

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTH EASTERN DIVISION**

HOLLAND JURHS,	)	
	)	
PLAINTIFF,	)	
	)	CIVIL ACTION NO.:
v.	)	
	)	
CITY OF HUNTSVILLE,	)	JURY DEMAND
	)	
	)	
DEFENDANT.	)	
	)	

COMPLAINT

I. INTRODUCTION

1. Through this complaint, Holland Jurhs, ("Plaintiff") asserts federal claims of sexual harassment and retaliation in violation of Title VII of the Act of Congress known as the Civil Rights Act of 1964, 42 U.S.C. Section 2000e et seq., as amended by the Civil Rights Act of 1991, and 42 U.S.C. Section 1981a ("Title VII") against Defendant. Through supplemental jurisdiction, this Court's jurisdiction extends over the related state law claims of invasion of privacy, assault and battery, and negligent and/or wanton training, supervision, and/or retention and outrage because all such claims arise from a "common nucleus of operative fact."

II. JURISDICTION, VENUE AND ADMINISTRATIVE PREREQUISITES

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343, 2201 and 2202. Venue is proper in the Northern District of Alabama under 28 U.S.C. §1391(b), and the Northeastern Division pursuant to Title VII's venue provision, 42 U.S.C. § 2000e-5(f).
3. Plaintiff has fulfilled all conditions precedent to the institution of this action under Title VII. Plaintiff timely filed her initial charge of discrimination on January 11, 2021, which was within 180 days of the occurrence of the last discriminatory acts she endured. Plaintiff timely filed her lawsuit within 90 days of the receipt of her Right-To-Sue Letter from the U.S. Department of Justice Civil Rights Division issued on January 14, 2022.

III. PARTIES

4. Plaintiff is a woman who is over (19) years old, is a citizen of the United States, is a resident of the State of Alabama and was employed in the State of Alabama by Defendant. Plaintiff is an employee as defined under Title VII.
5. Defendant City of Huntsville (hereinafter referred to as "Defendant") is an entity subject to suit under Title VII and employs at least fifteen (15) persons.

III. FACTUAL ALLEGATIONS

6. Plaintiff is a woman who at the age of eighteen began working for Defendant

as an Animal Care/Shelter Attendant in December 2019.

7. During Plaintiff's employment, a co-worker named Johnny Hillis, who was over fifty years old, started making unwelcome sexual comments to Plaintiff who was over thirty years younger than him.
8. Shortly after Plaintiff began her employment in December 2019, on a near daily basis Hillis made sexual comments, jokes and spread sex related rumors about Plaintiff and relations with other co-workers.
9. During Plaintiff's first week of work in December 2019 Hillis asked what she had been doing over the previous week before starting work, and Plaintiff told him she had just returned from a trip to Los Angeles and Las Vegas.
10. Hillis then asked Plaintiff if she had gone there to make pornographic videos.
11. This offended Plaintiff, and she said "no" and abruptly ended the conversation.
12. Hillis also sexually harassed Plaintiff by inappropriately touching her hand, lower back and shoulder whenever he got close to her despite Plaintiff asking him to please not touch her.
13. In February 2020 Hillis asked Plaintiff about her weekend plans when off work and she told him she was dog-sitting for her father who had gone out of town.
14. Hillis then told Plaintiff her father wanted him to come to his house and check on her while she was there alone, which scared Plaintiff.

15. In May 2020, Hillis put a post on his public Facebook account where he said that he was “(p)utting Holland in the buck be right on, Sorry having fun.” Upon googling “in the buck” on a slang-terms dictionary, the definition reads: "Of a person, in a particular sexual position." The Urban Dictionary defines “The Buck” as follows:

A sexual position between a man and a woman in which the woman lies flat on her back with her legs extended at a 90 degree angle from her torso, with her ankles positioned somewhere near her lover's ears or locked around his neck.

16. In September 2020, a co-worker told Plaintiff about a rumor that Hillis was spreading false rumors about her dating another female coworker.
17. Hillis regularly made comments and spread rumors about a fellow co-worker looking at Plaintiff’s and other co-worker's butts.
18. Hillis told stories about sexual interactions he had supposedly seen and stories concerning a sexual encounter between him and a volunteer at the shelter.
19. Hillis bought Plaintiff lunch on multiple occasions after Plaintiff specifically asked him not to.
20. Hillis regularly had pictures and videos on his phone of sex related images, including graphic sexual pictures, that he showed to Plaintiff.
21. Plaintiff initially reported the sexual harassment to her supervisor at the time,

Kelly Gunn, but the sexual harassment continued after Plaintiff reported it.

22. After Kelly Gunn quit, Plaintiff complained to Animal Care Supervisor Stefany McBride and to Animal Services Director Dr. Karen Sheppard that Hillis had been sexually harassing her.
23. Plaintiff asked McBride and Sheppard to do something about it, and they told her they would make sure she did not have to work alone with him on Sundays.
24. McBride and Sheppard accomplished this by removing Plaintiff from the Sunday schedule, which financially harmed Plaintiff and did no harm to Hillis.
25. McBride and Sheppard also told Plaintiff she could set up a meeting between Plaintiff and HR if she wanted to do that.
26. Plaintiff told McBride and Sheppard she did want to meet with HR, and McBride sent an email to the City EEO Officer, Mia Puckett, on August 28, 2020 with the subject "Need some advice," stating as follows:

I have an employee that works for me name is Holland Jurhs. She just came to me and let me know that she feels she is being sexually harassed by another employee here at Animal Services. Please let me know what she and I need to do from here. I have let Director Karen Sheppard know as well what is going on. Thank you.
27. Mia Puckett from HR contacted Plaintiff on Wednesday September 2, 2020, and Plaintiff told Puckett about the sexually harassing treatment she had

endured from Hillis.

28. Puckett told Plaintiff that before she could submit an official complaint on Hillis she first had to confront Hillis herself and tell him his inappropriate behavior was unwanted. Plaintiff was nineteen years old at the time and Hillis was over fifty.
29. Puckett told Plaintiff that while it should be obvious to a reasonable person that Hillis's behavior was unwanted, Puckett said she could not just assume Hillis's behavior was unwelcome.
30. Puckett also told Plaintiff her other option was to have a joint meeting with her and Hillis and she would tell him to stop, but she (Plaintiff) had to be present in the meeting with Hillis.
31. Plaintiff told Puckett the latter option would make her very uncomfortable and it would only make things worse between her and Hillis.
32. On September 2, 2020, Puckett wrote a note concerning the meeting which stated as follows:

Met w/ Ms. Jurhs at 12:30 – She will advise if she wants to file a formal complain against Johnny Hillis.

– inappropriate comments

– facebook posts

She may decide to speak with Ms. Hillis regarding the facebook post

33. Puckett subsequently wrote another email, dated October 7, 2020, and she restated what happened on September 2, 2020 as follows:

On Wednesday, September 2, 2020, you and I spoke regarding the actions of Mr. Johnny Hillis which you consider to be sexual harassment. At the time of our initial meeting you had not told Mr. Hillis that you considered he (*sic*) actions to be sexual harassment. At that time, you were not comfortable meeting with Mr. Hillis one and one (*sic*); and, you did not want me to arrange a meeting with the three of us. I advised you that Mr. Hillis needed to be told that his actions were not welcomed in the workplace. We discussed a few options as to how Mr. Hillis could be notified that his actions were unwelcomed in the workplace.

34. On Thursday September 3, 2020 McBride wrote an email to Puckett stating as follows:

Holland came to me to let me know how to proceed from here. She told me the several options told (*sic*) her she could do. She told me today she did not feel comfortable talking to him by herself nor did she feel comfortable talking with you and him present. Can me as her and his supervisor talk to him with Dr. Sheppard present?

Stefany McBride
Huntsville Animal Services

35. That same day, September 3, 2020, Puckett responded to McBride's email stating "I am out of the office until next Wednesday. Let's talk on Wednesday (September 9th)."

36. When Plaintiff went back to work Hillis continued to sexually harass her.
37. Around September 9th, Plaintiff confronted Hillis about the sexual harassment as Puckett had told her she had to do before she could file a formal complaint, and Hillis became confrontational, including cursing at Plaintiff.
38. On Wednesday, September 9, 2020, Puckett sent an email to McBride stating “I am back in the office today. Please call me at your convenience.”
39. In that email Puckett handwrote the following dated 9/9/20: “I spoke w/ Dr. Sheppard on Sept 9 – She will speak to the employee and refer him to me if needed.”
40. On a subsequent email dated October 7, 2020 Puckett wrote that “(o)n Wednesday, September 9, 2020, I (Puckett) spoke with Dr. Sheppard and she stated that she was planning on speaking to Mr. Hillis and would refer him to me (Puckett) if needed.”
41. Around September 10, 2020, Plaintiff told Puckett that she wanted to file the formal complaint they had previously discussed.
42. On September 10, 2020, Puckett handwrote the following:

Holland Jurhs called on Thursday Sept. 10, 2020 at 12:06 pm. She wants to file a formal complaint. Appointment made with her for Tuesday, Sept 15 1:00 pm.
43. Puckett told Plaintiff to put her complaint in writing which she submitted by

email to Puckett on September 15, 2020 in an email with the subject “Sexual Harassment Report.” In that email Plaintiff provided sufficient details of much of the sexual harassment she had endured for Defendant to investigate.

44. Puckett investigated Plaintiff’s complaint and issued an opinion saying Hillis’s actions constitute a hostile work environment.
45. In particular, Puckett sent an email to Hillis on October 7, 2020 with the subject “Complaint filed by Holland Jurhs” stating that “(o)n Tuesday, September 15, 2020, Holland Jurhs filed a complaint of sexual harassment ...”
46. Puckett’s email detailed some of Plaintiff’s allegations of sexual harassment and found Plaintiff had been subjected to a “work environment that is hostile or offensive to reasonable people.”

It is my opinion when considering your continuous conduct of making sexual comments in the work place and your continuous conduct telling jokes and rumors of a sexual nature in the workplace that such conduct may create a work environment that is hostile or offensive to reasonable people.

Puckett sent this email to Dr. Sheppard, Director of Animal Control.

47. Also on October 7, 2020, Puckett sent an email to Plaintiff detailing some of her investigative findings and reaching the following conclusion:

It is my opinion, when considering the continuous conduct of Mr. Hillis in making sexual comments and telling jokes

and spreading rumors of a sexual nature that such conduct may create a work environment that is hostile or offensive to reasonable people.

My findings will be reported to Dr. Sheppard and she will take appropriate action to correct his behavior.

48. Puckett told Plaintiff she could not discipline Hillis, that would be up to Dr. Sheppard.
49. Despite Puckett finding Hillis had subjected Plaintiff to a sexually hostile work environment, Defendant took no disciplinary actions against Hillis.
50. Hillis continued to sexually harass Plaintiff.
51. Plaintiff told McBride and Sheppard on multiple occasions the sexual harassment had not stopped and she explained what Hillis and others had been doing to her.
52. Hillis started calling Plaintiff names such as a "bitch" and "rat" for reporting him to H.R..
53. In addition to scaring Plaintiff, Hillis was destroying Plaintiff's ability to work with co-workers and turning them against her.
54. When Plaintiff complained about Hillis and the hostile work environment, McBride and Sheppard told Plaintiff to ignore Hillis, pretend it was not happening and to try to stay focused on her work.

55. Plaintiff told McBride and Sheppard she could not handle the sexual harassment and may have to quit, but they would just tell her to stay strong and push through it.
56. Plaintiff could no longer stand to work in an environment where she continued to be sexually harassed by the same man whom she had reported for sexual harassment, and other employees only enhanced the hostile work environment.
57. The continued sexual harassment and retaliation left Plaintiff with no option but to resign – Plaintiff was constructively discharged on November 27, 2020.
58. Defendant constructively discharged Plaintiff in retaliation for her complaining of sexual harassment.
59. But for Plaintiff complaining of sexual harassment, she would not have been constructively discharged.
60. On January 11, 2021, Plaintiff filed her EEOC Charge in this case.
61. On January 19, 2021, the EEOC sent notice to Defendant of Plaintiff's EEOC charge.
62. After receiving Plaintiff's EEOC Charge and months after Plaintiff's constructive discharge, on February 4, 2021, Sheppard and McBride issued a "Disciplinary Action Notice" to Hillis suspending him without pay to start on February 17, 2021.

63. Defendant attached a document to the Disciplinary Action Notice it issued to Hillis which stated in the investigative findings:

An investigation found that your conduct made Huntsville Animal Services (HAS) an unprofessional and a hostile work environment. It was found that you for many years have repeatedly and continuously made sexual comments at work. It was proven additionally that you have a habit of telling jokes and rumors of a sexual nature.

On January 12, 2021 at 2 p.m. in a Departmental Meeting with Dr. Sheppard in her office with yourself and your direct supervisor Stefany Maples McBride we reviewed the following facts. We discussed that you had for the length of your career at HAS told jokes and made comments at times of a sexual nature. That these jokes and comments are considered inappropriate, unprofessional and potential threatening to coworkers.

You said that you would accept your medicine. You shared that you should keep your Friday night friends separate from how you act at work. You shared that you should have known better.

You shared that when you heard people making any comments or jokes of these manners that you were stopping and turning around and leaving the area. That you wanted no part of the conversation.

64. In this discipline Defendant wrote to Hillis: “I trust this disciplinary action will encourage you to improve your work habits. Further infraction of the rules regulations of this department and/or the City of Huntsville may be subject to more stringent disciplinary action.”

IV. CAUSES OF ACTION

A. COUNT I - SEXUAL HARASSMENT UNDER TITLE VII

65. Plaintiff brings this Count pursuant to Title VII of the Act of Congress known as the Civil Rights Act of 1964 42 U.S.C. Section 2000e et seq., as amended, and 42 U.S.C. Section 1981a.
66. Defendant subjected Plaintiff to a sexually hostile work environment that was sufficiently severe or pervasive to alter the terms and conditions of her employment.
67. The hostile work environment was objectively and subjectively hostile and abusive because a reasonable person would find the work environment endured by Plaintiff hostile and abusive, Plaintiff subjectively perceived the environment she endured to be hostile and abusive and the harassment negatively impacted Plaintiff's employment by making it more difficult to do her job.
68. Defendant failed to guard against the misconduct of its employees, failed to train their managers and employees, failed to monitor their performance and conduct and failed to take adequate remedial action.
69. Defendant had no effective sexual harassment policies and no effective procedures for handling complaints of sexual harassment.

70. Defendant was made aware of this hostile and abusive environment, and continuously refused to take appropriate remedial action.
71. Defendant ratified and/or condoned such hostile and abusive behavior by failing to take appropriate action and by terminating Plaintiff's employment.
72. Defendant is directly and vicariously liable for the conduct of its employee that amounted to the sexual harassment suffered by Plaintiff.
73. The sexually harassing conduct towards Plaintiff, and Defendant's ratification of such conduct, adversely affected Plaintiff's job because the conduct unreasonably interfered with Plaintiff's employment to such an extent that it made it more difficult for Plaintiff to do her job and cumulated with her employment ending.
74. Defendant, by and through its agent, engaged in the practices complained of herein with malice and/or with reckless indifference to Plaintiff's federally protected rights.
75. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this suit for backpay, declaratory judgment, injunctive relief, and compensatory damages is her only means of securing adequate relief.
76. Plaintiff is now suffering, and will continue to suffer irreparable injury from

Defendant's unlawful conduct as set forth herein unless enjoined by this Court.

B. COUNT II – RETALIATION IN VIOLATION OF TITLE VII

77. Plaintiff brings this Count pursuant to Title VII of the Act of Congress known as the Civil Rights Act of 1964 42 U.S.C. Section 2000e et seq., as amended, 42 U.S.C. Section 1981a.
78. Plaintiff engaged in protected activity when she reported sexual harassment in the workplace.
79. After Plaintiff reported sexual harassment, instead of remedying the harassment Defendant retaliated against Plaintiff by taking materially adverse employment actions up to and including the constructive discharge of her employment.
80. But for Plaintiff's engagement in protected activity, Defendant would not have taken these materially adverse employment actions against her.
81. Said retaliation was done maliciously, willfully, and with reckless disregard for the rights of Plaintiff.
82. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for backpay, declaratory judgment, injunctive relief and compensatory damages is her only means of securing adequate relief.

83. Plaintiff is now suffering, and will continue to suffer, irreparable injury from Defendant's unlawful conduct as set forth herein unless enjoined by this Court.

C. COUNT III – INVASION OF PRIVACY

84. Defendant, through the acts of its agents, invaded the privacy of Plaintiff, by, among other things, intruding into Plaintiff's private seclusion by making sexual comments and inquiries, by touching her, and other acts as set forth above.
85. Defendant authorized, ratified and/or condoned its agents' actions which amounted to an invasion of Plaintiff's privacy.
86. Defendant engaged in the practices complained of herein with malice and/or with reckless indifference to Plaintiff's rights.

D. COUNT IV – ASSAULT AND BATTERY

87. Plaintiff was subjected to unwanted touchings.
88. Defendant ratified and/or condoned its agents' actions which amounted to assault and battery of Plaintiff.
89. Defendant engaged in the practices complained of herein with malice and/or with reckless indifference to Plaintiff's rights.

E. COUNT V - NEGLIGENT AND/OR WANTON HIRING, SUPERVISION, TRAINING, AND/OR RETENTION.

90. This is a claim arising under the law of the State of Alabama to redress the negligent and/or wanton, hiring, supervision, training, and retention of the supervisor who committed the sexually harassing acts against the Plaintiff, including unwanted touchings, invasion of privacy, and assault and battery in violation of the common law of the State of Alabama.
91. Defendant negligently and/or wantonly failed to adequately hire, supervise, train, and/or negligently retained, its agents or employees which proximately caused the sexually harassing acts against the Plaintiff, including the above-described unwanted touchings, invasion of privacy, and assault and battery in violation of the common law of the State of Alabama Plaintiff.

F. COUNT VI – OUTRAGE

92. Defendant, by and through its agents and through its own indifference to sexual harassment, outrageously and intentionally inflicted emotional distress upon plaintiff by subjecting her to abusive and harmful sexual misconduct which was ratified and condoned by Defendant.
93. Defendant and its agents caused Plaintiff severe emotional distress by such sexual misconduct, beyond what any employee should be expected to endure. Plaintiff's emotional distress was the foreseeable result of Defendant's actions and inactions as set forth above.

94. The conduct described above was extreme, outrageous and beyond the boundaries of decency in a civilized society and caused Plaintiff to suffer severe emotional distress.
95. Defendant engaged in the practices complained of herein with malice and/or with reckless indifference to Plaintiff's rights.

V. DAMAGES

96. Plaintiff is now suffering, and will continue to suffer irreparable injury from Defendant's unlawful conduct as set forth herein unless enjoined by this Court.
97. Plaintiff has suffered embarrassment, humiliation, shame, damage to reputation, mental distress, emotional and physical pain and anguish and lost wages and other pecuniary losses as a consequence of Defendant's unlawful conduct.
98. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this suit for backpay, declaratory judgment, injunctive relief and compensatory damages is her only means of securing adequate relief.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial:

1. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of Defendant are violative of the rights of Plaintiff as secured by Title VII.
2. Grant Plaintiff a permanent injunction enjoining Defendant, its agents, successors, employees, attorneys and those acting in concert with Defendant and at Defendant's request from continuing to violate Title VII.
3. Enter an Order requiring Defendant and to make Plaintiff whole by reinstating her into the position she would occupy in the absence of sex harassment, and retaliation, and/or frontpay and backpay (plus interest), order Defendant to award Plaintiff compensatory and/or nominal damages.
4. Plaintiff further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorney's fees and expenses and post judgment interest.

Plaintiff Demands a Trial by Struck Jury on All Issues Triable by a Jury.

Respectfully submitted,

/s/ Jon C. Goldfarb

Jon C. Goldfarb asb-5401-f58j

L. William Smith asb-8660-a61s

Christina M. Malmat asb-1214-y44q

Lieselotte Carmen-Burks asb-8304-t46e

Counsel for Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, PANTAZIS, FISHER,
& GOLDFARB, LLC.

301 19th Street North

Birmingham, Alabama 35203

Telephone No.: (205) 314-0500

Facsimile No.: (205) 254-1500

jcg@wigginschilds.com

wsmith@wigginschilds.com

cmalmat@wigginschilds.com

lcarmen-burks@wigginschilds.com

Defendant's Address:

The City of Huntsville

c/o Thomas Battle, Mayor

City Hall, 8th Floor

308 Fountain Circle

Huntsville, AL 35801