

**IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE**

<b>JESSICA MALIA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>DOCKET NO. _____</b>
	)	
<b>WILLIAMSON COUNTY GOVERNMENT,</b>	)	<b>12 PERSON JURY DEMANDED</b>
	)	
<b>Defendant.</b>	)	

**COMPLAINT FOR DAMAGES**

Comes now, Jessica Malia (hereinafter "Plaintiff" or "Ms. Malia"), by and through counsel and hereby provides facts and law in support of her Complaint filed against Williamson County Government (hereinafter referred to as "Williamson County" or "Defendant"). The Plaintiff would show unto the court as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff, Jessica Malia, is a citizen and resident of the State of Tennessee and has been so during all of the events outlined in this Complaint. She was employed by the Williamson County Sheriff's Office within the Williamson County Government. Her employment with the Defendant took place primarily in Williamson County, Tennessee.

2. Defendant Williamson County Government is the employer of the Plaintiff. The Plaintiff is employed by the Williamson County Sheriff's Office within the Williamson County Government. The Williamson County Government's primary principal address is 1320 West Main Street, Franklin, TN 37064. The Williamson County Government can be served through the mayor of Williamson County, Rogers Anderson, located at 1320 W. Main Street, Suite 125, Franklin, TN 37064.

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

### **FACTS**

4. Plaintiff worked for the Williamson County Sheriff's Office for approximately five years. Over the last approximate one and a half years, the Plaintiff has been subjected to sex harassment, sexually hostile work environment, hostile work environment based on sex, discrimination, and retaliation by the Defendant. The individual who has sexually harassed the Plaintiff is Staff Sergeant Christopher Gray who was the direct supervisor of the Plaintiff during the events outlined in this Complaint.

5. Staff Sergeant Christopher Gray, as the direct supervisor of the Plaintiff in the chain of command above her, sexually harassed and created a sexually hostile work environment directed at the Plaintiff. The inappropriate conduct of Staff Sergeant Christopher Gray included, but was not limited to, the following actions that were all unwelcomed and unwanted:

- a. Staff Sergeant Christopher Gray has made numerous sexual comments directed at the Plaintiff and other female employees at the Defendant while at work.
- b. Staff Sergeant Christopher Gray made comments directed at Plaintiff including that she was a "MILF" which means "mother I'd like to f\*\*\*".
- c. Staff Sergeant Christopher Gray made comments to the Plaintiff about how she looked in yoga pants, clearly referring to how her butt looked in those pants.

- d. Staff Sergeant Christopher Gray talked to the Plaintiff about “getting some” from her, clearly referring to having a sexual relationship with her.
- e. Staff Sergeant Christopher Gray made comments about the Plaintiff’s “a\*\*”.
- f. Staff Sergeant Christopher Gray made comments to the Plaintiff, who was pregnant at the time, that he would like to have sex with her if things were not good at home.
- g. Staff Sergeant Christopher Gray made comments to the Plaintiff that made it clear that he wanted a sexual relationship with her.
- h. Staff Sergeant Christopher Gray made comments to the Plaintiff that if she ever got “bored” and “wanna f\*\*\*” to let him know.
- i. Staff Sergeant Christopher Gray made comments to the Plaintiff, unsolicited, about how he “got laid” at home - talking about having sex at home when it happened.
- j. Staff Sergeant Christopher Gray made comments to the Plaintiff that everybody at work said he was always “f\*\*\*ing” the travel nurses.
- k. Staff Sergeant Christopher Gray made a comment to the Plaintiff that he often thinks about her “underneath my desk”, clearly referring to her being under his desk in a sexual way engaging in sexual activities with him.
- l. Staff Sergeant Christopher Gray lingered and spent extra time with the Plaintiff after she was pregnant. He would linger around her for excessive amounts of time and based on the statements he would make to her, it was clear to the Plaintiff that this was because he wanted to be in a sexual relationship with the Plaintiff.

m. Staff Sergeant Christopher Gray, unsolicited, told the Plaintiff about sexual encounters he had when he went down to the beach years ago and that he cheated on his wife but that she knew about it.

n. Staff Sergeant Christopher Gray also sexually harassed, made sexual comments, and inappropriately touched other female employees of the Williamson County Sheriff's Office.

o. Staff Sergeant Christopher Gray made a comment to the Plaintiff on multiple occasions about the size of her breasts – after she became pregnant.

6. The comments, sexual jokes, sexual dialog, and other inappropriate comments as outlined in this Complaint occurred often over the last year and a half. Staff Sergeant Christopher Gray talked sexually openly within the Williamson County Sheriff's Office and was known by other employees, including management, how he talked in a sexual manner at work in violation of Williamson County rules and conduct requirements. Some of the communications discussed above occurred by text messages with the Plaintiff. After receiving text messages from Staff Sergeant Christopher Gray, he encouraged the Plaintiff to delete those text messages and informed her that she “better not keep those”. The Plaintiff felt pressure from her work supervisor to not keep text messages from Staff Sergeant Christopher Gray that might get him in trouble.

7. During his employment at the Williamson County Sheriff's Office, Staff Sergeant Christopher Gray was also very flirty and touchy-feely with other women, including other employees. His boss informed that “this is just how he is” when discussing his conduct directed at women. Further, Staff Sergeant Christopher Gray has a reputation for sexual conduct at work. It has been clear to the Plaintiff that management and

supervisors at the Williamson County Sheriff's Office have not appropriately addressed or handled his sexual harassing conduct, despite the fact that it was open and obvious to management and supervisors. Further, Staff Sergeant Christopher Gray, in an intimidating way, made it very clear to the Plaintiff that an HR employee wants to "f\*\*\* him" and sleep with him. This was intimidating to the Plaintiff because she had great concerns that Staff Sergeant Christopher Gray had allies in the HR department that are sexually interested in him and he used this as a tool to try to keep the Plaintiff quiet.

8. On a prior occasion, Plaintiff attempted to report harassment by another deputy that went ignored by the Defendant. Specifically, her direct supervisor Staff Sergeant Christopher Gray, as well as her lieutenant, the Chief, and HR ignored her reports about harassment by another deputy. In fact, she was instructed by HR that "we are just going to leave it alone". This showed the complete futility in reporting things to the HR office as well as management, of a harassing nature, and having them handled appropriately. Ultimately, the Plaintiff was retaliated against and suspended by the Defendant after following through with taking the issues up the chain of command. Ultimately, the suspension was reversed and the reprimand was downgraded to a written reprimand that was sealed in her file to only be viewed by the Sheriff. Regardless, this prior event of trying to handle harassment at the Defendant showed her the type of retaliation she would experience when she reported harassment. In addition, she previously notified a Captain about inappropriate sexual conversations that sergeants were having in Plaintiff's presence. In response to this report, the Captain advised the Plaintiff to move her belongings to another location so she would not have to share an office with these individuals who were talking sexually at work. This was an inappropriate

remedy that was retaliatory in nature because it required the Plaintiff to move her office location instead of actually addressing the inappropriate sexual conversations.

9. In approximately June 2021, multiple female employees of the Defendant reported and were interviewed about inappropriate conduct of Staff Sergeant Christopher Gray. During this investigation, Plaintiff reported some of the events that happened to her and informed the Defendant there were more that she could not specifically recall at that moment because the investigation was sprung on the Plaintiff short notice. There were not significant follow-ups or requests for her to think about and try to remember other events of a sexual harassing nature. In fact, it was clear that the investigator was not interested in gathering more information than the brief interview. Upon information and belief, other women also reported inappropriate sexual conduct by Staff Sergeant Christopher Gray, including inappropriate touching, sexual comments, as well as sending a penis picture.

10. After the "investigation" conducted by the Defendant, the Plaintiff was informed that Staff Sergeant Christopher Gray was not going to be terminated from his job. In fact, he was returned to work and was returned to a position that was still the direct supervisor of the Plaintiff. Plaintiff was shocked at the fact he was not removed from this position and in fact was placed as a direct supervisor over the Plaintiff once again, which is extremely intimidating and uncomfortable for the Plaintiff. On approximately July 13, 2021, the Plaintiff reached out to Williamson County Sheriff's Office attorney Lisa Carson to meet with her about this situation. Plaintiff met with attorney Lisa Carson on approximately July 16, 2021 and expressed frustration with the outcome of the investigation and the fact that she was the only one left in his direct line of supervision.

She was informed that Staff Sergeant Christopher Gray was on “thin ice” but that he was granted a form of “clemency” and that if he does anything else then he will be gone. The Plaintiff felt defeated and felt that the sexual harassment policies of the Defendant failed and she felt very uncomfortable and confused about how many times she must report something before some action is taken against the sexual harasser. After Staff Sergeant Christopher Gray was returned to his same position, he provided cold-shoulder treatment to the Plaintiff. He no longer communicated in the same way with the Plaintiff and would instead sometimes provide emoji’s instead of verbal conversations/written communications. When the Plaintiff approached him about an issue of being short-staffed, looking for his guidance as her supervisor, he instead sent a division wide message referencing her email which was passive aggressive directed at the Plaintiff.

11. After learning that Staff Sergeant Christopher Gray was going to return to work as the Plaintiff’s direct supervisor, Plaintiff felt compelled to try to look for other jobs because she felt it was completely inappropriate to continue to work under him. She also feared the prospect of additional retaliation and harassment based on the incompetent handling of the situation by the Defendant. Further, she felt there was no hope in the Defendant handling any issues appropriately because of their prior inappropriate handling of other reports of harassment by Plaintiff. As a result, despite wanting to stay in the Sheriff’s Office, the Plaintiff decided to leave the Sheriff’s Office and to forfeit her tenure in the Sheriff’s Office to get away from the sexual harasser and retaliation by Staff Sergeant Christopher Gray.

12. After the Plaintiff informed the Williamson County Sheriff’s Office of her resignation and moving to another job, nobody in Williamson County Sheriff’s Office

reached out to the Plaintiff to try to accommodate her and address her concerns about sexual harassment. On August 3, 2021, she sent an email to Williamson County Sheriff's Office attorney Lisa Carson regarding concerns in the Sheriff's Office and specifically addressing the fact that she feels "very uncomfortable working underneath someone who has sexually harassed employees." Further, Plaintiff made it clear that she was being forced out and that nobody cared and that the sexual harassing employee was being treated as if nothing had happened. In response to this email, there was no attempt by the Defendant to make any efforts to address the concerns of the Plaintiff, accommodate her concerns, move the sexual harasser to a different position, or follow-up substantively to try to get her to stay working for the Williamson County Sheriff's Office. As a result, the Plaintiff lost her job in the Williamson County Sheriff's Office and has been forced to move to a different job to escape from sexual harassment and retaliation within the Williamson County Sheriff's Office.

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 based on sex, and retaliation have caused the Plaintiff to experience headaches, sleeplessness, anxiety, grief, shame, humiliation, embarrassment, anger, disappointment, worry, fear, and stress. Further, it has caused her to lose her job in the Williamson County Sheriff's Office, forfeiting a career and built-up efforts to work within the Williamson County Sheriff's Office. The intensity and frequency of the issues addressed in this paragraph have been consistent and significant over the last one and half years through the present.

**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 Amended Complaint listed above as fully alleged herein within Count I of this Amended Complaint.

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

16. Defendant is an "employer" of Plaintiff as defined in the Tennessee Human Rights Act. Defendant had, at all relevant times to this case, in excess of 200 employees. Defendant had, at all relevant times to this case, in excess of 500 employees.

17. 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 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 unwelcomed 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.

18. Defendant had full knowledge of all the harassing actions. Defendant failed to protect the Plaintiff from the grotesque and reprehensible sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment. 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 Defendant. Plaintiff was expected to work within the environment provided by Defendant as described in this Complaint. Plaintiff was required to leave her job at the Williamson County Sheriff's Office in order to escape the sexual harassing environment with Staff Sergeant Christopher Gray.

19. Plaintiff is entitled to compensatory damages including back pay, front pay, interest, damages for humiliation and embarrassment proximately caused by the sexual harassment, sex discrimination, hostile work environment, retaliation and sexually hostile work environment at 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 based on sex, and retaliation have caused the Plaintiff to experience headaches, sleeplessness, anxiety, grief, shame, humiliation, embarrassment, anger, disappointment, worry, fear, and stress. Further, it has caused her to lose her job in the Williamson County Sheriff's Office, forfeiting a career and built-up efforts to work within the Williamson County Sheriff's Office. The intensity and frequency of the issues addressed in this paragraph have been consistent and significant over the last one and half years through the present. 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 Amended 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 Amended Complaint within the timeframe required by law;

3. Plaintiff demands against Defendant damages for back pay, front pay, compensatory damages, interest, damages for the damages proximately caused by the sexual harassment, sexually hostile work environment, hostile work environment, sex discrimination, and retaliation – under the Tennessee Human Rights Act.

4. Plaintiff demands compensatory damages against the Defendant 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,

/s/ Jason A. Lee

**JASON A. LEE**

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