emotional distress against Defendants in the amount sufficient to fully compensate Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

A. Lost wages, salary, employment benefits and other compensation caused by Defendants' actions in violation of Title VII, 42 U.S.C. §2000e et. seq., 42 U.S.C. § 1981, and State law under N.C.G.S. § 143-422.2;

B. A judgment in favor of Plaintiff and against Defendant for the great emotional distress, mental pain, suffering, stress, grief, worry and mental anguish caused by Defendants' disparate treatment, harassment and adverse employment actions of Plaintiff;

C. Punitive damages caused by Defendants' intentional, willful, wonton and reckless actions in its disparate treatment, harassment and adverse employment actions of Plaintiff;

D. Compensatory damages at trial encompassing her lost pay, lost income potential, lost benefits and to compensate Plaintiff for the damage to her career and to her professional and personal reputation, embarrassment, humiliation and mental and emotional pain caused by the Defendants' actions.

E. The Court enter an award in favor of Plaintiff and against Defendants for reasonable expenses and costs including attorneys' fees;

F. Any other compensatory damages suffered by Plaintiff which were caused by Defendants' actions as alleged herein;

G. The judgment bear interest at the legal rate from the date of filing this action until paid;

H. Defendant be taxed with the costs of this action;

I. Trial by jury; and

J. The Court order such other and further relief as it may deem just and proper.

Respectfully submitted this the 26th day of July, 2017.

/s/ Michael C. Harman

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