

FILED

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

2020 FEB 24 PM 1:54

CITLALY GOMEZ,

Plaintiff,

v.

METROPOLITAN NASHVILLE POLICE
DEPARTMENT, A DIVISION OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE,

Defendant.

CLERK OF COURT
DAVIDSON CO. CHANCERY CT.

CA D.C. & M.

DOCKET NO. 20-0219-II

12 PERSON JURY DEMANDED

COMPLAINT FOR DAMAGES

Comes now, Citlaly Gomez (hereinafter "Plaintiff" or "Ms. Gomez"), by and through counsel and hereby provides facts and law in support of her Complaint filed against Metropolitan Nashville Police Department, a Division of the Metropolitan Government of Nashville (hereinafter referred to as "Metro Police" or Defendant"). The Plaintiff would show unto the court as follows:

PARTIES AND JURISDICTION

1. Plaintiff, Citlaly Gomez, has lived in the state of Tennessee and is a Tennessee resident during all of the events outlined in this case.

2. Defendant Metropolitan Nashville Police Department, a Division of the Metropolitan Government of Nashville is a government entity located in Davidson County, Tennessee. The Plaintiff worked and performed her job in Davidson County, Tennessee. This Defendant can be served on the Director of the Metropolitan Government of Nashville Department of Law located at the Metro Courthouse, Suite 108, Nashville, TN 37219.

3. Venue and jurisdiction are appropriate in this court. The Tennessee Human Rights Act provides for jurisdiction in this court as provided in T.C.A. § 4-21-311. The acts stated herein and the employment of the Plaintiff occurred primarily within Davidson County, Tennessee. Further, the Defendant is located in Davidson County, Tennessee.

FACTS

4. The Plaintiff began working for the Defendant in 2015. Beginning in 2015 and occurring continuously and consistently since that time, the Plaintiff has been subjected to sexual harassment and a sexually hostile work environment at the Defendant. The sexual harassment and sexually hostile work environment have been provided by coworkers as well as management at the Defendant. These actions have been continuous throughout the time the Plaintiff has worked at the Defendant through the time of the filing of this Complaint. The sexually hostile work environment directed at the Plaintiff has been a consistent part of her employment at the Defendant.

5. The inappropriate sexual harassment, sex discrimination, sexually hostile work environment, hostile work environment based on sex, and retaliation included, but are not limited to the following actions and comments (the following actions and comments were unwanted):

a. Early on in the Plaintiff's employment one of her Field Training Officers went through the Plaintiff's phone looking for "naughty pictures". This Field Training Officer said to the Plaintiff that she had "dick sucking lips". The Field Training Officer was looking through her phone for nude pictures and invading her privacy.

The same FTO has made sexual comments about other female officers of the Defendant.

b. Over several years Training Academy Staff at the Defendant, including firearms instructors, have made repeated sexual comments directed at the Plaintiff. This included communications about the Plaintiff physical attractiveness, as well as requests for the Plaintiff to send pictures of herself referring to nude or naked pictures.

c. The Plaintiff has received text message communications of a sexual nature from Training Academy Staff including messages requesting pictures of the Plaintiff in “whatever you’re wearing” followed up with a further comment “or not wearing”.

d. Another Training Academy Staff member reached out the Plaintiff and commented on her body and gave her his personal phone number. He made comments about her looks and talked about wanting her to come to his cabin to have a good time. This was clearly talking about having sex with him at his cabin. These comments were made over the course of multiple years, up through 2019.

e. The Plaintiff’s supervisor, over the course of several years, requested pictures and selfies of her on multiple occasions. This supervisor informed the Plaintiff that he was willing to exchange personal and professional favors if she provided massages of him or pictures to him. This individual also requested the Plaintiff to provide him with gifts and to do nice things for him – that were unrelated to her job. This supervisor asked very personal questions about the Plaintiff’s life and at one point set up a meeting with the Plaintiff that she felt she had to go to

because he was her supervisor and it felt like more of a forced date (he was dressed up and wearing a heavy amount of cologne). During this meeting he pried into her personal life. This individual also made several comments that he was “superior and dominant” – implying sexual dominance and dominance over her. Further, he made references to the Plaintiff “multiplying like a rabbit”. This supervisor called the Plaintiff a “dirty girl”. This supervisor also made a comment to the Plaintiff about how she looked good in certain pants she was wearing.

f. Another officer who is now a supervisor reached out to the Plaintiff through Facebook and made sexual jokes, sexual comments, and sent the Plaintiff pictures of her own Facebook posts and made comments about her body and looks. This officer also made verbal comments to the Plaintiff about how her “ass” looked in her pants. He also made comments that she made “polyester” look very good with her ass. In 2019 as a supervisor, he followed up on these prior sexual comments by asking for the Plaintiff’s personal phone number.

g. Another officer sent pictures of his penis through Snapchat to the Plaintiff. He would send them unsolicited and asked for pictures of the Plaintiff’s naked body. However, he told her that he did not want to receive them if she had a “fat vagina”.

h. A lieutenant who is now a captain made a comment to the Plaintiff when she was pregnant that after he gave her a hug and said, “everything on you has gotten big”. The comment about her body was inappropriate and Plaintiff believes that this was a comment about her breasts becoming larger. She was very embarrassed about this comment and it still affects her.

i. Another Defendant police officer propositioned the Plaintiff to get a hotel room and split the costs. He informed that he thought there was something between them and he wanted to have sex with the Plaintiff. This was incredibly disrespectful and humiliating to the Plaintiff. The Plaintiff told him to never speak to her again, however he continued. Further, he attempted to kiss the Plaintiff one day on duty. These events occurred in late 2018 through mid-2019.

j. Another officer with the Defendant made comments about the physical attractiveness of the Plaintiff and called her "pretty" for no work related reason. Over the course of several years well into 2019 he texted Plaintiff wanting to meet up with her and making it clear he was interested in being with her. This made the Plaintiff very uncomfortable.

k. Another officer sent multiple text messages to the Plaintiff of a sexual nature, including dreams that he had about the Plaintiff including kissing her and having sex. This officer also told the Plaintiff that he was in love with her. This officer also asked the Plaintiff if he could kiss her and tried to come in for a kiss and she rejected him. This officer also routinely asked the Plaintiff to meet with him when they were off, and his intentions were of a romantic nature. In the fall of 2019 this officer asked her if she "snitched" and reported him to supervisors for trying to kiss her.

l. Another supervisor sergeant would often glare at the body of the Plaintiff in a sexual manner. Further, he would ask probing questions in her personal life. He also approached the Plaintiff after the birth of her daughter and called her simply

to tell her that he was divorced and single. He clearly wanted a sexual relationship of some kind with the Plaintiff.

m. Another incident involved a supervisor of the Plaintiff who was clearly staring at the Plaintiff's buttocks in late 2019, in a sexual way. This made the Plaintiff very uncomfortable and so she discussed this with another officer who told her that many of the officer's stare at her buttocks when she was not looking. This made the Plaintiff feel like a sex object for the male officers at the Defendant.

6. Management and supervisors of the Defendant knew of this sexually hostile work environment directed at female officers, including the Plaintiff. Many managers and supervisors participated in and had clear knowledge of the inappropriate sexual harassment and sexually hostile work environment directed at the Plaintiff. This violated the policies and procedures of the Defendant and their failure to report and handle the sexual harassment violates the policies and procedures of the Defendant. The Defendant had actual knowledge of this conduct and failed to provide a safe environment for the Plaintiff to work within. The Defendant created an atmosphere of intimidation and fear that would prevent any reasonable person from feeling secure and from discussing reports of the sexual harassment with supervisors. This fear was ultimately completely justified and found to be legitimate with what happened when the Plaintiff reported sexual harassment to her supervisors and an investigation was started in 2019.

7. In mid-2019, the Plaintiff was provided the extra duty of assisting with field training of trainees who exited the academy. An officer was provided as her first trainee and he began to make inappropriate sexual comments, inappropriate personal remarks and comments about the Plaintiff's marriage, her body, her breasts, her friendships, and

other inappropriate sexual content. This Officer in Training openly bragged to the Plaintiff that he and other male officers would share photographs of other female police employees they thought were attractive. Plaintiff was showed a picture of another female officer and she saw another officer comment about her in these messages that she was "hot". This officer then openly shared a picture of the Plaintiff with these officers and told the Plaintiff that the other officers commented that he had a "hot FTO". Plaintiff told this officer that this was inappropriate and that she did not appreciate these types of comments. Further, this officer would tell the Plaintiff that he and his girlfriend would "stalk" her social media accounts and they both thought that Plaintiff was very attractive. This officer in training also asked the Plaintiff what size bra she wore.

8. While on a call one day with the officer, he made a comment to the Plaintiff that another male approached him and said that he was a lucky man to be riding with Plaintiff. Additionally, this officer referred to Plaintiff's buttocks as "yams". He also told the Plaintiff that he calls a woman's vagina a "cookie" and he made comments to the Plaintiff about this. Further, he talked to the Plaintiff about what her breast milk did in her breasts when she breastfed her baby. He asked about whether the milk stays in her "boobs". Further, he sent communications to the Plaintiff via text message of a picture of her husband and commented about what a "stud" she had. All of these comments and actions by the officer made the Plaintiff feel very uncomfortable and sexually harassed in her job especially in combination with the numerous officers and supervisors that have sexually harassed her since she became employed with the Defendant.

9. As a result of the conduct of this officer, the Plaintiff felt that she needed to report this conduct because Plaintiff was sexually harassed in an extreme and improper

manner. The Plaintiff talked to one of her female supervisors and that supervisor tried to convince the Plaintiff not to put in any report that the Plaintiff felt sexually harassed. Further, this supervisor asked the Plaintiff to not file her report until she talked to another supervisor on if they would handle this situation by talking to the officer instead of going through the formal reporting process. Sometime later, this supervisor approached the Plaintiff and told her to go ahead and file the report but to make sure that she did not reference that she felt sexually harassed but to instead reference that she felt uncomfortable. This supervisor said that if she called is sexual harassment the offending officer would be terminated, and Plaintiff's supervisor clearly wanted to protect this other officer to try to prevent him from being terminated. It was made clear to the Plaintiff that if she pursued a sexual harassment report about another officer that it would not go well for her. She had been warned in the past on multiple occasions that reporting sexual harassment will only cause her problems.

10. Plaintiff decided to report the officer, despite the risks, due to the sexual harassment because of how uncomfortable it made the Plaintiff feel and because of her fear that this officer would sexually harass other female officers. This information was therefore reported, and an investigation was started against the officer in question. In retaliation for this report against the officer for sexual harassment, the officer made reports about the Plaintiff that were only provided because of her report about this officer's sexual harassment of her. This officer claimed that Plaintiff did personal tasks while she was on duty. The Defendant decided to investigate the reports about the Plaintiff and retaliated against her for making the original sexual harassment report against a male officer. The only reason the Defendant investigated the Plaintiff for these reports is

because of her sexual harassment claim. If she did not pursue the sexual harassment claim against this officer, the Defendant would not have received the report and would not have investigated the Plaintiff. This was all in retaliation against her.

11. Ultimately the Defendant decided to suspend the officer in training one day for his actions of sexual harassment directed at the Plaintiff. This was a trivial punishment and was clearly designed to protect this officer while trying to save face for the department in being able to claim they "punished" the officer. The Defendant failed to investigate and address multiple things that were found and reported about this officer including his misrepresentations during the investigation. In retaliation for bringing the reports of sexual harassment the Defendant implemented punishment against the Plaintiff by providing notification of a four day suspension for alleged failure of "devoting entire time to duty" and for alleged failure regarding "deficient or inefficient performance of duties". During the investigation, the investigating officers asked deeply personal questions that were completely unrelated to the claims and reports against the Plaintiff. Further, the Plaintiff was asked questions of a sexual nature that had nothing to do with the allegations under investigation. These types of questions and investigation would not have been pursued against the Plaintiff had she been a male officer. Further, the Plaintiff had been warned not to make reports of sexual harassment or that she would be retaliated against and this ended up being true. She was ultimately punished by the Defendant in retaliation for her reports of sexual harassment.

12. Many of the officers at the Defendant could be found to violate the official obligation of "devoting entire time to duty" and "deficient of inefficient performance of duties" as provided in the Defendant guidelines and requirements. The Plaintiff was

singled out and investigated in great detail and with great thoroughness for these allegations despite the fact that the same violations could be found with most officers of the Defendant. Other officers who violate the “devoting entire time to duty” and “deficient of inefficient performance of duties” are not investigated. These actions are allowed across the officers of the Defendant. These “violations” are allowed, overlooked, and ignored by the Defendant despite the fact the Defendant is fully aware that they exist. The reason the Plaintiff was punished was because of her reports of sexual harassment and in retaliation for her reports.

13. The actions of the Defendant have caused the Plaintiff to suffer severe mental injury. The sexual harassment, sex discrimination, sexually hostile work environment, hostile work environment due to sex, and retaliation have caused the Plaintiff to experience nausea, vomiting, headaches, severe weight loss, sleeplessness, depression, anxiety, crying spells, nightmares, fright, grief, shame, humiliation, embarrassment, anger, disappointment, and worry. Further, the Plaintiff has been punished by the Defendant in retaliation for her reports of sexual harassment. The impact of the punishment on the Plaintiff that was provided in retaliation will cause a significant impact on the Plaintiff's ability to receive any promotion or to advance within the Defendant causing an impact on her pay, benefits, and career prospects.

**COUNT I – SEXUAL HARASSMENT, SEXUALLY HOSTILE WORK ENVIRONMENT,
HOSTILE WORK ENVIRONMENT DUE TO SEX, SEXUAL DISCRIMINATION AND
RETALIATION UNDER THE TENNESSEE HUMAN RIGHTS ACT AGAINST
DEFENDANT**

14. Plaintiff incorporates all paragraphs and allegations in this complaint listed above as fully alleged herein within Count I of this complaint.

15. The sexual harassment, sexually hostile work environment, hostile work environment due to sex, retaliation, and sex discrimination of Plaintiff by the Defendant constituted discriminatory practices as defined in the Tennessee Human Rights Act as defined T.C.A. § 4-21-102(4) and T.C.A. § 4-21-401.

16. The sexual harassment, sexually hostile work environment, hostile work environment due to sex, retaliation, and sex discrimination due to the Plaintiff's sex violate the Tennessee Human Rights Act.

17. The Defendant is an "employer" as defined in the Tennessee Human Rights Act. The Defendant has had, at all relevant times to this case, in excess of 500 employees.

18. Plaintiff suffered unwelcome sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment based on her gender.

19. There is a proximate causal connection between the sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment (discussed above in detail) from the Defendant that she suffered at her place of employment, associated with her female gender. The sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment demands on the Plaintiff were specifically because she was female. The unwelcome sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment suffered by Plaintiff at the Defendant affected the terms, conditions and privileges of her employment solely based on her sex.

20. The Defendant had full knowledge of all of the harassing actions. The Defendant failed to protect the Plaintiff from the grotesque and reprehensible sexual

harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment. The Defendant did not take steps to sufficiently control or stop the sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment at the Defendant. Plaintiff was expected to work within the environment provided by the Defendant as described in this Complaint.

21. Plaintiff is entitled to compensatory damages including back pay, front pay, interest, punitive damages, damages for humiliation and embarrassment proximately caused by the sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment at the Defendant. The actions of the Defendant have caused the Plaintiff to suffer severe mental injury. The sexual harassment, sex discrimination, sexually hostile work environment, hostile work environment due to sex, and retaliation have caused the Plaintiff to experience nausea, vomiting, headaches, severe weight loss, sleeplessness, depression, anxiety, crying spells, nightmares, fright, grief, shame, humiliation, embarrassment, anger, disappointment, and worry. Further, the Plaintiff has been punished by the Defendant in retaliation for her reports of sexual harassment. The impact of the punishment on the Plaintiff that was provided in retaliation will cause a significant impact on the Plaintiff's ability to receive any promotion or to advance within the Defendant causing an impact on her pay, benefits, and career prospects. Further, under the Tennessee Human Rights Act Plaintiff is entitled to an award of attorney's fees and costs for this litigation.

Wherefore, Plaintiff prays for the following relief;

1. That proper process issue requiring the Defendant to answer this complaint in time prescribed by law;

2. Plaintiff moves this Court for an Order granting default judgement pursuant to Tennessee Rule of Civil Procedure 55 should the Defendant fail to answer the Complaint within the timeframe required by law;

3. Plaintiff demands damages for back pay, front pay, compensatory damages, punitive damages, interest, damages for the damages proximately caused by the sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment.

4. Plaintiff demands compensatory damages against Defendant Metro Police in an amount to be determined by the trier of fact, but not in excess of \$950,000.00. Plaintiff reserves the right to amend the complaint and monetary ad damnum to increase or decrease the damages based on appropriate factors;

5. That Plaintiff be awarded attorney's fees, litigations expenses and costs for the prosecution of this claim as provided under Tennessee law specifically under the Tennessee Human Rights Act;

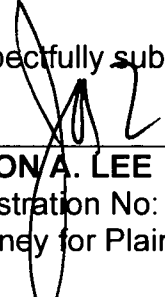
6. Plaintiff also requests general and equitable relief that may be available to the Plaintiff.

7. Plaintiff requests the Defendant be required to pay all court costs, discretionary expenses and associated fees for this litigation;

8. That a jury of twelve (12) people try this cause; and

9. For any and all general just, reasonable, and necessary relief to which Plaintiff is entitled.

Respectfully submitted,



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