

IN THE CIRCUIT COURT OF THE 17th
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

ATHENA GUICE,

CASE NO.:

Plaintiff,

vs.

FLORIDA HOUSE OF REPRESENTATIVES,

Defendant.

COMPLAINT

COMES NOW, Plaintiff, ATHENA GUICE, by and through her undersigned counsel, and sues the Defendant, FLORIDA HOUSE OF REPRESENTATIVES, and alleges as follows:

INTRODUCTION

1. This is a proceeding for back wages, compensatory damages, and costs and attorneys' fees to remedy sexual harassment and discrimination, and retaliation based upon statutorily protected activities affecting the terms, conditions and privileges of employment, and to redress the deprivation of rights secured to the Plaintiff under the Florida Civil Rights Act of 1992, Florida Statutes §760, et seq. ("Act").

JURISDICTION AND VENUE

2. The Court has jurisdiction over their controversy under the Act.

PARTIES

3. At all times material hereto, the Plaintiff was/is a citizen of the United States, a resident of Broward County, Florida, sui juris, and an employee or former employee of the Defendant.

4. At all times material hereto, the Plaintiff was and continues to be a female, and is a member of a protected class within the meaning of the Act.

5. At all times material hereto, the Plaintiff was an employee within the meaning of the Act.

6. At all times material hereto, the Defendant is a state agency in this judicial circuit, an employer or former employer of the Plaintiff, and was, and is, an employer within the meaning of the Act.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. The Plaintiff has exhausted and fulfilled all conditions precedent to the institution of this action pursuant to the Act.

STATEMENT OF FACTS

8. Plaintiff was employed by the Defendant as a District Aide to Darryl Campbell, a member of the 94th District House of the Florida House of Representatives.

9. Specifically, it was Mr. Campbell who contacted the Plaintiff after previously meeting her while she was supporting his congressional campaign, and ultimately hiring her.

10. Plaintiff began officially on February 1, 2022, working out of Broward County while employed.

11. During the first trip to the State Capitol in Tallahassee, Mr. Campbell suggested that Plaintiff could stay at an AirBnB with Mr. Campell during the week of February 14, 2022.

12. Despite Plaintiff's discomfort, she did not want to start off with any issues so she agreed to stay since no other option was presented.

13. During this week, Mr. Campbell repeatedly attempted to buy Plaintiff alcoholic drinks, and since Plaintiff had no stipend or funds of her own to use, she was forced to travel, eat, and at all times be with Mr. Campbell.

14. Plaintiff even was requested to cook a meal for Mr. Campbell when they did not go out to dinner.

15. Plaintiff was very uncomfortable with Mr. Campbell during this week, as she had just met him and did not believe this was appropriate for a supervisor and an aide.

16. As of May 2022, Mr. Campbell's other aide had left, leaving Plaintiff as the only staffer in the office through the remainder of the year.

17. In October of 2022, Plaintiff received a nomination for the "Top 22 of 2022 Exceptional Legislative Staff" for Sincere Professionalism and Dedication to Service by the National Black Caucus Legislative Staff Leadership Council ("NBCSL").

18. Plaintiff notified Mr. Campbell that she was invited to go to the conference in Las Vegas to be recognized, but did not think she could so since she could not afford it.

19. Mr. Campbell informed Plaintiff that since this was through the NBCSL, that she needed to go.

20. Plaintiff explained it simply was not financially possible to pay for the trip, but Mr. Campbell insisted and that he would take care of the financial aspect.

21. Mr. Campbell emailed his legislative office for a housing budget, food, transportation, and flights.

22. Then, on November 15, 2022 at 10:30 pm, Mr. Campbell texted Plaintiff. “I’ve been looking at hotels in Vegas but these prices for the time we are going are crazy. What I can do is get a room with two beds. Let me know if you are ok with that before I proceed in getting this flight.”

23. Plaintiff was extremely uncomfortable with this, as Plaintiff did not believe Mr. Campbell would be attending since he was set to be at a business trip in Alabama.

24. Plaintiff certainly did not want to share a hotel room with Mr. Campbell, however given he was helping her afford to go, Plaintiff did not want to come off rude.

25. Therefore, Plaintiff responded that she would agree to stay but will only be there one night.

26. However the flights ended up being scheduled for three nights (December 1-December 4, 2022).

27. Plaintiff immediately reached out to Ebony Pardo, who was the previous District Aide in the Legislative office and was also going to Las Vegas, and told her about Mr. Campbell suggesting they sleep in the same room, her discomfort level, and asking if Ebony could reach out to any other women who may have an extra bed or a room she could sleep in.

28. Ebony stated that she would ask around and, worse case, Plaintiff could stay with her.

29. Right around Thanksgiving, Mr. Campbell was telling Plaintiff how they needed to be together at meetings and said “It’s like you’re like my wife”.

30. As the trip approached, and after speaking with her family about sharing a room with Mr. Campell, Plaintiff mustered up the courage to inform him that she was not comfortable with the idea of sharing a hotel room with her male supervisor.

31. Mr. Campbell asked what other option there was, and Plaintiff stated that she spoke with Ebony about other options (sleeping on her couch, or if other females will have space), or maybe Mr. Campbell requesting a stipend for an AirBnB and Plaintiff can at least sleep in a separate room.

32. The next morning, Plaintiff received an email itinerary for an AirBnB and airplane tickets for the flight.

33. When Plaintiff arrived in Las Vegas on December 1, 2022, right before midnight, Mr. Campbell informed Plaintiff that there was a mixer going on for the event, and that she should meet him there.

34. Plaintiff was exhausted and did not want to attend, however Mr. Campbell sent an Uber to pick Plaintiff up from the AirBnB.

35. By the time Plaintiff arrived at the bar, it was 2:00 am and they had stopped letting people.

36. Mr. Campbell came to the security area and was clear intoxicated.

37. After speaking with the security staff, Plaintiff had been allowed to go up to the bar.

38. The group Mr. Campbell was with then went to another bar until late into the early morning, and many in the group had retired for bed.

39. Plaintiff had spent most of the evening speaking with others in the group and not Mr. Campell.

40. Plaintiff was speaking primarily with a male most of the evening, and given the late night and the alcohol, Plaintiff had ended up kissing this person.

41. Mr. Campbell observed this and decided it was time to go, obtaining an Uber for Plaintiff and him to go to the AirBnB.

42. In the morning, after just a few hours of sleep, Mr. Campbell and Plaintiff left for the conference and at breakfast, Mr. Campbell informed Plaintiff that she is no longer permitted to drink on business trips.

43. Plaintiff was very surprised considering it was Mr. Campbell who told her to come to the mixer and kept Plaintiff out until 4 am, knowing she did not have funds for transportation back to the AirBnB.

44. Plaintiff asked why and Mr. Campbell state that it was because she was kissing someone.

45. This was extremely disheartening to the Plaintiff and excused herself to the restroom where she was crying.

46. By the time she came back, her face was puffy, and she ended up missing her award presentation due to this conversation.

47. While she ultimately obtained it later and had a few photos, the entire purpose of the trip was for this award and instead it became uncomfortable, confusing, and embarrassing.

48. Plaintiff informed Representative, Marie Woodson, about how uncomfortable it had become around Mr. Campbell, and preventing her from engaging romantically or drinking.

49. Representative Woodson agreed this was inappropriate conduct and that he was treating her like a jealous boyfriend.

50. At dinner that evening, Plaintiff had sipped a glass of wine from one of the women she had met the night before (who had been complaining about the wine), and Plaintiff also stated that she would like to order beer or wine with her dinner.

51. Mr. Campbell stated openly that this action was disrespectful to him and disobeyed his order from the morning.

52. Plaintiff explained the beer or wine with dinner would not get her drunk, but Mr. Campbell made it clear that this was a lack of respect, and he did not understand why she rebelled against his rule.

53. Plaintiff said she did not understand this “no drinking rule” to be that far reaching, and just ordered a water.

54. Mr. Campbell continued to insist that Plaintiff had embarrassed him and misrepresented his office.

55. Plaintiff responded that Mr. Campbell was intoxicated when he brought her into the bar, and never mentioned anything to Plaintiff about being cautious in what she drank or who she kissed.

56. Plaintiff informed Mr. Campbell that it would not happen again, however she had spoken with several people about what had occurred and they agreed with Plaintiff that it was not appropriate behavior Mr. Campbell was exhibiting.

57. Plaintiff left the table crying, and when she returned, Mr. Campbell said he would allow her to drink, admitting he should not limit her drinking as if she was a man, he would not be doing that to her.

58. Plaintiff was emotionally distraught by all of this, and wanted to fly home immediately but still had another day at the event.

59. At the gala that evening, Plaintiff did not order a drink as she was so confused by everything that had been transpiring.

60. Plaintiff also had no money to purchase her own food or transportation and was still completely dependent on Mr. Campbell.

61. Plaintiff did her best to get through the weekend and avoid any confrontation with Mr. Campbell.

62. When they returned to Florida, on December 6, 2022, Mr. Campbell informed Plaintiff that she would be traveling with him up to Tallahassee for a session.

63. Plaintiff told Mr. Campbell that she would like to talk with him about this, to which Mr. Campbell stated that he thought they moved past it.

64. Plaintiff stated that she had not moved past it, and was still processing what happened, as well as needing an understanding of the boundaries between them and what was expected moving forward.

65. Mr. Campbell simply responded that they would “table it”, which was extremely concerning for Plaintiff as she was already exasperated by this entire sequence of events.

66. Plaintiff then decided moving forward she would need to create her own boundaries, and for the Tallahassee trip, she would stay with a mentor legislative aide in her district (Nadlie Charles), who she had informed how uncomfortable she had been.

67. Nadlie informed her member, Representative Williams, and Andrea Knowles, who was a leader of the Broward Legislative Delegation, about what was happening, and Plaintiff was advised that she should get an attorney.

68. Plaintiff did not want to get an attorney involved at this point, as she wanted to keep her job, feared retaliation, and simply wanted to work without all of the inappropriate pressures from Mr. Campbell.

69. When Plaintiff informed Mr. Campbell that she would be staying with Nadlie in Tallahassee, Mr. Campbell said she should be staying in the same hotel as him.

70. Plaintiff informed Mr. Campbell directly that she did not feel comfortable staying in the same hotel, and was not aware that was a requirement for an aide.

71. Mr. Campbell then stated that Plaintiff would still need to drive him anywhere he wanted to go, still pressuring her to stay at his hotel.

72. Plaintiff had not previously been assigned this task, nor was the prior Legislative Aide, Diego, required to chauffeur Mr. Campbell around (let alone share a room, or be prohibited from drinking an alcoholic beverage).

73. While in Tallahassee, Mr. Campbell's demeanor towards Plaintiff had dramatically changed.

74. He was no longer speaking with her, and basically ignored her the entire time.

75. Realizing this could not work, that evening, December 12, 2022, Plaintiff told Mr. Campbell they needed to talk about how they were going to be able to work effectively if he was not going to communicate with her.

76. Again, Plaintiff informed Mr. Campbell how uncomfortable he has made her and that she, along with her support team (including Representative Williams), felt the request to share a hotel room with a male supervisor was completely inappropriate

77. Mr. Campbell asked me why Plaintiff was telling people this, and making it look like he was trying to have sex with her or something, and that he was not as he did not find her physically attractive.

78. Mr. Campbell said he thought they had more trust to sleep in the same room, to which Plaintiff assured him she would never go down that path with her supervisor or boss.

79. Before she left Tallahassee at the end of the week, trying to make sure Plaintiff was not overreacting to what had happened, she spoke with Representative Edmonds about whether it was appropriate to do what Mr. Campbell did with the hotel room, to which Representative Edmonds said “those kinds of things happen all the time in this space.”

80. Once Plaintiff returned to South Florida, she received a call from Mr. Campbell asking about the conversation with Representative Edmonds, and why she had told anyone else about their situation.

81. Mr. Campbell said that if Plaintiff could not keep the office situation private, he would have to “ice” her out, and if she was not loyal to him, she would not be privy to important matters.

82. Plaintiff stated that her loyalty to him extended as far as her safety was concerned.

83. Mr. Campbell warned her to not speak about “office business” outside the office and inquired a list of who she told.

84. Plaintiff said she did not wish to disclose that.

85. Mr. Campbell said that if he learned that Plaintiff released “confidential information” again, she would be terminated.

86. Plaintiff was completely intimidated and threatened into silence, and was terrified about reporting this to the House Administration for fear she would be terminated.

87. Mr. Campbell hired a new Legislative Aide, Kyle, in January of 2023.

88. With new staff on board and with Mr. Campbell in Tallahassee for a significant amount of time between January and May of 2023, it limited the amount of interaction Plaintiff had to have with Mr. Campbell.

89. However, when there was interaction, Plaintiff was clearly treated differently and less favorably than Kyle, and this was noticeable to Kyle as well.

90. Mr. Campbell also wanted to bring interns aboard, and Plaintiff interviewed one, Tori.

91. Once Mr. Campbell said he wanted to hire Tori, Plaintiff told Mr. Campbell he needed the paperwork signed off on as soon as possible so that she could start.

92. However, Mr. Campbell had not signed off on the paperwork as of the time he brought her into the office on May 31, 2023, breaching House policy against Plaintiff’s counsel.

93. Mr. Campbell then began showing the intern, Tori, around that day and asked Plaintiff for the WiFi login.

94. Plaintiff reiterated that, for safety purposes, paperwork for onboarding must be completed before Tori could begin, and that otherwise this would violate House policy.

95. In June of 2023, Plaintiff took a vacation and realized the Instagram story function was blocked so that Plaintiff could not view the Office or Mr. Campbell's Instagram pages, which was not only peculiar, but also could affect the rebranding project they had been working on.

96. While Plaintiff was hesitant to contact Mr. Campbell over this, on June 12, 2023, she messaged Mr. Campbell about the problem with the social media site and that she would like to ask why her account was being blocked, which Mr. Campbell denied doing.

97. The following month, Kyle and the interns were finishing their summers with Mr. Campbell, and a long distance aide, Kelton, would be coming aboard, removing the buffer that Kyle and the interns presented between Plaintiff and Mr. Campbell.

98. When Kelton came aboard in August of 2023, Mr. Campbell held a team meeting to discuss a variety of topics, including sexual harassment, and that Plaintiff and Kelton should come to him if anyone made them feel uncomfortable.

99. Mr. Campbell did not address what to do if they felt that he was making them feel uncomfortable.

100. Mr. Campbell also reiterated that there was to be no discussion or sharing of anything that happens in the office, clearly directed at Plaintiff, and that he was going

to implement a “Wellness Friday Safe Space” where each week Mr. Campbell with speak with Kelton and Plaintiff to discuss personal struggles and open up.

101. On that next Friday, September 8, 2023, Mr. Campbell texted Plaintiff that she did not show up for the safe space session.

102. Plaintiff responded that it was not placed on the calendar and that, while the idea of a safe space was beneficial, Plaintiff did not feel emotionally safe to do this with Mr. Campbell, and that hopefully in time she might.

103. Plaintiff ended the text by thanking Mr. Campbell for the opportunity to serve in his office and that she will do what she can to help him flourish.

104. On October 4, 2023, Plaintiff realized Kelton had not reviewed a proposed bill sent to him, which was due for a press release with Senator Rosalind Osgood’s office on October 10, 2023.

105. When Plaintiff informed Mr. Campbell that it was not ready, Mr. Campbell advised to Plaintiff to have Kelton email Senator Osgood to delay the press release.

106. Kelton was unable to prepare this email, despite Plaintiff asking him to, and so Plaintiff sent the email on Kelton's behalf.

107. Senator Osgood ultimately decided to pull the bill immediately and said she would find another sponsor.

108. Mr. Campbell then called a team meeting, claiming that Senator Osgood likely pulled the bill because Plaintiff came off as a know it all, and that Plaintiff should have let Kelton send the email.

109. Mr. Cambell then stated that this would impact Plaintiff's career, and that she was to go build a collation about the bill.

109. Plaintiff did as asked and began to consult with those she had been talking to regarding the bill.

110. During this time, and at the end of October of 2023, Plaintiff spoke with legal counsel, David Axelrod, regarding the bill, and while speaking with him, asked if she was safe to fully divulge the full scope of the dynamic with her legislator, and which led to a breakdown in communication.

111. Mr. Axelrod stated that his duty is only to "protect the house."

112. In November of 2023, while Plaintiff was home sick, she was informed that she needed to come in for a meeting and Mr. Campbell advised her that she had two options: sign a pre-drafted resignation letter that he typed or she was terminated for releasing confidential information regarding the bill.

113. Plaintiff explained she did nothing of the sort, and so she would not sign a resignation letter.

114. Plaintiff was therefore terminated by Mr. Campbell, effective November 20, 2023.

COUNT I

THE ACT -- SEX HARASSMENT AND DISCRIMINATION

115. The Plaintiff incorporates by reference paragraphs 1- 114 herein.

116. The Defendant discriminated against the Plaintiff in the terms and conditions of her employment, harassed the Plaintiff, and otherwise denied the Plaintiff job opportunities because of her sex.

117. The unlawful discriminatory actions by the Defendant and its agents and employees, as set forth herein, were and are intentional, willful, malicious and with gross disregard for the Plaintiff's rights, and violate the Act.

118. As a direct and proximate result of the Defendant's unlawful and discriminatory treatment, the Plaintiff has suffered damages and will continue to suffer irreparable injury and damages in the future, including, but not limited to:

- a. Damage to reputation, confidence and self-esteem;
- b. Loss of past and future income;
- c. Loss of future earning capacity;
- d. Loss of other fringe benefits;
- e. Stress, anxiety and emotional distress;
- f. Significant past and future pain and suffering; and
- g. Other financial losses.

119. The Plaintiff is entitled to an award of reasonable attorney's fees, expert fees, costs and expenses related to this litigation.

WHEREFORE, the Plaintiff, ATHENA GUICE, requests that judgment be entered against the Defendant, FLORIDA HOUSE OF REPRESENTATIVES, for damages, including compensatory, consequential, and all equitable relief, in addition to all litigation expenses and costs, including attorneys' fees and any other lawful and equitable relief this Court deems to be just and proper.

COUNT II

THE ACT -- RETALIATION

120. The Plaintiff incorporates by reference paragraphs 1-114 herein.

121. The Defendant's termination of Plaintiff was, in whole or in part, in retaliation for her complaints and objections to sexual harassment and discrimination.

122. The Defendant has discriminated against and harassed the Plaintiff in the terms and conditions of her employment, and has effectually denied the Plaintiff continued employment in retaliation for her lawfully having engaged in a statutorily protected activity, and as a result of her complaints and objections to sexual harassment and discrimination.

123. The Defendant's conduct constitutes unlawful retaliation under the Act, and such actions were willful and malicious and, as a direct and proximate result of the Defendant's unlawful and discriminatory conduct, the Plaintiff has suffered damages and will continue to suffer irreparable injury and damages in the future, including, but not limited to:

- a. Damage to reputation, confidence and self-esteem;
- b. Loss of past and future income;
- c. Loss of future earning capacity;
- d. Loss of other fringe benefits;
- e. Stress, anxiety and emotional distress;
- f. Significant past and future pain and suffering; and
- g. Other financial losses.

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DEMAND FOR JURY TRIAL

The Plaintiff, ATHENA GUICE, demands trial by jury.

Respectfully submitted on September 26, 2024.

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