

UNITED STATES DISTRICT COURT  
STATE OF RHODE ISLAND

LINDA FERRAGAMO

v.

C.A.

HARMONY FIRE DISTRICT and  
STUART D. PEARSON, Chief Individually  
and in his official capacity.

COMPLAINT  
INTRODUCTION

Plaintiff Linda Ferragamo brings the following action against the Defendants Harmony Fire District and Defendant Stuart D. Pearson alleging that she has been the victim of gender discrimination and retaliation for complaining about said gender discrimination while a member of the Harmony Fire District, with said retaliation ending with Plaintiff losing her position as a member of the Harmony Fire District. Plaintiff asserts her claims for relief under Title VII, R.I.G.L. § 28-5-1 et. seq., and R.I.G.L. § 42-112-1 for compensatory, declaratory and injunctive relief.

PARTIES

1. Plaintiff, Linda Ferragamo is a resident of the town of North Scituate, County of Providence, State of Rhode Island.
2. The Defendant, Harmony Fire District, is also known as District of Harmony Fire Department, and located at 194 Putnam Pike, Gloucester, Village of Harmony, Rhode Island.
3. Stuart D. Pearson is a Rhode Island resident who at all times relevant hereto was the, Chief of the Harmony Fire Department who is sued in both his individual and in his official capacity.

JURISDICTION

4. Jurisdiction of this Honorable Court is proper under 28 U.S.C. §§ 1331 in that Plaintiff's claims in part arise under Title VII – i.e. 42 U.S.C. § 2000e et seq.
5. This Honorable Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 in that

Plaintiff's state law claims are so substantially related to Plaintiff's federal claim as to constitute one cause of action.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391 (b)(2) in that a substantial part of the events or omissions giving rise to this claim occurred within the judicial district of Rhode Island.

#### ADMINISTRATIVE PROCEDURES

7. On January 11, 2016, Plaintiff filed a Charge of Discrimination with the Rhode Island Commission for Human Rights ("RICHR") for violation of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §28-5-1 et. seq. (RI FEPA). On August 25, 2016, the RICHR issued a Notice of Right to Sue letter to the Plaintiff. On October 17, 2016, the United States Department of Justice issued a Notice of Right to Sue Letter to the Plaintiff.
8. Plaintiff has asserted claims under RI FEPA and Title VII within ninety days of the issuance of the right to sue letter by the RICHR and the United States Department of Justice.

#### COMMON FACTS TO ALL COUNTS

9. On or about August 6, 2015, Plaintiff was terminated as a "volunteer" firefighter from her employment as a member of the Harmony Fire District ("Harmony Fire").
10. Prior to August 6, 2015, Plaintiff had been employed by Defendant Harmony Fire on and off since 1999 and had at all times relevant been a satisfactory employee who was issued a W-2 for each year of service with the District. During each year that she was employed, the Plaintiff earned more than a nominal sum and generally upwards of \$2,000.00.
11. Plaintiff, and the fellow members of her district, were treated like employees, having assigned duties during the shifts that they worked, had assigned shifts to cover and were subject to discipline both for failure to appear and cover their assigned shifts, and conduct while on shift.
12. Defendants Harmony Fire and Pearson are employers for purposes of R.I.G.L. § 28-5-1 et.

seq., and 42 U.S.C. § 2000e(b).

13. Alternatively, Defendant Pearson is a person, acting under subsection (6) of R.I.G.L. § 28-5-7 to aid, abet, incite, compel, or coerce the gender discrimination and retaliation against the Plaintiff which is declared unlawful by the act in the course of his dealings with the Plaintiff.
14. Plaintiff is an employee with in the meaning of R.I.G.L. § 28-5-1 et. seq., and 42 U.S.C. § 2000e (f) and person within the meaning of R.I.G.L. § 42-112-1.
15. On October 23, 2014, at a regularly scheduled meeting of the Harmony Fire District Board, Plaintiff and another female firefighter, Kimberly M. Perreault, as well as several male co-workers, expressed their concern that women "volunteer" firefighters were not being treated on the same level as the men "volunteer" firefighters.
16. Of Plaintiff's specific concerns was that the Fire District was becoming a boys club and that the women were not being given any input and that men were being promoted and that women were not, as there were no women who were in holding officer positions at that time and Plaintiff had not been considered for two prior to promotions. Plaintiff felt that it was unfair that her equipment was taken away from her as an EMS/EMT and provided to a new male in the department which prevented her from dealing with some hazardous service calls.
17. The Moderator of the October 23, 2014 meeting announced that he would meet with any members of the volunteer crew who wished to discuss the matter further. Despite Plaintiff's efforts to follow up, Plaintiff was given no opportunity to meet with the Moderator or the District Board.
18. On January 13, 2015, Kimberly Perrault was terminated by Defendant Pearson. The only explanation Defendant Pearson provided was that he believed that Perrault was unhappy with the Department.
19. During the entire time that she was a member of the Fire District, Perreault was one of a few

women in the District with the Plaintiff Ferragamo on an active crew.

20. The male members of the District who had supported the Plaintiff's complaint of the existence of gender discrimination in October 2014, were neither disciplined nor terminated.
21. On February 19, 2015, Plaintiff drafted and sent a letter to the Harmony Fire District Board of Directors in which she indicated her surprise that two men were promoted in the District in the last year but no women were promoted despite the amount of experience the women had for the jobs. In addition, Plaintiff complained about being denied an opportunity to speak with the moderator of the district board as was promised at the October 23, 2014 meeting, about Kim Perrault not receiving a termination letter, or being given reasons for her termination, or due process prior to her termination, further Plaintiff requested that Kimberly Perreault be reinstated until she received these items because women of the District should be able to voice concerns about the department without retaliation.
22. Plaintiff was suspended on March 23, 2015 after it was alleged that Plaintiff was a no call no show for duty nights she had signed up for on February 5, 2015, February 8, 2015, and March 12, 2015.
23. Male members of the District who had similar no call no shows and were not terminated or suspended.
24. On August 6, 2015, after this period of unmerited suspension, Plaintiff was terminated from her position by the Defendant Pearson because of her supposed unhappiness with the Department.
25. After Plaintiff's termination, Defendant Harmony Fire continued to seek applications for the position which Plaintiff had performed, when Plaintiff expressed interest, she was advised that she would not be considered.
26. In the several months following her involuntary termination, Plaintiff made several attempts to

get an explanation of the reasons for her termination and/or to address the Defendants Harmony Fire and Pearson with her concerns. All were rejected.

COUNT I

Violation of R.I. General Laws § 42-112-1  
The Rhode Island Civil Rights Act of 1990  
Gender Based Discrimination and Retaliation.

27. The allegations set forth in paragraphs 1-26 are incorporated by reference as more fully set forth herein.
28. Defendants unlawfully subjected Plaintiff to on-the-job discriminatory working conditions because of Plaintiff's gender in violation of R.I. General Laws § 42-112-1 et. seq.
29. Defendants unlawfully retaliated against the Plaintiff, resulting in her unjust termination, in response to her protected claims of on-the-job gender based disparate treatment and discriminatory working conditions because of her gender in violation of R.I. General Laws §42-112-1 et. seq.
30. Defendants' conduct complained of herein proximately caused Plaintiff to suffer pecuniary damages, including lost wages, attorneys fees, the costs of this action, as well as other pecuniary loss, now and in the future.
31. Defendants' conduct complained of herein further caused Plaintiff to suffer physical injury and mental anguish, severe emotional distress, loss of enjoyment of life, humiliation, embarrassment, and adverse, and offensive working conditions.
32. As a direct and proximate result of the conduct of the defendants, Plaintiff has otherwise suffered damages.
33. The conduct of Defendant Pearson in retaliating against the Plaintiff for asserting her gender based discrimination complaint was further intentional, malicious and without justification or

excuse, demonstrating a reckless and callous indifference to Plaintiff's right to work in an environment free from unlawful retaliation and demonstrates Defendant Pearson's malice or ill will warranting the imposition of punitive or exemplary damages.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- a. A declaration that the acts and practices complained of herein are in violation of R.I. General Laws §42-112-1 et. seq., the Rhode Island Civil Rights Act of 1990;
- b. An order permanently restraining and enjoining each of the Defendants from further violations of R.I. General Laws § 42-112-1 et. seq., the Rhode Island Civil Rights Act of 1990;
- c. An order directing Defendant Pearson and the Harmony Fire District to place Plaintiff in the position she would have occupied but for Defendants' discriminatory conduct, and to make Plaintiff whole for all earnings and benefits Plaintiff would have otherwise received but for Defendants' discriminatory conduct, including, but not limited to, wages, and employment benefits;
- d. Compensatory damages against the Defendants, and each of them, jointly and severally;
- e. Punitive damages against Defendant Pearson;
- f. Reasonable attorneys' fees;
- g. Statutory interest and costs; and
- h. Such other and further relief as this Court deems just and proper.

#### COUNT II

Violation of R.I. Gen. Laws § 28-5-1 et. seq.  
The Rhode Island Fair Employment Practices Act  
Gender based discrimination and retaliation.

34. The allegations set forth in paragraphs 1-33 are incorporated by reference as more fully set forth herein.
35. Defendants unlawfully subjected Plaintiff to on-the-job discriminatory working conditions because of Plaintiff's gender in violation of R.I. Gen. Laws § 28-5-1 et. seq., and as a direct and proximate result of such illegal conduct, Plaintiff has suffered grave and substantial damages,

wherefore each Defendant stands jointly and severally liable to Plaintiff for the damages more fully alleged herein.

36. Defendants unlawfully retaliated against the Plaintiff in response to her protected claims of on-the-job gender based harassment, disparate treatment, hostile working environment and discriminatory working conditions because of her gender in violation of R.I. General Laws §28-5-1 et. seq.
37. Defendant Pearson acted to aid, abet, incite, compel, or coerce the Defendant Harmony Fire District to terminate the Plaintiff in retaliation for her making protected complaints of gender discrimination and otherwise acted to cause the Defendant Harmony Fire District to discriminate against the Plaintiff because of her gender in violation of R.I. General Laws §28-5-1 et. seq.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- a. A declaration that the acts and practices complained of herein are in violation of R.I. General Laws §28-5-1 et. seq., the Rhode Island Fair Employment Practices Act.
- b. An order permanently restraining and enjoining each of the Defendants from further violations of R.I. General Laws §28-5-1 et. seq., the Rhode Island Fair Employment Practices Act;
- c. An order directing Defendants place Plaintiff in the position she would have occupied but for Defendants' discriminatory conduct, and to make Plaintiff whole for all earnings and benefits Plaintiff would have otherwise received but for Defendants' discriminatory conduct and retaliation against her for engaging in protected conduct, including, but not limited to, wages, employment benefits, and injured on duty benefits;
- d. Compensatory damages against the Defendants, and each of them, individually, jointly and severally;
- e. Punitive damages against Defendant Pearson;
- f. Reasonable attorneys' fees;
- g. Statutory interest and costs; and
- h. Such other and further relief as this Court deems just and proper.

COUNT III.

Violation of Title VII – 42 U.S.C. § 2000e  
Gender Based Discrimination and Retaliation.

38. The allegations set forth in paragraphs 1-37 are incorporated by reference as more fully set forth herein.
39. Defendants unlawfully subjected Plaintiff to on-the-job discriminatory working conditions because of Plaintiff's gender in violation of 42 U.S.C. § 2000e et seq..
40. Defendants unlawfully retaliated against the Plaintiff, resulting in her unjust termination, in response to her protected claims of on-the-job gender based disparate treatment and discriminatory working conditions because of her gender in violation of 42 U.S.C. § 2000e et seq..
41. Defendants' conduct complained of herein proximately caused Plaintiff to suffer pecuniary damages, including lost wages, attorneys fees, the costs of this action, as well as other pecuniary loss, now and in the future.
42. Defendants' conduct complained of herein further caused Plaintiff to suffer physical injury and mental anguish, severe emotional distress, loss of enjoyment of life, humiliation, embarrassment, and adverse, and offensive working conditions.
43. As a direct and proximate result of the conduct of the defendants, Plaintiff has otherwise suffered damages.
44. The conduct of Defendant Pearson in retaliating against the Plaintiff for asserting her gender based discrimination complaint was further intentional, malicious and without justification or excuse, demonstrating a reckless and callous indifference to Plaintiff's right to work in an environment free from unlawful retaliation and demonstrates Defendant Pearson's malice or ill will warranting the imposition of punitive or exemplary damages.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:



- a. A declaration that the acts and practices complained of herein are in violation of 42 U.S.C. § 2000e et seq.;
- b. An order permanently restraining and enjoining each of the Defendants from further violations of 42 U.S.C. § 2000e et seq.;
- c. An order directing Defendant Pearson and the Harmony Fire District to place Plaintiff in the position she would have occupied but for Defendants' discriminatory conduct, and to make Plaintiff whole for all earnings and benefits Plaintiff would have otherwise received but for Defendants' discriminatory conduct, including, but not limited to, wages, and employment benefits;
- d. Compensatory damages against the Defendants, and each of them, jointly and severally;
- e. Punitive damages against Defendant Pearson;
- f. Reasonable attorneys' fees;
- g. Statutory interest and costs; and
- h. Such other and further relief as this Court deems just and proper.

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL COUNTS**

Plaintiff Linda Ferragamo  
By her Attorneys,

Law Offices of Sonja L. Deyoe

/s/ Sonja L. Deyoe  
Sonja L. Deyoe #6301  
Cooperating Attorney,  
American Civil Liberties Union  
Foundation of Rhode Island  
395 Smith Street  
Providence, RI 02908  
(401) 864-5877  
(401) 354-7464  
sld@the-straight-shooter.com

Dated: November 21, 2016