**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND**
**(Southern Division - Greenbelt)**

Clinton Ford *
7605 Mezmer Lane
Clinton, Maryland 20735 *

Plaintiff *

v. * Case No. _____

Francis P. Chiaramonte *
7503 Surratts Road
Clinton, Maryland 20735 *

AND *

Southern Maryland Hospital, Inc. *
7503 Surratts Road
Clinton, Maryland 20735 *

Serve on Resident Agent: *
Richard G. McAlee
7503 Surratts Road *
Clinton, Maryland 20735

Defendants *

* * * * * * * * * * * *

**COMPLAINT**

**JURISDICTION**

1. This action arises under the Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. §2000e et seq., under 42 U.S.C.A. §1981, and under the Age Discrimination in Employment Act of 1967, 29 USCA §621 et seq.

2. This Court has jurisdiction over these claims pursuant to 28 U.S.C. §1331, 42 U.S.C.A. §2000e-5(f), and 29 USCA §626(c)(1).

3. Equitable relief is sought pursuant to 42 U.S.C.A. §2000e-5, 42 U.S.C.A. §1981a, and 29 USCA §626(b).

4. Costs and attorneys' fees are sought pursuant to 42 U.S.C.A. §2000e-6, 42 U.S.C.A. §1988, 29 USCA §626, and Fed R. Civ. P. 54.

5. This Court has jurisdiction over the State causes of action pursuant to 28 U.S.C.A. §1367, Maryland Code Article 49B §42, and Prince George's County Code 2-200 and 2-222.

6. Venue is appropriate in this judicial district pursuant to 42 U.S.C.A. §2000e-5(f) and 28 U.S.C.A. §1391.

7. Charges against Defendants alleging racial and age discrimination were timely filed with the Equal Employment Opportunity Commission ("EEOC") on June 5, 2009, and a Right to Sue Letter was issued by the EEOC on December 30, 2009.

**PARTIES**

8. Plaintiff Clinton Ford ("Plaintiff") is an African American male over forty (40) years of age who is a resident of Clinton, Maryland.

9. Defendant Francis P. Chiaramonte ("Chiaramonte") is an individual residing in Prince George's County, Maryland and is the president and principal shareholder of Southern Maryland Hospital, Inc. At all times relevant to this Complaint, Chiaramonte was acting both individually and in his capacity as president and sole shareholder of SMH.

10. Defendant, Southern Maryland Hospital, Inc. ("SMH") is a Maryland Corporation, having its principal office and place of business in Clinton, Prince George's County, Maryland.

11. At all times relevant to this Complaint, Chiaramonte and SMH, collectively "Defendants," were engaged in an industry affecting commerce.

12. At all times relevant to this Complaint, the Defendants have employed fifteen (15) or more employees and closer to one thousand seven hundred (1700) employees.

**FACTS**

13. Plaintiff was hired by SMH on May 11, 2005, in the position of Director of Environmental Services. In March of 2009, Ford was demoted to the position of Director of Laundry. On or about May 22, 2009, Ford was terminated from his employment with SMH.

14. At all times during his employment with SMH, Ford met and exceeded the expectations of his employer and received excellent performance evaluations.

15. At all times relevant hereto, Chiaramonte had knowledge that discriminating against an individual on the basis of race was a violation of federal and state laws. Despite his knowledge of its illegal nature he continuously and intentionally discriminated against African Americans and persons of other ethnicity and national origin.

16. At all times relevant hereto, Chiaramonte had knowledge that discriminating against an individual on the basis of age was a violation of federal and state laws. Despite his knowledge of its illegal nature, he continuously and intentionally discriminated against Ford because of his age.

17. In 2007, Ford was called to a restroom in the hospital by Chiaramonte to show Ford a single paper towel on the floor. During this meeting, Chiaramonte lamented to Ford that it was 'not until we started hiring all these blacks that the

place started going down'.

18. Ford reported the incident to his supervisor, Chuck Stewart, SMH's Chief Financial Officer ("Stewart"), and the Vice-President of Human Resources, Paul Zeller ("Zeller"). Stewart said that Chiaramonte was simply 'stuck in his old ways'. Neither Zeller nor Stewart took any action.

19. The next day in an SMH board meeting, Chiaramonte directed recruiter Andre Clay ("Clay") to stop 'hiring blacks'. Clay refused. Chiaramonte told Clay not to go 'afro-centric on him'. Clay was fired shortly thereafter at Chiaramonte's direction.

20. In December of 2007, Ford was ordered by Stewart to reduce his staff by ten (10) full time employees to save on payroll costs.

21. In July 2008, Ford received a salary increase of ten thousand dollars ($10,000) due to his exceptional performance in helping to prepare the hospital for two important state inspections in May and June of 2008 despite the reductions in staff.

22. On March 6, 2009, Ford received an above average performance evaluation by his supervisor. The evaluation included comments such as, "Mr. Ford is an outstanding employee and representative"; "He has saved the hospital thousands of dollars and consistently raises the bar on any standard that has been set"; "he cares about the hospital, he cares that he is giving the highest quality service and will not settle for less."

23. In March of 2009, Ford believed that Gloria Estrada ("Estrada"), his subordinate, was treated unfairly by Chiaramonte. Ford attempted to advocate for Estrada. As

a result of Chiaramonte's racially discriminatory beliefs and in retaliation for Ford's limited involvement in an EEOC investigation, Ford was demoted (initially without a reduction in pay in exchange for not filing an EEOC complaint against SMH, and later a retroactive cut in pay because of Estrada's EEOC complaint and the identification of Ford as a witness to that investigation), and ultimately terminated as a result of his continued request for action in response to Chiaramonte's conduct.

24. On or about March 10, 2009, Chiaramonte directed Ford to stop wearing a suit and tie, to dress down and get on his hands and knees and clean the hospital.

25. On March 12, 2009, Ford was demoted, without a reduction in pay. During the meeting Chiaramonte commented to the individuals present: "Do you want to work here? I will not take your money, because you people like to sue and go to EEOC with that minority crap." "That is why I am not taking your money, do you want it?" Chiaramonte asked Estrada her national origin and made a derogatory gesture to a picture of President Barrack Obama on the wall before leaving the office.

26. Ford was demoted from Director of Environmental Services to Director of Laundry. His position was filled by Christopher Olup ("Olup"), a younger, vastly less experienced, Caucasian male.

27. In March 2009, Chiaramonte approved an additional ten (10) full-time employees to serve under Olup. Conversely, Ford had been required to reduce his service staff.

28. Ford continued to discuss the situation, including Chiaramonte's comments and the demotions, with SMH management, including on March 16, 2009, with Zeller. SMH took no action.

29. On April 2, 2009, Stewart asked Ford if he filed an EEOC complaint because there were "rumors" that he had. Ford indicated that he had not but again raised the prior actions of Chiaramonte, asking for action to be taken. Stewart took no action.

30. On March 16, 2009, and April 2, 2009, Ford advocated for SMH to reverse its actions in regard to Estrada.

31. On or about April 22, 2009, Chiaramonte and SMH received notice from the EEOC that Gloria Estrada had filed a complaint against SMH.

32. On or about April 22, 2009, Ford was notified of a pay cut by way of a memo backdated to April 8, 2009, reducing his salary from $78,000 per year to $68,000 per year, effective March 22, 2009. This action was taken as a result of Estrada's filing of the EEOC complaint and Ford's efforts to advocate for Estrada. This conduct was directly retaliatory for the filing of the EEOC complaint and in direct contravention to Chiaramonte not "taking your money" as reference in the March 12, 2009, meeting.

33. Ford attempted to communicate with Chiaramonte about his actions, writing letters to him on April, 24, 2009, and May 11, 2009, and providing copies to SMH management and human resources personnel. Chiaramonte did not respond and SMH took no action to remedy the actions of Chiaramonte.

34. Zeller was advised on April 27, 2009, that Ford was a witness in her EEOC investigation.

35. On May 22, 2009, Ford was terminated by Chiaramonte claiming SMH "needs some new directions".

36. Olup was subsequently provided with two (2) additional management staff to help him do the same job that Ford had performed.

37. During the resulting EEOC investigation of Ford's claims, SMH engaged in fabricating and backdating or destroying documents to justify its actions.

38. Chiaramonte and SMH acted with willful and with reckless indifference when Defendants terminated, demoted and made discriminatory and derogatory comments to Ford.

39. Chiaramonte's poor and disparate treatment of Clay, Estrada, Ford and other minorities created a pervasively hostile and discriminatory work environment for Ford.

40. As a result of Ford's firing, SMH has no minorities in management at or above the level previously held by Ford.

41. As a result of Ford's firing and discriminatory treatment, Ford has suffered embarrassment and humiliation.

**Count I**
**Violations of Title VII of the Civil Rights Act of 1964**

42. Plaintiff hereby incorporates Paragraphs one through forty-one as if fully set forth herein.

43. Plaintiff was intentionally discriminated against, by being demoted and then terminated by SMH due to his race. Ford was replaced by a younger, less experienced, less qualified Caucasian male.

44. By engaging in the demotion and termination of Ford due to his race, SMH engaged in unlawful discrimination in violation of Title VII, 42 U.S.C.A. §2000(e)(a)(1).

45. Furthermore, Plaintiff's pay was reduced and he was terminated due to the fact that Ford advocated for a co-worker who was discriminated against and because Ford was named as a witness in an EEOC action filed by a co-worker.

46. By engaging in the intentional demotion, pay reduction and termination of Ford due to the fact that he advocated for a co-worker and was named as a witness in an EEOC investigation being conducted against SMH by a third party, SMH engaged in unlawful retaliation in violation of Title VII, 42 U.S.C.A. § 2000e-3.

47. As a direct result of his treatment, demotion, and discharge by Defendants, Plaintiff has suffered considerable financial injury.

48. Despite past and ongoing diligent efforts to secure comparable employment, Plaintiff has been unable to find employment.

49. Pursuant to 42 USC §1981(a) Ford may recover compensatory and punitive damages due to Defendants' intentional discrimination.

50. Pursuant to 42 U.S.C.A. §2000e-5 Ford may recover an additional damage amount to include back pay and front pay.

51. Ford has been damaged by SMH's discriminatory actions.

**WHEREFORE**, Plaintiff Clinton Ford prays that this Court enter judgment against SMH and:

A) Award Plaintiff equitable relief of back salary and fringe benefits, in an amount to be determined, currently no less than the amount of Forty-Eight Thousand Dollars ($48,000);

B) Award Plaintiff front pay in the amount of Two Million Dollars ($2,000,000);

C) Award Plaintiff compensatory and punitive damages in the amount of Three Hundred Thousand Dollars ($300,000);

D) Issue an injunction directing Defendants to re-employ Plaintiff in the position of Director of Housekeeping within thirty days of this Court's Order or award Plaintiff equitable relief in the form of front pay in the amount of One Hundred Fifty-Six Thousand Dollars ($156,000);

E) Award Plaintiff costs and attorneys' fees; and

F) Grant such other relief as it may deem just and equitable.

**Count II**
**Violation of Title VII Section 1981**

52. Plaintiff hereby incorporates Paragraphs one through forty-one as if fully set forth herein.

53. Plaintiff had an at-will employment contract with SMH.

54. Plaintiff was demoted and then terminated by Chiaramonte and SMH due to his race, and was replaced by a younger, less experienced, less qualified Caucasian male.

55. By engaging in the demotion and termination of Ford due to his race, Chiaramonte and SMH engaged in unlawful discrimination in violation of 42 U.S.C.A. §1981 in the enforcement of his at-will employment contract.

56. Chiaramonte and SMH's discrimination was intentional and Defendants had actual knowledge that such conduct was a violation of federal and state law.

57. As a direct result of his treatment and discharge by Defendants, Ford has suffered considerable financial injury.

58. Despite past and ongoing diligent efforts to secure comparable employment, Ford has been unable to find employment.

**WHEREFORE**, Plaintiff Clinton Ford prays that this Court enter judgment against Chiaramonte and SMH, jointly and severally and:

A) Award Plaintiff equitable relief of back salary and fringe benefits, in an amount to be determined, currently no less than the amount of Forty-Eight Thousand Dollars ($48,000);

B) Award Plaintiff compensatory damages in the amount of two million dollars ($2,000,000);

C) Award Plaintiff punitive damages in the amount of twenty million dollars ($20,000,000);

D) Issue an injunction directing Defendants to re-employ Plaintiff in the position of Director of Housekeeping within thirty days of this Court's Order or award Plaintiff equitable relief in the form of front pay in the amount of One Hundred Fifty-Six Thousand Dollars ($156,000);

E) Award Plaintiff costs and attorneys' fees; and

F) Grant such other relief as it may deem just and proper.

**Count III**
**Violation of ADEA**

59. Plaintiff hereby incorporates Paragraphs one through forty-one as if fully set forth herein.

60. Plaintiff was demoted and then terminated by SMH and Chiaramonte due to his age, and was replaced by a younger, less experienced, less qualified worker.

61. Defendant willfully and intentionally violated the ADEA by hiring and replacing Plaintiff with a younger employee.

62. As a direct result of his treatment and discharge by Defendant, Plaintiff has suffered damages.

63. Despite past and ongoing diligent efforts to secure comparable employment, Plaintiff has been unable to find employment.

64. Equitable relief is sought pursuant to 29 USCA §626(b).

65. Liquidated damages are sought pursuant to 29 USCA §626(b).

66. Costs and attorneys' fees may be awarded pursuant to 29 USCA §626 and Fed R. Civ. P. 54.

**WHEREFORE**, Plaintiff prays that this Court:

A) Award Plaintiff equitable relief of back salary and fringe benefits, in an amount to be determined, currently no less than the amount of Forty-Eight Thousand Dollars ($48,000);

B) Award Plaintiff compensatory damages in the amount of Two Million Dollars ($2,000,000);

C) Award Plaintiff liquidated damages in the amount of two (2) times the actual back salary and fringe benefits awarded to Plaintiff;

D) Issue an injunction directing Defendants to re-employ Plaintiff in the position of Director of Housekeeping within thirty days of this Court's Order ;

E) Award Plaintiff costs and attorneys' fees; and

F) Grant such other relief as it may deem just and proper.

**Count IV**
**(Maryland Annotated Code Article 49B)**

67. Plaintiff hereby incorporates Paragraphs one through forty-one as if fully set forth herein.

68. Plaintiff was intentionally discriminated against, by being demoted and then terminated by SMH due to his race, and he was replaced by a younger, less experienced, less qualified Caucasian male.

69. Pursuant to Maryland Annotated Code Article 49B §15, both SMH and Chiaramonte are employers of Ford.

70. By engaging in the demotion and termination of Ford due to his race, SMH and Chiaramonte engaged in unlawful discrimination in violation of Prince George's County Code Section 2-2000 and Section 2-222.

71. As a direct result of his treatment and discharge by Defendants, Plaintiff has suffered considerable financial injury.

72. Despite past and ongoing diligent efforts to secure comparable employment, Plaintiff has been unable to find employment.

73. Ford has been damaged by Chiaramonte and SMH.

74. Pursuant to Maryland Annotated Code, Article 49B § 43, Ford may recover compensatory damages, including back pay, injunctive relief and attorneys' fees.

**WHEREFORE**, Ford demands judgment against Chiaramonte and SMH:

A. Award Plaintiff equitable relief of back salary and fringe benefits, in an amount to be determined, currently no less than the amount of Forty-Eight Thousand Dollars ($48,000);

B. Award Plaintiff compensatory damages in the amount of two million dollars ($2,000,000);

C. Award Plaintiff compensatory damages in the amount of one hundred thousand dollars ($100,000) for embarrassment and humiliation;

D. Issue an injunction directing Defendants to re-employ Plaintiff in the position of Director of Housekeeping within thirty days of this Court's Order or award Plaintiff equitable relief in the form of front pay in the amount of One Hundred Fifty-Six Thousand Dollars ($156,000);

E. Attorneys' fees and costs; and

F. Such other relief as this cause may require.

**Count V**
**(Maryland Wage Payment and Collection Act Violation)**

75. Plaintiff hereby incorporates Paragraphs one through forty-one as if fully set forth herein.

76. Pursuant to Maryland Annotated Code, Labor and Employment §3-501 Defendants Chiaramonte and SMH were employers of Ford.

77. Chiaramonte and SMH have failed to pay Ford as required by Maryland Annotated Code, Labor and Employment §3-504, including failing to provide notice of a change in pay at least one pay period in advance.

78. Chiaramonte and SMH have intentionally, and without justification, retroactively, without any notice to Plaintiff, reduced Ford's pay in violation of the law.

79. Pursuant to Maryland Code, Labor and Employment §3-507.1 Ford may recover treble damages and counsel fees and costs for Chiaramonte and SMH's intentional failure to pay him as required by law since Defendants did not act in good faith and there was no bona fide dispute as to the wages due.

80. Ford has been damaged by Chiaramonte and SMH.

**WHEREFORE**, Ford demands judgment against Chiaramonte and SMH:

A. In the amount of Two Thousand Dollars and 00/100 ($2,000.00) in compensatory damages;

B. In the amount of Four Thousand Dollars and 00/100 ($4,000.00) in statutory treble damages;

C. Attorneys' fees and costs; and

D. Such other relief as this cause may require.

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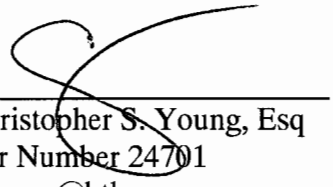
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**Jury Demand**

Plaintiff hereby requests a trial by jury on all of the issues raised in this Complaint.



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