

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

**KATHLEEN RUDOLPH, BEVERLY
JENKINS, PATRICIA ANDERSON,
NANCY MITCHELL, SHARON HAGAN,
MARSHA BIGLER, BONNIE FARRIOR,
EDNA MERIDA HALL, JUDITH IVEY,
MARLA WALKER, SANDRA LEWIS,
MARY ADAIR, CAROL WOODS,
MELANIE BECKFORD, CHARLENE
FONTNEAU, TITA DE LA CRUZ, LEE
WASCHER, LINDA JONES, JOYCE
MEYER, SUSHMA PAREKH, LOURDES
SILVAGNOLI, JANET SMITH, MICHELLE
POLLOCK, VESNA POIRIER, SUSAN
BLACK, DONNA PIXLEY, PAULA
LACROIX, OLIVIA CRISAFI, and JEAN
GARRETT, individually and on behalf of
all other persons similarly situated,**

Plaintiffs,

CIVIL ACTION NUMBER: 5:06-cv-00056-RS-MD

-v.-

**DEPARTMENT OF CORRECTIONS,
STATE OF FLORIDA,**

Defendant.

SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs sue the Defendant and allege:

Jurisdiction and Venue

1. This is a class action for injunctive, declaratory and equitable relief and for damages in excess of the jurisdictional limits of the Court for violations of the Florida Human Rights Act

of 1977 and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq.

2. This court has jurisdiction of this matter pursuant to 28 USC §1331 and 42 USC §2000e-5.

2. Venue is proper under 42 USC §2000e-5 and 28 USC §1391.

Nature of the Action

This is a class action for injunctive, declaratory and equitable relief and damages brought by current and former health care professional employees, classification officers and other non-security employees of the Department who are women and are required as a regular part of their duties to provide care and other services to male inmates in close management custody individually and on behalf of themselves and all other similarly situated female employees of the Department who on the basis of their gender are, have been, continue to be and may in the future be adversely affected by the Department's continuing policy and pattern and practice of gender-based discriminatory treatment of the Plaintiffs and the class. This discriminatory treatment consists of policies and patterns or practices of the Department which subject the Plaintiffs and the class to unwelcome, severe and pervasive sexual harassment by inmates in close management custody of the Department. The sexual harassment is fostered by the failure of the Department to take appropriate action and to enforce and implement adequate measures to investigate and stop the harassment and by its preventing and hindering the Plaintiffs and the class from taking action to remedy the harassment. This pervasive gender-biased disparate treatment of Plaintiffs and the class constitutes a continuing violation of the Florida Human Rights Act of 1977 and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes and

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq.

Parties

A. Plaintiffs

3. Plaintiff Kathy Rudolph is a woman who is employed by the Defendant as a Senior Registered Nurse (“RN”) at Washington Correctional Institution (“Washington CI”) in Washington County, Florida and has been employed there as a nurse since December 1995. Rudolph resides in Calhoun County, Florida.

4. Plaintiff Beverly Jenkins is a woman who is employed by the Defendant as a Senior RN at Washington CI and has been so employed since December 1997. Jenkins resides in Bay County, Florida.

5. Plaintiff Patricia Anderson is a woman who is employed by the Defendant as a Senior Licensed Practical Nurse (“LPN”) at Washington CI and has been so employed since March 2000. Anderson resides in Bay County, Florida.

6. Plaintiff Nancy Mitchell is a woman who is employed by the Department as a Senior RN Supervisor at Washington CI and has been so employed since November 2001. Before that, Mitchell was employed as a Senior RN at Washington CI since February 1995. Mitchell resides in Bay County, Florida.

7. Sharon Hagan is a woman who is employed by the Department as a Senior LPN at Washington CI and has been so employed since October 1996. Hagan resides in Washington County, Florida.

8. Plaintiff Marsha Bigler is a woman who is employed by the Department as a Senior LPN and Psychiatric Nurse at Washington CI and has been so employed since September 1995.

Bigler resides in Washington County, Florida.

9. Plaintiff Bonnie Farrior is a woman who is employed by the Department as a Senior LPN at Washington CI and has been so employed since February 1995. Farrior resides in Washington County, Florida.

10. Plaintiff Edna Merida Hall is a woman who is employed by the Department as a Senior LPN at Washington CI and has been so employed since February 1997. Hall resides in Washington County, Florida.

11. Judith Ivey is a woman who is employed by the Department as a Senior LPN at Washington CI and has been so employed since February 1998. Ivey resides in Washington County, Florida.

12. Marla Walker is a woman who is employed by the Department as a Senior RN and Psychiatric Nurse at Washington CI and has been so employed since May 1995. Walker resides in Washington County, Florida.

13. Sandra Lewis is a woman who is employed by the Department as a Senior LPN at Washington CI and has been so employed since December 1997. Lewis resides in Bay County, Florida.

14. Mary Adair is a woman who was employed by the Department as a Senior RN/Psychiatric Nurse at Washington CI from April 1996 to November 2001. Adair resides in Holmes County, Florida.

15. Plaintiff Carol Woods is a woman who is employed by the Department as a Senior RN at Washington CI and has been so employed since February 1996. Woods resides in Washington County, Florida.

16. Plaintiff Melanie Beckford is a woman who was employed by the Department at Martin Correctional Institution ("Martin CI") in Martin County, Florida, as a Senior RN from July 1995 to February 2002. Beckford resides in St. Lucie County, Florida.

17. Plaintiff Charlene Fontneau is a woman who is employed by the Department and worked at Martin CI as a Senior LPN from July 1998 to February 2001. She resides in Brevard County, Florida.

18. Plaintiff Tita de la Cruz is a woman who is employed by the Department and worked at Martin CI as a Senior LPN from June 1996 to December 2001. De la Cruz resides in Marion County, Florida.

19. Plaintiff Lee Wascher is a woman who was employed by the Department at Martin CI as a Senior RN from March 2001 to July 2001. Wascher resides in Palm Beach County, Florida.

20. Plaintiff Linda Jones is a woman who was employed by the Department at Martin CI and Glades CI as a Senior RN at various times from October 1999 to February 2001. Jones resides in Palm Beach County, Florida.

21. Plaintiff Joyce Meyer is a woman who was employed by the Department at Martin CI as Senior LPN at various times from September 1989 to July 2001. Meyer resides in St. Lucie County, Florida.

22. Sushma Parekh is a woman who was employed by the Department at Martin CI as Senior Physician and Chief Health Officer from July 1997 to October 15, 2001. Parekh resides in St. Lucie County, Florida.

23. Plaintiff Lourdes Silvagnoli is a woman who is employed by the Department at Martin CI as a Senior LPN and has been so employed since October 2000. Silvagnoli resides in

St. Lucie County, Florida.

24. Plaintiff Janet Smith is a woman who was employed by the Department at Martin CI as a Classification Officer from December 1990 to May 2001. Smith resides in Martin County, Florida.

25. Plaintiff Michelle Pollock is a woman who was employed by the Department at Martin CI as a Senior RN from April 1990 to September 2001. Pollock resides in St. Lucie County, Florida.

26. Plaintiff Vesna Poirier is a woman who was employed by the Department at Martin CI as a Senior RN from September 2000 to July 2001.

27. Plaintiff Susan Black is a woman who has been employed by the Department at Martin CI as a Senior RN at various times from 1987 to present. Black resides in St. Lucie County, Florida.

28. Plaintiff Donna Pixley is a woman who was employed by the Department at Martin CI as a Senior LPN from March, 1999 to July, 2001. Pixley resides in Martin County, Florida.

29. Plaintiff Paula LaCroix is a woman who has been employed by the Department at Martin CI as a Senior LPN and has been so employed since August 1999. LaCroix resides in St. Lucie County, Florida

30. Plaintiff Olivia Crisafi is a woman who has been employed by the Department at Glades Correctional Institution ("Glades CI") in Palm Beach County, Florida, as a Senior LPN from January 2001 to April 2001. Crisafi resides in Palm Beach County, Florida.

31. Plaintiff Jean Garrett is a woman employed by the Defendant as a Registered Nurse Specialist ("RN") at Lake Correctional Institution ("Lake CI") in Lake County, Florida,

and has been employed there as a nurse since January 2002. Garrett resides in Lake County, Florida.

B. Defendant

32. The Defendant Department of Corrections (the "Department") is a department of the State of Florida. The Department operates approximately 68 prison facilities throughout the State of Florida. Its central office is located in Tallahassee, Florida. The central office in Tallahassee provides direction, policy, and operational and program oversight through the regional directors and their staff to all these facilities. Its operations and facilities are geographically organized into four regions.

33. Of the 68 prison facilities operated by the Department, many facilities house or at all times material hereto housed close management custody inmates. These facilities are male only with the exception of Lowell Correctional Institution which is not material to this case. Close management custody is deemed by the Department to be the confinement of an inmate apart from the general population for reasons of security or the order and effective management of the facility where the inmate through his behavior has demonstrated an inability to live in the general population without abusing the rights and privileges of others. The close management facilities are or were at all times material to this cause distributed throughout the four organizational "Regions" of the Department, with the largest number being in Region I which contains, among other facilities, Washington CI.

34. The Plaintiffs and the class are required as a regular, routine and ongoing term and condition of their employment to provide health care or other services to inmates in close management custody.

35. The Department's Office of Health Services in Tallahassee is responsible for the delivery of health care to inmates within the custody and control of the Department. The Office of Health Services is managed by the Director of Health Services who has overall responsibility for the Office of Health Services. The Office of Health Services consists of two management areas: clinical and administration. The clinical area is the responsibility of the Deputy Director of Health Services who manages five functional areas and 1,950 caregivers. These 1,950 individuals include physicians, nurses, mental health professionals, pharmacists and dentists. The Department provides comprehensive medical, dental and mental health services for inmates.

36. The Department does not permit female Correctional Officers as a part of their regular duties to work in close management custody housing at male only prisons.

Conditions Precedent

37. The Plaintiffs have satisfied all conditions precedent, including the exhaustion of administrative remedies, to bringing this action. All of the Plaintiffs, except Marla Walker, Bonnie Farior and Linda Jones, timely filed charges of discrimination with the Florida Commission on Human Relations ("FCHR") and the federal Equal Employment Opportunity Commission ("EEOC") on August 31, 2001, and more than 180 days have passed since the filing of their charges. Walker, Farior, Jones and the class may rely on the timely filed charges of their co-plaintiffs, because the conduct alleged arises from the same discriminatory policies and practices of the Department in the same time frame. The Plaintiffs received their notices of right to sue under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. from the United States Department of Justice on March 28, 2006.

Class Action Allegations

38. Plaintiffs bring this action on behalf of themselves and as representatives of a class pursuant to the provisions of Rule 23, Federal Rules of Civil Procedure. Plaintiffs seek class certification under subsections (b)(2) and (b)(3) of Rule 23.

39. Commonality: Questions of law and fact are common to all members of the class: specifically, as to both the named Plaintiffs and the class, the Plaintiffs' claims arise from the same events or practice or course of conduct by the Department which gives rise to the claims of the putative class, and their claims are based upon the same legal theories as those of the putative class. The Department has engaged in system-wide policy and pattern and practice, in violation of the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes, and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. of subjecting the Plaintiffs and the class to unwelcome, severe and pervasive sexual harassment by male inmates, specifically by engaging in the following illegitimate and unlawful practices:

- a. Maintaining, fostering and condoning a sexually hostile working environment for the Plaintiffs and the class;
- b. Discouraging and deterring the Plaintiffs and the class from reporting complaints of sexual harassment by inmates;
- c. Failing and refusing to enforce and implement adequate policies and procedures to protect the Plaintiffs and the class from sexual harassment by inmates in close management custody; and
- d. Failing and refusing to provide the Plaintiffs and the class with adequate training

to protect against and stop or minimize sexual harassment by inmates.

The Department utilizes highly centralized and system-wide policies, practices and procedures as regards the pattern and practice of discrimination alleged, in particular as regards the custody and supervision of inmates and all aspects of the Plaintiffs' and the class's employment. These centralized and system-wide policies, practices and procedures are developed and promulgated from the Department's central office in Tallahassee, Florida.

40. Typicality: Plaintiffs' claims are typical of the claims of the class inasmuch as they arise from the same course of conduct as the claims of the putative class, and the class consists of past, present and future health care professional employees, classification officers and other non-security employees of the Department who are women, who are required as a regular part of their duties to provide care and other services to male inmates in close management custody, and who have been adversely affected by the continuing policy and pattern or practice of gender-biased discrimination described herein.

41. Numerosity and Class Definition: The proposed class Plaintiffs seek to represent has an estimated 500 class members throughout the state of Florida. Therefore, the class is so numerous that separate joinder of each member is impracticable. The proposed class consists of all past, present and future health care professional employees, classification officers and other non-security employees of the Department who are women and who are required as a regular part of their duties to provide care and other services to male inmates in close management custody.

42. Adequacy of Representation: The Plaintiffs will fairly and adequately protect and represent the interests of each member of the class in that they have interests in common with the

class, have no conflicts with the class, understand their responsibilities as class representatives, and have retained counsel experienced in the prosecution of complex class action litigation. The Plaintiffs are members of the class they seek to represent.

43. The Defendants have acted on grounds generally applicable to all the members of the class, to wit: engaging in and maintaining a policy and pattern or practice of gender-biased discrimination which adversely affects the class, thereby making final injunctive relief and declaratory relief concerning the class as a whole appropriate. Accordingly, this action is maintainable under subsection (b)(2) of Rule 23.

44. Alternatively, Defendants' actions, to wit: engaging in and maintaining a policy and pattern or practice of gender-biased discrimination which adversely affects the class, raise questions of law and fact common to the Plaintiffs and the class. These questions predominate over questions affecting only individual members, and class representation is superior to other available methods for the fair and efficient adjudication of the controversy. Accordingly, this action is maintainable under subsection (b)(3) of Rule 23.

Claims of Named Plaintiffs

Kathleen Rudolph

45. Plaintiff Kathleen Rudolph is employed by the Department as a Senior RN at Washington CI. She has been employed as a Senior LPN from December 1995 to October 1997 when she became a licensed RN and assumed the position of Senior RN, which she has held since that time.

46. Rudolph's duties as a Senior RN include dispensing medications, responding to medical and psychiatric emergencies and making sick calls to male inmates in close management

custody as well as attending to inmates in the infirmary at Washington CI. She is also team leader for her shift. Her duties require regular contact with inmates in close management custody.

47. Throughout Rudolph's employment at Washington CI, male inmates, particularly, those housed in close management, have regularly exposed their genitals and masturbated at her. While doing so the inmates frequently abused her and other female nurses with sexually degrading and demeaning comments, such as wanting to "eat her pussy," "lick her cunt," and the like and with efforts to have Rudolph and other nurses bend over or position themselves so that the inmates can look at their breasts and comment on their anatomy.

48. Rudolph and the other nurses are required to make daily rounds of the close management dorms and visually inspect all inmates. During these rounds, the inmates expose themselves and masturbate at her in front of the cell door windows. Others stand on commodes or their bunks and expose themselves and masturbate to be better seen by Rudolph and other nurses.

49. In one particular instance, an inmate who was to be released the next day masturbated at Rudolph while she was making her rounds. The inmate told Rudolph that it was one for the road, because he was leaving the next morning, and there was nothing she could do about it. The Correctional Officer on duty just shrugged, and nothing was done.

50. Rudolph must walk from the medical unit to the close management dorms. While she is doing so inmates often shout at her sexually degrading and demeaning comments about her appearance and about her anatomy such as "eating her pussy." This became a particular problem when the blinders were taken off the windows of the dorms.

51. On numerous occasions, Rudolph and the other nurses at Washington CI have informed the Department of the sexual harassment they have suffered and have sought relief.

52. Rudolph has routinely written disciplinary reports (DRs) on inmates who have exposed themselves to her and masturbated at her. The DRs have been filed with the prison security at Washington CI. Rudolph has further routinely made entries on "Form 815 Integration Sheets" ("815s") of the sexual harassment by inmates which reports are kept on file by the Department.

53. On October 3, 2000, Rudolph and the other nurses at Washington CI wrote Michael Moore, the Secretary of the Department, informing him of the continual problem of inmates masturbating at the nurses as they make medical rounds in the close management housing. The letter informed the Secretary of the efforts made by the nurses to remedy the problem and the fact that they had written many DRs to no avail and were being discouraged against writing DRs. Despite the letter to Secretary Moore, nothing has been done to remedy the problem.

54. Not long before this letter to Secretary Moore, Rudolph and the nurses at Washington CI and elsewhere received a directive to "All Health Services" of the Department dated August 10, 2000 from David L. Thomas, the Director of Health Services for Department, in which Thomas instructed health care professionals not to write disciplinary reports or take any disciplinary action against inmates.

55. Rudolph also contacted the Inspector General's office of the Department and sent in a complaint regarding the sexual harassment. She additionally went to both the Florida State Attorney's office in Panama City and the Washington County Sheriff in an attempt to remedy the problem.

56. One Colonel Watson, a Correctional Officer at Washington CI, said that the prison is the inmates' "home" and that the nurses, therefore, had to live with it. Other security personnel have told her to "just get over it."

57. The Department has not given Rudolph any training to prepare her for or to address sexual harassment by inmates.

58. The harassment described above has occurred throughout Rudolph's employment at Washington CI and continues to occur. Rudolph has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Beverly Jenkins

59. Plaintiff Beverly Jenkins is employed by the Department as a Senior RN at the Washington CI. She has held this position since she was hired on December 1997.

60. Jenkins' duties as a Senior RN include dispensing medications, responding to medical and psychiatric emergencies and making sick calls to male inmates as well as attending to inmates in the infirmary at Washington CI. Her duties require regular contact with inmates in close management custody.

61. Throughout her employment at Washington CI, inmates in close management custody have regularly exposed themselves and masturbated at Jenkins. While masturbating at her, the inmates abused her with sexually degrading and demeaning comments. As part of her duties, Jenkins is required to make daily rounds of inmates in close management housing. She is required to visually look into each cell to determine whether the inmates need medical care. She and the nurses are also required to watch the inmate to be sure the inmate takes the medications dispensed. Inmates knowing that Jenkins is coming to the cells or that Jenkins is required to

watch them take medicine expose themselves and masturbate at her when she looks in, often standing on commodes so that they can be better seen by her.

62. Jenkins has routinely written DRs on inmates who have sexually harassed her. No apparent action has been taken on the DRs. For a long time, Jenkins believed that the Correctional Officers were doing the DRs. However, she later determined that they were not filing the DRs. She has been told that she is required to describe in graphic detail the harassment in the DR; otherwise, it will be rejected.

63. In addition to writing DRs, Jenkins has routinely filled out 815s which describe the sexual harassment and are reviewed by Department officials and maintained by the Department.

64. In response to her complaints and those of other female nurses, prison officials have told her that the prison is the inmates' "home," and, therefore, they cannot stop them.

65. The Department has not given Jenkins any training to prepare her for or to address sexual harassment by inmates.

66. The harassment described above has occurred throughout Jenkins' employment at Washington CI and continues to occur. Jenkins has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Patricia Anderson

67. Plaintiff Patricia Anderson is employed by the Department as a Senior LPN at Washington CI. She has been a Senior LPN at Washington CI since March 2000. Before that she worked for the Department at Hernando CI, Sumter CI and Zephyrhills CI.

68. Anderson's duties as a Senior LPN at Washington CI include dispensing medication to inmates, responding to medical emergencies of inmates, and making daily rounds of inmates

to determine and attend to their healthcare needs. Her duties require regular contact with inmates in close management custody.

69. On her first day on the job at Washington CI, Anderson was subjected to inmates in close management exposing themselves and masturbating at her. Since that day, inmates in close confinement have routinely exposed themselves and masturbated at her and in some cases inmates have ejaculated in her presence. The inmates routinely make sexually degrading and demeaning comments to her and to other female nurses. On her first day, she was called a “a fresh bitch” and “a new cunt.”

70. On one occasion an inmate to whom she was dispensing medications began masturbating when she reached his cell door. She was with a Correctional Officer who told her to walk on and not give him his medication. The inmate called her a “pussy-ass white bitch” and spit at her. She asked the officer to get the officer in charge, Captain Wall. Captain Wall arrived, and she explained the incident. Wall then questioned the inmate. Anderson overheard him explain to the inmate how to file a grievance against Anderson. Anderson did an incident report which she sent to the warden. Nothing came of her report.

71. In two other instances, the inmates were “orderlies” in close management and both masturbated while staring intently at her. She reported it to the Correctional Officer on duty and in one case she was told that the inmate was a “good inmate,” and nothing was done. The other inmate was initially locked up but then a short time later was allowed to be a “run-a-round” again. Many Correctional Officers have told her that they wish something would be done but that their hands were tied. She has been told by other Correctional Officers that the prison is the inmates’ “home,” and, therefore, the inmate behavior is tolerated.

72. During her employment at Washington CI, Anderson has routinely written DRs when inmates have sexually harassed her. She gave the DRs to security officials. DRs she has written have been rejected, because not all officers working the close management dorms were listed even though the other officers were not in the dorm in which the harassment occurred, or because her description of the inmate's conduct - masturbation - was not graphic and detailed enough.

73. In August 2000, Anderson was told by Dr. David Thomas, the Department's Director of Health Services, that she should not write DRs, and she stopped for a while.

74. Anderson has also made numerous records of the sexual harassment described above in 815s.

75. Anderson experienced similar sexual harassment at Sumter CI and Zephyrhills CI, both of which are close management facilities. She did not experience such harassment at Hernando CI, because it was a minimum security and did not house close management inmates.

76. The Department has not been given Anderson any training to prepare for or to address sexual harassment by inmates.

77. The harassment described above has occurred throughout Anderson's employment at Washington CI and continues to occur. Anderson has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Nancy Mitchell

78. Plaintiff Nancy Mitchell is employed by the Department as a Senior RN Supervisor at Washington CI. She has been so employed since November 2001. Before that she was employed as a Senior RN at Washington CI continuously from the date of her hire in February

1995.

79. Mitchell's duties as a Senior RN include dispensing medications, responding to medical and psychiatric emergencies and making sick calls or rounds to male inmates in close management custody as well as attending to inmates in the infirmary at Washington CI. As Senior RN Supervisor, her duties also include the supervision of nurses at Washington CI. Her duties require regular contact with inmates in close management custody.

80. Throughout her employment at Washington CI, inmates in close management custody have regularly exposed themselves and masturbated at Mitchell. This has occurred regularly when Mitchell has made daily sick and medication rounds in the close management housing, which require her and other nurses to visually inspect the inmates as well as dispense medication to them at their cells. The inmates expose themselves and masturbate at her while receiving medications. Inmates not receiving medications stand on toilets and on their bunks, so that Mitchell cannot avoid seeing them while she makes her rounds, and masturbate at her. The inmates also regularly fake emergency calls to make Mitchell come to close management housing so they can sexually harass her. While harassing Mitchell the inmates make sexually degrading and demeaning comments to her.

81. Mitchell has regularly experienced the same sexual harassment by inmates in the isolation rooms and less often in the infirmary in the medical unit. Mitchell's office looks onto the isolation rooms from which inmates stare at her and masturbate.

82. Mitchell has written numerous DRs on these inmates. The DRs appear to get lost and nothing has resulted from them. She and the other nurses have been told not to write them.

83. Mitchell has also made numerous records of the sexual harassment on 815s which are

submitted to prison officials at Washington CI.

84. She has been told by correctional officials at Washington CI that she has to remember where she is working and that she must just live with it.

85. At one point, Mitchell and other nurses had curtains installed in the windows of the close management cells in the multi-service building where the medical unit is located to remedy the harassment of inmates masturbating at the female nurses. The nurses were told to take them down.

86. The Department has not given Mitchell any training to prepare her for or to address sexual harassment by inmates.

87. The harassment described above has occurred throughout Mitchell's employment at Washington CI and continues to occur. Mitchell has done nothing to welcome the conduct, and she finds it offensive and physically disgusting

Sharon Hagan

88. Plaintiff Sharon Hagan is employed by the Department as a Senior LPN at Washington CI. She has been employed at the Department at Washington CI since October 1996.

89. Hagan's duties as a Senior LPN are to provide health care to inmates at Washington CI, including dispensing medication, responding to medical emergencies and making daily medical rounds in the close management dorms as well as attending to the medical needs of inmates housed in the infirmary.

90. As has happened throughout her employment at Washington CI, inmates in the close management dorms routinely expose themselves and masturbate at her. This typically happens

while she is making daily medical rounds during which she is required to visually look in on each inmate. It also often occurs when she is dispensing medication to close management inmates. While the inmates are masturbating at her, she is regularly abused with sexually degrading and demeaning comments, such as "white cunt," "fucking bitch" or "white whore" and the like.

91. The inmates in close management know whenever Hagan or other female nurses are coming to the dorm. The inmates are often not dressed when she arrives and are not required to do so. When she has asked why this is so, Hagan has been told that the inmate's cell is his "home," and the inmate's rights have to be protected.

92. Hagan has written numerous DRs on inmates who have exposed themselves and masturbated at her. She has rarely, if ever, seen any follow up on any of the DRs she has written; nor has she been asked to give additional information or answer any questions regarding the DRs. Hagan has not been given any training on how to complete DRs other than occasional advice from Correctional Officers. She eventually stopped writing DRs, because many of those she wrote were rejected, and no discipline was ever meted out to the inmates. She was also told that the Department did not want nurses to submit DRs, because the processing cost of each was \$600-700.

93. The Department has not given Hagan any training to prepare her for or to address sexual harassment by inmates.

94. The harassment described above has occurred throughout Hagan's employment at Washington CI and continues to occur. Hagan has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Marsha Bigler

95. Plaintiff Marsha Bigler is employed by the Department as a Senior LPN at Washington CI. She has been so employed since September 1995. She assumed duties as a psychiatric nurse in March 2002.

96. Bigler's duties as a Senior LPN are to provide health care to inmates at Washington CI, including dispensing medication, responding to medical and psychiatric emergencies and making daily medical rounds in the close management dorms, as well as dispensing medication to open population inmates at the medical building and attending to the medical needs of inmates housed in the infirmary. Her duties require regular contact with inmates in close management custody.

97. Throughout her employment at Washington CI, inmates in close confinement have repeatedly exposed themselves and masturbated at her. While they are doing this, the inmates routinely call her sexually degrading and harassing names, such as "white cunt" and "white bitch," make sexually degrading comments about her body and ask sexually degrading questions, such as how she feels about "black dicks" and whether she has "ever had one." Throughout her employment she has been frequently called to respond to medical emergencies which are faked, and when she arrives at the inmate's cell, the inmate masturbates at her.

98. Bigler and other nurses at Washington CI routinely have written DRs on inmates for this sexual harassment. Bigler has not received any follow-up information on DRs she has written; nor has she ever been asked to give testimony at any hearings on DRs she has written. She has largely stopped writing DRs, because she believes that nothing will be done.

99. As recently as February 2002, an inmate transferred to Washington CI masturbated

while another female nurse was processing his medical intake. Bigler checked his file, which showed that he had received numerous DRs for masturbating at another institution.

100. Also, in or around the same timeframe, Bigler wrote a disciplinary report on an inmate for masturbating in her presence. The DR was rejected as not properly worded. She was never instructed regarding how to correctly word a DR. On occasions, she asked Correctional Officers for assistance, since the DRs she wrote were often rejected.

101. Bigler and other nurses at Washington CI wrote Michael Moore, the Secretary of the Department, on October 3, 2000, informing him of the continual problem of inmates masturbating in front of the nurses as they made medical rounds in the close confinement housing. The letter informed the Secretary of the efforts made by the nurses to remedy the problem and the fact that they had written many DRs to no avail and were being discouraged against writing DRs. This letter was in response to a directive to "All Health Services" of the Department sent on August 10, 2000 by David L. Thomas, the Director of Health Services for Department, in which Thomas instructed health care professionals not to write disciplinary reports or take any disciplinary action against inmates. Despite the letter to Secretary Moore, nothing has been done to remedy the problem.

102. The Department has not given Bigler any training to prepare her for or to address sexual harassment by inmates.

103. The harassment described above has occurred throughout Bigler's employment at Washington CI and continues to occur. Bigler has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Bonnie Farrior

104. Plaintiff Bonnie Farrow is employed by the Department as a Senior LPN at Washington CI. She has been so employed since February 1995.

105. Farrow's primary duties as a Senior LPN included dispensing medication and responding to medical and psychiatric emergencies and sick calls of inmates at Washington CI. Her duties require regular contact with inmates in close management custody.

106. In performing her duties, Farrow and other nurses are required to visually inspect inmates in close management custody daily. Throughout her employment inmates in close management have regularly exposed themselves and masturbated at her. When masturbating, inmates shout at Farrow sexually degrading and demeaning comments, such as "suck my dick, bitch," threaten to "nail her from behind" and attempt to force her and other nurses to bend over. One inmate responded to her having written a DR for his masturbating by alleging that she had sat at a desk with her legs spread apart and genitals exposed. On another occasion, an inmate orderly masturbated at her in the multipurpose room, staring at her while he did so as other inmates stood nearby.

107. Inmates in the isolation cells in the medical unit also routinely masturbate in the presence of Farrow and other nurses as they look at them through the cell window.

108. In the earlier years of her employment before locks were put on the food slots of cell doors, inmates in close management attempted to ejaculate on her and other nurses as they made their rounds.

109. One of Farrow's supervisors would not go on rounds because of how bad the harassment was. In response to her complaints about the harassment, an Inspector Bush asked her rhetorically, "don't you realize where you work?" He said there was nothing he could do and

if she could not handle it, she should find another job.

110. Farris and other nurses were told that if they did write DRs they had to be extremely explicit in their description of the harassment. She was told that stating that the inmate had "masturbated" was not sufficient. Rather, she had to describe whether the inmate's penis was erect, which hand he was using, that he was sliding his hand up and down his penis, and so on. DRs which did not conform to these requirements were rejected.

111. The Department has not given Farris any training to prepare her for or to address sexual harassment by inmates.

112. The harassment described above has occurred throughout Farris's employment at Washington CI and continues to occur. Farris has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Edna Merida Hall

113. Plaintiff Edna Merida Hall is employed by the Department as a Senior LPN at Washington CI. She has been so employed since February 1997.

114. Hall's duties as a Senior LPN include dispensing medications, responding to medical emergencies and making sick calls to male inmates as well as attending to inmates in the infirmary at Washington CI. Her duties require regular contact with inmates in close management custody.

115. Hall is required to make daily rounds and visually inspect inmates in the close management dorms. During these rounds inmates regularly expose themselves and masturbate at her. When she administers medicines and performs other medical operations at the cell doors of inmates, the inmates masturbate while speaking to her or insert their penises through the food

slot on the cell doors and masturbate. Nurses are not permitted to deny care to inmates who are sexually harassing them.

116. Inmates routinely call Hall such names as "white bitch," demand that she suck their "dicks," yell "what a fine ass she's got," and taunt her with "Don't you need me? And don't you need this?" referring to their penises. Hall and other nurses take care to make sure they are completely covered with clothing to minimize the sexual harassment.

117. One particular inmate with hypertension used this condition to routinely declare medical emergencies, sometimes as much as 3 to 4 times daily. When Hall arrived at his cell, he would masturbate in the window at her. Correctional Officers witnessed this. No action was taken despite the fact that Hall filed DRs and made chart notations of the behavior.

118. Hall has often written DRs on inmates who have sexually harassed her. These have had no effect and have not been taken seriously by the Department. Hall has had DRs rejected allegedly because they were not worded correctly. She has also been told that writing DRs is a function of security and not medical staff. For a time, she and other nurses at Washington CI stopped writing DRs, because they were having no effect.

119. Hall has been told by officials of the Department that she should have expected to be sexually harassed because she works at the prison.

120. The Department has not given Hall any training to prepare her for or to address sexual harassment by inmates.

121. The harassment described above has occurred throughout Hall's employment at Washington CI and continues to occur. Hall has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Judith Ivey

122. Plaintiff Judith Ivey is employed by the Department as a Senior LPN at Washington CI. She has been so employed since February 1998.

123. Ivey's duties as a Senior LPN include dispensing medications, responding to medical emergencies and making sick calls to male inmates in close management custody as well as dispensing medications and attending to open population inmates in the medical building and in the infirmary at Washington CI. Her duties require regular contact with inmates in close management custody.

124. Ivey daily dispenses medication to inmates in close confinement. The inmates regularly expose themselves and masturbate at her while she is dispensing medication to them. At this time, inmates in other cells stand on toilets and get in their bunks so that they can be seen by her and masturbate at her. While doing so, the inmates shout to her sexually degrading and demeaning names, whistle, make comments about her anatomy, such as her behind, and tell her she is sexy.

125. Inmates regularly fake medical emergency calls, and when Ivey arrives they masturbate at her. Most medical emergencies are called simply to get a female nurse to come down to the close management dorms where the nurse can be sexually harassed.

126. Inmates in the isolation cells in the medical building also expose themselves and masturbate at Ivey.

127. Ivey has written DRs on the inmates. The DRs she wrote were ignored. She also makes notations of the inmate's sexual harassment on encounter forms. She finds it embarrassing to ask Correctional Officers to write DRs on inmates for masturbating at her. She

was also told that she was not supposed to write DRs, but rather the Correctional Officers were supposed to.

128. Recently, while Ivey was on her break an inmate in the kitchen area called to her to get her attention, and when she looked at him, he masturbated at her. She called the security officer and believes that the inmate was not disciplined.

129. Ivey has been told that she must put up with the sexual harassment because she works in a prison.

130. The Department has not given Ivey any training to prepare her for or to address sexual harassment by inmates.

131. The harassment described above has occurred throughout Ivey's employment at Washington CI and continues to occur. Ivey has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Marla Walker

132. Plaintiff Marla Walker is employed by the Department as a Senior RN and Psychiatric Nurse at Washington CI. She has been so employed since May 1995.

133. Walker's duties as a Senior RN include dispensing medications, responding to medical emergencies and making sick calls to male inmates in close management custody as well as dispensing medications and attending to open population inmates in the medical building and in the infirmary at Washington CI. Her duties as a Psychiatric Nurse include scheduling inmate psychiatric appointments, tracking inmate prescriptions, dispensing and monitoring of medications, answering emergency calls, assisting psychologists and psychiatrists employed by the Department and performing related duties. Walker's duties require regular contact with

inmates in close management custody.

134. Throughout Walker's employment at Washington CI, male inmates in close management custody have regularly exposed themselves and masturbated at her. This regularly occurs in the close management custody dorms where she is required to attend to inmates and in the medical unit, particularly the isolation management room cells.

135. While the inmates expose themselves and masturbate at her, they regularly abuse her with sexually degrading and demeaning comments, such as saying "I'd like to do this to you," "I'd like to suck that pussy," "take that [clothing] off" and the like. These kinds of comments are regularly made to Walker and other female nurses as they walk to and from the medical unit and the close management housing.

136. The inmates regularly make emergency calls, to which she is required to respond, that are faked so that the inmates can expose themselves and masturbate at Walker and other female nurses.

137. Walker has written numerous DRs on inmates for exposing themselves and masturbating at her. Her DRs have not been processed or pursued, or they have not been taken seriously.

138. Walker and other female nurses at Washington CI complained through the chain of command at Washington CI about the sexual harassment they were experiencing. Because their complaints were not addressed, they wrote to the Department's Secretary Moore. Walker and other nurses were also told by Dr. Thomas, the Department's chief medical officer, that they should not write DRs.

139. The Department has not given Walker any training to prepare her for or to address

sexual harassment by inmates.

140. The harassment described above has occurred throughout Walker's employment at Washington CI and continues to occur. Walker has done nothing to welcome the conduct, and she finds it offensive and physically disgusting.

Sandra Lewis

141. Plaintiff Sandra Lewis is employed by the Department as a Senior LPN at Washington CI. She has been so employed since December 1997.

142. Lewis's duties as a Senior LPN include dispensing medications, responding to medical emergencies and making sick calls to male inmates in close management custody as well as dispensing medications and attending to open population inmates in the medical building and in the infirmary at Washington CI. Her duties require regular contact with inmates in close management custody.

143. Throughout Lewis's employment at Washington CI, male inmates in close management have regularly exposed themselves and masturbated at Lewis. Inmates regularly fake emergency medical calls, to which Lewis was required to respond, and when she arrives, the inmates expose themselves and masturbate at her. Inmates also use legitimate emergency calls to expose themselves and masturbate at Lewis. When dispensing medications through the food slots in the cell doors in close management housing, inmates regularly have inserted their penises through the slot and masturbated and, in some instances, attempted to ejaculate on Lewis.

144. While exposing themselves and masturbating, as well as at other times, the inmates shout sexually degrading and demeaning comments at Lewis and other female nurses,

such as “Wouldn’t you like some of this? (pointing at their penises),” “Big mama, I like big women, lots of meat,” “I’ve got something for you. You’ve never had it so good,” “I could just get it on with you,” “I’d like to fuck you,” “you’ve never had it so good until you’ve had me,” and the like.

145. Close management inmates brought to the medical unit have routinely exposed themselves and masturbated at Lewis and made sexually degrading and demeaning comments to Lewis.

146. Lewis has worked various shifts at Washington CI and has experienced the sexual harassment described above during all shifts.

147. Lewis has written numerous DRs on these inmates. She believes that most of these have been rejected, lost or not processed, because nothing has resulted from them. At one point, Lewis and the other nurses were told that only Correctional Officers could write the DRs and that the officers could only do so if they themselves witnessed the sexual harassment. She has been told that every DR costs the Department money.

148. Lewis and the other nurses also have regularly made records of this sexual harassment on 815s.

149. The Department did not give Lewis any training to prepare her for or to address sexual harassment by inmates.

150. The sexual harassment described above occurred throughout Lewis's employment at Washington CI. Lewis did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Mary Adair

151. Plaintiff Mary Adair was employed by the Department as an RN/Psych Specialist at Washington CI. She was so employed from April 1996 until November 2001.

152. Adair's duties as an RN/Psych Specialist were to provide psychiatric care to inmates, including responding to psychiatric emergencies, monitoring and occasionally dispensing medications, making psychiatric assessments and performing related duties. Her duties required contact with inmates in close management custody.

153. On numerous occasions during her tenure at Washington CI, inmates in close management custody exposed themselves and masturbated at Adair. This typically happened when Adair was attending to inmates housed in the isolation cells in the infirmary. It also occurred when Adair dispensed medications to inmates in close management custody.

154. Inmates often faked psychiatric emergencies to be placed in the isolation cells in the infirmary for the purpose of exposing themselves and masturbating at Adair and other female nurses.

155. Adair and the other female nurses put up screens on the windows of the isolation cells to protect themselves against inmates exposing themselves and masturbating at them. They were told that they could not do this, and they had to take down the screens.

156. While the inmates exposed themselves and masturbated at Adair, as well as at other times, the inmates often made sexually degrading and demeaning comments to Adair, such as "I wanna fuck you," and made sexually degrading and demeaning gestures simulating sexual intercourse.

157. Adair wrote numerous DRs on these inmates as well as CCs. However, these had no effect. It was further discouraging to Adair to write DRs because of the many formal

requirements involved.

158. The Department did not give Adair any training to prepare her for or to address sexual harassment by inmates.

159. The sexual harassment described above occurred throughout Adair's employment at Washington CI. Adair did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Carol Woods

160. Plaintiff Carol Woods is employed by the Department as a Senior RN and Psychiatric Nurse at Washington CI. She has been so employed since February 1996.

161. Woods' duties as a Senior RN include dispensing medications, responding to medical emergencies, administering insulin for diabetic inmates and drug regimens for HIV inmates, and making sick calls to male inmates in close management custody as well as dispensing medications and attending to open population inmates in the medical building and in the infirmary at Washington CI. She has also acted as Charge Nurse. Her duties require regular contact with inmates in close management custody.

162. Throughout Woods' employment at Washington CI, inmates in close confinement have regularly exposed themselves and masturbated at her when she dispenses medications and responds to emergency calls. While doing so, the inmates make sexually degrading and demeaning comments to her, such as calling her "pussy-ass," or "I bet your pussy is wet," or "Come in here, and I'll show you what I've got for you," and the like. The inmates regularly make similar comments and wolf whistle as Woods and other female nurses walk to and from close management housing.

163. The sexual harassment is so severe on daily medication passes that the female nurses alternate duty.

164. Inmates in the isolation rooms in the infirmary also routinely expose themselves and masturbate at Woods and the other female nurses. She has also had inmates in open population masturbate at her.

165. Inmates are supposed to be dressed and sitting on their bunks when medication passes are announced. Rarely is this rule ever enforced.

166. Woods has written numerous DRs on inmates. Some of these appear to have been lost. In any event there has been no action as a result of them. She has also been told that she should not write DRs.

167. Woods has had a captain tell her in response to her complaints about the sexual harassment that "Well, he's a man, and he's in prison. What do you expect?" Other security personnel tell her that "You've forgotten where you are. You're in a male prison."

168. The Department did not give Woods any training to prepare her for or to address sexual harassment by inmates.

169. The sexual harassment described above occurred throughout Woods' employment at Washington CI. Woods did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Melanie Beckford

170. Plaintiff Melanie Beckford was employed by the Department as a Senior Registered Nurse at the Department's Martin Correctional Institution ("Martin CI") in Martin County. She held this position since her hire in or around July 1995 until February 2002. She

has been licensed in Florida since 1992.

171. In her position as Senior Registered Nurse, Beckford's primary duties included assessing medical and psychiatric emergencies and administering medicines as well as reporting to the physicians on staff her assessment. She worked the night shift and had the responsibilities as the charge nurse during her shift. Her duties required regular contact with inmates in close management custody.

172. Throughout her employment at Martin CI, inmates regularly exposed themselves and masturbated at Beckford when she was making daily rounds in the close management dorms. The majority of all medical emergencies of inmates in close management were faked by inmates, and when Beckford responded, they regularly would expose themselves and masturbate at her.

173. The inmates in close management knew that Beckford was coming to visit, because a Correctional Officer would call for her at the request of an inmate. When she was inside the close management dorms and when she was walking to the close management facility from the medical unit, inmates routinely shouted at her sexually degrading and demeaning propositions and commented on her breasts and other parts of her body.

174. Similarly, inmates in the medical unit where infirmary and "pink" cells were located sexually harassed Beckford by exposing themselves, masturbating at her and, on one occasion, ejaculating and licking semen in the presence of Beckford. When this would happen in the medical unit, security personnel were up front in the "cube" away from the observation areas where the inmates could be observed. When security personnel were around, the inmates would not engage in the harassment.

175. The above described conduct was well known to the Department. Beckford

routinely made a record of each incident and, in many cases, wrote DRs, which she turned in to prison security personnel, either in the medical unit or in the control tower. She often inquired after the disciplinary reports but continually got not response other than the disposition of the report was unknown. On numerous occasions Beckford discussed the harassment by male inmates at staff meetings. She further routinely informed prison security about it, and prison security personnel witnessed the behavior in many, many instances. The typical response of security personnel was to ask the nurses what they expected or to act as though it did not happen. There was little effort at all to stop the harassment from happening. On some occasions security personnel laughed in response to it.

176. The Department did not give Beckford any training to prepare her for or to address sexual harassment by inmates.

177. The harassment described above occurred throughout Beckford's employment at Martin CI. Beckford did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Charlene Fontneau

178. Plaintiff Charlene Fontneau was employed by the Department as a Senior LPN at Martin CI from July 1998 to February 2001, when she was transferred to the Department's Central Florida Reception Center.

179. Fontneau's duties at Martin CI were primarily as a confinement medication nurse which entailed dispensing medications to male inmates in close confinement and monitoring the dispensation. Typically, she would dispense medication twice daily in close confinement housing. Her other duties included responding to emergency calls of inmates in close

confinement and attending to inmates housed in the infirmary. Fontneau's duties required regular contact with inmates in close management custody.

180. When Fontneau went into the confinement house, male inmates, knowing that she was coming, would regularly expose their genitals and masturbate in view of the glass cell door windows. Some security officers pretended not to see it. Others told her that the cellblock was the inmates' "house" and that the inmates could, therefore, do what they wanted to do. In Housing D of the close management housing, the locks had been removed from the food slots which gave male inmates additional opportunities to harass Fontneau and other female nurses.

181. On one occasion, a Captain Wilds told Fontneau that it was a waste of time for his Correctional Officers to accompany her while making daily medication rounds. He suggested to Fontneau that she get a key and go by herself. Often instead of Correctional Officers, trainee officers were sent to accompany Fontneau, because there were too few Correctional Officers to escort her.

182. On one occasion, an inmate in close confinement inserted his erect penis through the food slot when it was opened. Fontneau refused to dispense medication to the inmate but was ordered to do so.

183. Inmates routinely called her "pussy," "cunt" and other sexually degrading and demeaning epithets. One inmate threatened to stick his "dick" in her "pussy." On another occasion in the lobby of the medical unit, an inmate had a hole in the crotch of his pants through which he exposed himself and masturbated. Fontneau told the male Correctional Officer not to let the inmate into the infirmary. The officer let the inmate in and laughed. On another occasion, Fontneau witnessed an inmate masturbating in the presence of a Correctional Officer

while one of her fellow female nurses took the inmate's blood pressure.

184. Fontneau had to dress so as to completely cover all parts of her body. She could not bend over at any time in the close confinement housing, because the inmates shouted sexual epithets and propositions.

185. On her walk to the close management housing, inmates, knowing she was coming, would shout to her sexually degrading and demeaning epithets, such as "I can smell your pussy." One inmate told her that it was like prostitution in that inmates would pay other inmates to make sick calls so that they could masturbate when the female nurse arrived. This practice was well known by security personnel.

186. Fontneau and other nurses routinely wrote DRs regarding the above inmate conduct. Many of the DRs she initially wrote were thrown out, because the nurses were told they had to have their own codes for DRs. Later they got the codes, but even after writing DRs they were unable to determine what had happened to them. She believes that many were lost.

187. Not having any success with DRs, Fontneau began giving inmates written corrective counseling (CC) statements. She was told that some of these were not worded right, and they were thus disregarded.

188. Fontneau and the other nurses were also told to file incident reports regarding the above conduct. They did so but were then told that they were writing too many of them.

189. The policies and practices that existed to curb the harassment were not enforced. Inmates were supposed to be dressed in shirts and pants before coming to their doors. Correctional Officers tried to enforce this but ultimately lost interest, because nothing was done to inmates who violated the rule. Fontneau and other nurses asked for a rule that inmates not

getting medications be required to remain on their bunks. This was refused. Fontneau and other nurses also requested one-way windows in cell doors. This was refused.

190. Fontneau and other female nurses met with the Martin CI superintendent and director of nursing about the problems of inmate harassment described above. The superintendent claimed he knew nothing of the harassment, because he did not review the disciplinary reports. He told them to do incident reports.

191. The Department did not give Fontneau any training to prepare her for or to address sexual harassment by inmates.

192. The harassment described above occurred throughout Fontneau's employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Tita de la Cruz

193. Plaintiff Tita de la Cruz is employed by the Department as a Senior Licensed Practical Nurse ("LPN") at its Lowell facility in Marion County. Before working at Lowell, Cruz worked for the Department at Martin CI as a Senior LPN from June 15, 1996 through August 2001.

194. De la Cruz's duties as a Senior LPN at Martin CI included dispensing medication to male inmates and responding to medical and psychiatric emergency calls of male inmates. Her duties required regular contact with inmates in close management custody.

195. Throughout her tenure at Martin CI, inmates in close management custody regularly exposed themselves and masturbated at de la Cruz. While exposing themselves and masturbating at de la Cruz, as well as at other times, inmates made sexually degrading and

demeaning comments to de la Cruz, such as “China doll,” “Filipino whore,” “what are you going to do for me for money, China doll,” and the like. Inmates stood on the toilets in the cells when exposing themselves and masturbating at de la Cruz so that they could better be seen by her.

196. Inmates in the isolation or “pink” rooms in the medical unit building also exposed themselves and masturbated at de la Cruz and other female nurses. These inmates would fake psychiatric emergencies to get into the “pink” rooms so that they could expose themselves and masturbate at her and other nurses. De la Cruz put up screens over the windows on the “pink” rooms to try to stop the harassment. She was told by a Correctional Officer that she had to take them down, because it was a “security threat.”

197. De la Cruz and the other nurses at Martin CI wrote DRs and corrective counseling statements (CCs) on the inmates. However, little, if anything, came of these efforts to stop the harassment. In one instance, she believes the DR was trashed, because the inmate was allowed to be a run-around. De la Cruz was also required to notify and get the approval of the officer in charge before writing a DR.

198. The Department did not give de la Cruz training to prepare her for or to address sexual harassment by inmates.

199. The harassment described above occurred throughout De la Cruz’s employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Lee Wascher

200. Plaintiff Lee Wascher was employed by the Department as a Senior RN at Martin CI from March 2001 to July 2001.

201. Wascher's duties as a Senior RN at Martin CI included dispensing medication and answering sick calls to male inmates housed in the close management facility as well as inmates in the infirmary and "pink" cells in the medical unit. Her duties required regular contact with inmates in close management custody.

202. While performing her duties in the close management housing, male inmates regularly exposed themselves and masturbated at her. The inmates frequently called out to her and other female nurses to get their attention and once they had done so fondled their genitals and masturbated from behind the glass windows in their cell doors.

203. On numerous occasions male inmates faked sick calls for Wascher and other female nurses for the purpose of masturbating at them.

204. Correctional Officers did little or nothing to stop the inmate, and one particular officer appeared to be amused by the harassment Wascher was suffering.

205. The Department did not give Wascher any training to prepare her for or to address sexual harassment by inmates.

206. The harassment described above occurred throughout Wascher's employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Linda Jones

207. Plaintiff Linda Jones worked as a Senior Registered Nurse for the Department at Martin CI and Glades Correctional Institution ("Glades CI") from around October 1999 to around February 2000. During this time she worked between the two facilities.

208. Jones' duties as a Senior RN at Martin CI included dispensing medication to and

responding to medical emergencies of male inmates in close confinement as well as inmates in open population and in the infirmary. Her duties required regular contact with inmates in close management confinement.

209. Within her first two weeks working at Martin CI, inmates in close management housing exposed themselves and masturbated at her while she was dispensing medication through the food slot in their cell doors. Approximately half of the inmates in Housing Y of the close confinement facility routinely masturbated at her. At the time they were doing it, the inmates called her by her name, often sang the pop song "Me and Mrs. Jones," and taunted her with sexually degrading and demeaning comments, such as "you know you want it."

210. On one occasion, among many, an inmate waiting in the sick call room, with a guard in the area, exposed himself and masturbated as he stared at Jones.

211. Jones wrote numerous DRs on these inmates. On a number of other occasions, because she did not have an officer to witness the harassment and because she was discouraged from writing DRs without a witness, she did not. She was also told that DRs stating that an inmate was "masturbating" would be rejected. Rather, she was told that she had to describe in graphic detail every aspect of the inmate's harassment. Finally, after writing numerous DRs without any effect, she gave up, reasonably believing that it was useless to continue.

212. Jones was told by Correctional Officers that the inmate housing was like the inmates' "home" and that they could not make them do something in their home. She was told that the harassment was just something that happens and that she needed to get over it.

213. The Department did not give Jones any training to prepare her for or to address sexual harassment by inmates.

214. The harassment described above occurred throughout Jones' employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Joyce Meyer

215. Plaintiff Joyce Meyer was employed by the Department at Martin CI as a Senior LPN. She was initially hired in September 1989 and worked until around 1993. She returned in or around 1995 until 1999. She then returned a second time in February 2000 and worked as a Senior LPN until she voluntarily resigned in July 2001.

216. Meyer's duties as a Senior LPN at Martin CI included preparing medications and dispensing medication to inmates in the medical unit and in close management as well as making sick rounds for close management inmates. She typically dispensed medications in close management twice daily. Her duties required regular contact with inmates in close management confinement.

217. Each time Meyer made rounds to dispense medication in the close management dorms inmates exposed themselves and masturbated at her. While the inmates masturbated at her they made sexually degrading and demeaning comments, such as "I can smell your pussy," "I want to eat your pussy," "I want to fuck you" and called her such names as "cunt," "whore" and "bitch." The inmates in close management also made these and similar comments to Meyer and other female nurses as they walked to and from the close management dorms.

218. Close management inmates in the isolation or "pink" rooms in the infirmary in the medical unit routinely stood on the toilets and exposed themselves and masturbated at Meyer and shouted sexual epithets at her and other female nurses. At one point, the female nurses put

curtains over the windows to the “pink” rooms. The curtains provided some relief. However, she and the other nurses were told to remove the curtains.

219. Shortly before she resigned in July 2001, Meyer was making medication rounds in the close management dorms, escorted by Lieutenant Ferguson. She had finished her rounds, but Ferguson was still talking to an inmate, which meant she had to wait on him. While she was effectively trapped in the dorm as Ferguson talked with an inmate, 10 or more of the inmates screamed sexually degrading and demeaning comments and obscenities at her, stood on their toilets masturbating and ejaculated on the windows of their cell doors. Meyer yelled to Ferguson to look at what was happening. He ignored her. She then fled the dorm. She later asked him why he did not let her out of the dorm. Ferguson became angry and told her that she was “looking for it.” The incident so traumatized Meyer that she took a medical “stress” leave and then resigned.

220. The Department did not give Meyer any training to prepare her for or to address sexual harassment by inmates.

221. The harassment described above occurred throughout Meyer’s employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Sushma Parekh

222. Plaintiff Sushma Parekh was employed by the Department at Martin CI as a Senior Physician and Chief Health Officer. She was hired in July 1997 and left in October 2001.

223. Parekh’s duties as a Senior Physician included making weekly rounds of the inmates in close management, seeing inmates in the infirmary, and supervising nurses. Her

duties as Chief Health Officer were the same with the additional duties of administering the medical unit at Martin CI. Her duties required regular contact with inmates in close management custody.

224. While Parekh made weekly rounds of inmates in close management, the inmates regularly exposed themselves and masturbated at her. While doing so, the inmates made sexually harassing and profane comments to her such as wanting to have sexual intercourse with her or about her and the female anatomy. The same kinds of comments were made to her as she walked to and from her office in the medical building to the close management dorms.

225. Close management inmates would also be housed in the isolation cells in the medical building. These inmates routinely exposed themselves and masturbated at Parekh and female nurses in the same manner as inmates in the close management dorms.

226. Inmates in close management would routinely call for medical emergencies that were false when they knew female nurses were on duty so that a female nurse would have to come to close confinement. Most medical or psychiatric emergencies were faked for this purpose. Whenever a new female psych specialist or nurse was hired, the number of medical emergencies would increase so that the inmates could harass her.

227. Whenever possible, Parekh filed DRs against the inmates who exposed themselves and masturbated at her. On numerous occasions she informed Warden Mingo of the sexual harassment she and the other female nurses were experiencing. Mingo instructed time and again that she should write DRs against the inmates. She and other nurses did so. Nothing came of any of the DRs she and the nurses submitted despite the fact that Warden Mingo told Parekh that the Department would take action against the inmates such as removing privileges.

When she asked why nothing was happening, she was told only to continue to file DRs. It seemed to Parekh that the DRs were going into the garbage. Parekh and the female nurses were not given any training on how to write DRs.

228. In addition to there being no apparent action taken on the DRs and no change in the inmate's behavior, on numerous occasions Parekh and the nurses often could not get Correctional Officers to witness and support their DRs. Correctional Officers would ignore or say that they did not see the inmate's sexual harassment of Parekh and the female nurses. Security personnel also appeared to take the attitude that nothing would be achieved by writing DRs, so they did not want to take the time to do it. Parekh was also told that because security personnel were short the nurse would just have to make do.

229. In addition to writing DRs, Parekh and the female officers routinely made notations on the medical records and the charts of inmates of the sexual harassment.

230. At one point, Parekh and the female nurses refused to give medications to inmates who were masturbating. They were later told that masturbation could not be considered a refusal of medication and that they must give the medication to the inmates even if they were masturbating.

231. The Department did not give Parekh any training to prepare her for or to address sexual harassment by inmates.

232. The harassment described above occurred throughout Parekh's employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Lourdes Silvagnoli

233. Plaintiff Lourdes Silvagnoli has been employed by the Department at Martin CI as a Senior LPN since October 2000.

234. Silvagnoli's duties as a Senior LPN include dispensing medications to inmates in close management, responding to medical emergencies in the close management dorms, attending to inmate houses in the SOS or "pink" rooms in the medical building as well as dispensing medications to open population inmates at the medical building. Her duties require regular contact with inmates in close management confinement.

235. Silvagnoli passes medications to inmates in close confinement twice daily. Inmates expose themselves and masturbate at her every time she goes to the close management dorms. Many do it while receiving medications at their cell doors. Others stand on the toilets in the cells so that they can be seen through their cell door windows. Others do it while their cellmate talks to Silvagnoli and receives medication. On one occasion, an inmate ejaculated on the cell window at which Silvagnoli was dispensing medication. While they are masturbating, the inmates scream sexually degrading and demeaning comments such as "how wet is your pussy," "your pussy is really smelling," "I like the way you shake your ass" and call her "whore," "slut" and "cunt."

236. Silvagnoli has written numerous DRs on the inmates. She has been told that security personnel are supposed to write DRs. However, they do not do so unless they are forced to because of security staff shortages and the fact that it is time consuming to do so. On some occasions security personnel refuse to write DRs. On other occasions, security personnel will not write DRs, because Silvagnoli does not have another witness. On other occasions, security personnel who witness the sexual harassment tell Silvagnoli to write the DR. Silvagnoli has not

been given any training on how to write DRs. She has generally stopped writing them, because it appears to be pointless since nothing results from it.

237. Silvagnoli and the other female nurses at one time refused medications to inmates who were masturbating. They were later told that they could not do this and that they were required to give the medication even if the inmate was masturbating.

238. The Department did not give Silvagnoli any training to prepare her for or to address sexual harassment by inmates.

239. The harassment described above occurred throughout Silvagnoli's employment at Martin CI and continues to occur. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Janet Smith

240. Plaintiff Janet Smith was employed by the Department from December 1990 to May 2001. She was employed at Martin CI as a Classification Officer from October 2000 until May 2001 when she voluntarily resigned her employment.

241. Smith's duties as a Classification Officer were to keep inmates informed of their custody status including such matters as receipt of, loss of or ineligibility for gain time, inmate job opportunities and other information pertaining to sentences. She also monitored DR hearings and kept inmates aware of rules and rights pertaining to them. Her duties required her to have regular contact with inmates in close management custody.

242. During her employment as a Classification Officer, Smith was required to meet with close management inmates at which times the inmates routinely exposed themselves and masturbated at her. While performing her duties in the close management dorms, inmates also

attempted to grab her, tried to ejaculate on her and regularly abused her with sexually degrading and demeaning comments such as "I can smell your pussy," "I'm gonna get a hold of you and fuck you," and "suck my dick."

243. Smith was routinely required to visit inmates in close confinement without the escort of a Correctional Officer. She was sometimes able to get an Officer to accompany her, but often because of the time and staffing problems it was impossible. When she entered the confinement dorm, inmates shouted sexually degrading and demeaning comments at her, and some began masturbating. Many would stand on the toilets in the cells and masturbate at her so they could be better seen by her.

244. During the period Smith was employed as a Classification Officer, the then Superintendent of Martin CI ordered that the locks be removed from the food slots in the cells doors of the close confinement cells. Smith and members of the nursing staff at Martin CI objected to this. Their objections were ignored. They were told by the Assistant Superintendent that the complaints about inmate behavior were exaggerated. The Assistant Superintendent said he had never experienced this kind of inmate behavior. Another female Classification Officer also complained to the Superintendent, and she was later summoned to the office of the Assistant Superintendent and reprimanded for going over his head.

245. Smith and other classification officers and medical staff requested that the Department remedy the harassment, including suggesting one-way film on windows. Their suggestions were rejected.

246. Smith wrote DRs on the inmates. However, nothing ever came of those that she wrote and she found it of no effect to do so.

247. The Department did not give Smith any training to prepare her for or to address sexual harassment by inmates. It is her understanding that such training had at one time in the past been given to Classification Officers but was subsequently eliminated.

248. The harassment described above occurred throughout Smith's employment as a Classification Officer at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting. Smith resigned, because she could no longer tolerate the sexual harassment described above.

Michelle Pollock

249. Plaintiff Michelle Pollock was employed by the Department at Martin CI as a Senior RN from April 1990 to September 2001.

250. Pollock's duties as a Senior RN at Martin CI included preparing medications and dispensing medication to inmates in the medical unit and in close management, responding to medical emergencies and making sick rounds for close management inmates. In addition to these duties, she monitored the incidence of infectious diseases and HIV patients for tuberculosis and filled in for the nursing supervisor and for LPNs. Her duties required regular contact with inmates in close management.

251. Throughout her employment, inmates in close management custody regularly exposed themselves and masturbated at Pollock. This occurred both when she was required to attend to inmates in close management housing and in the medical unit. Inmates stood naked on the toilets in the cells masturbating so that Pollock and other female nurses could not avoid seeing them. Inmates in close management custody have masturbated at her while in the lobby of the medical unit. Other inmates confined in the isolation or "pink" rooms in the medical unit

building faked psychiatric emergencies to get into the rooms so that they could harass Pollock and the female nurses by masturbating at them.

252. While exposing themselves and masturbating, the inmates regularly made sexually degrading and demeaning comments to Pollock such as “You know you want this,” “I know you want this big, black dick,” “I want to eat your pussy,” and the like. The inmates also shouted these and similarly sexually degrading and demeaning comments at Pollock and other female nurses at Martin CI while they were walking to and from the close management housing to make sick calls and dispense medication.

253. Pollock and other members of the medical staff at Martin CI searched for ways to remedy this sexual harassment. They asked that inmates be brought up on “outside” charges. This was never done. She and the other female nurses were told to write DRs, which they did. However, the DRs appeared to disappear or were rejected. In some cases, Pollock was assisted by Correctional Officers in writing DRs, but this had no effect.

254. Pollock and the other female nurses complained about this sexual harassment to officials at Martin CI and were told in response that if they could not handle it they should quit. Pollock was reminded that she worked in a prison and that the close management cells were the inmates’ “house.”

255. The Department did not give Pollock any training to prepare her for or to address sexual harassment by inmates.

256. The harassment described above occurred during Pollock’s employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Vesna Poirier

257. Plaintiff Vesna Poirier was employed by the Department as a Senior RN at Martin CI from September 2000 to July 2001, when she voluntarily resigned.

258. Poirier's duties as a Senior RN included dispensing medication and responding to medical emergencies and sick calls to inmates in the close management housing as well as attending to inmates in the infirmary of the medical unit at Martin CI. Her duties required regular contact with inmates in close management.

259. Throughout her employment at Martin CI, inmates in close management custody regularly exposed themselves and masturbated at Poirier. The inmates regularly made emergency calls for medical assistance that were faked for the purpose of getting Poirier and other female nurses to come to the close management house so that the inmates could sexually harass them by exposing themselves and masturbating at them.

260. While-and in addition to-exposing themselves and masturbating at Poirier, inmates regularly made sexually degrading and demeaning comments to Poirier, such as "Suck on this," "I wanna fuck you," "I wanna lick your pussy," and the like.

261. The sexual harassment was so intense that on occasion female nurses were unable to go into close management housing. When Poirier went into close management housing, she tried, albeit unsuccessfully, to not look around, because there were always inmates masturbating at her and positioning themselves so that she could not avoid seeing them while they did so. On one particular night shift, Poirier spent the entire shift responding to emergency calls in close management; inmates masturbated at her each time she responded.

262. Poirier would never enter close management housing without a Correctional

Officer escort. She was once told by a security official that if she could not go into the unit by herself she should not work there. She responded that she was a civilian and that the security was provided for her.

263. Inmates in close management custody knew that they could get out of close management housing and into the medical unit if they cut themselves and would do so. They would be placed in the isolation or "pink" rooms on "suicide watch" which required Poirier and the other nurses to continually observe the inmates. The inmates used this as an opportunity to masturbate at Poirier and other female nurses. When Poirier began working at Martin CI, the nurses had put up screens on the windows of the doors of the "pink" rooms. This allowed them some relief from the sexual harassment by inmates. However, the Department later prohibited the nurses from doing this.

264. Poirier and the nurses met once with the warden to discuss the sexual harassment. The warden suggested that the nurses were being unreasonable and told them that they should either wait for the inmate to stop masturbating or skip the inmate and come back to him when he was finished.

265. Poirier and the other female nurses wrote numerous DRs on inmates for masturbating. At the meeting described above, she and the nurses asked the warden about the status of their DRs. They were told only that the DRs were "under investigation." Some of the DRs she wrote were rejected, because Poirier used the term "masturbation" rather than describe in pornographic detail the manner in which the inmate was masturbating.

266. The Department did not give Poirier any training to prepare her for or to address sexual harassment by inmates.

267. The harassment described above occurred during Poirier's employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting. Poirier resigned, because she could no longer tolerate the sexual harassment described above.

Susan Black

268. Plaintiff Susan Black has been employed by the Department as a Senior RN at Martin CI at various times from 1987 to present.

269. Black's duties as a Senior RN include dispensing medication and responding to medical emergencies and sick calls to inmates in the close management housing as well as attending to inmates in the infirmary of the medical unit at Martin CI. She also monitors all infectious diseases, including HIV inmates. Her duties require regular contact with inmates in close management custody.

270. Throughout her employment at Martin CI, inmates in close management custody have exposed themselves and masturbated at Black. Virtually at any time she went into the close management housing, inmates masturbated at her. The inmates often stood up on the toilets or sinks in their cells so that they could be better seen by Black and masturbated at her. In one instance an inmate masturbated at her from the toilet in his cell, ejaculated on a piece of paper and showed it to her, saying "this is for you." She wrote a DR on him but never heard anything further.

271. Close management custody inmates also faked suicidal complaints so that they would be placed in the isolation cells in the infirmary where they exposed themselves and masturbated at Black and other female nurses.

272. While exposing themselves and masturbating at her, as well as at other times, the inmates made sexually degrading and demeaning comments to Black, such as "Hi, Miss Black, I've got a great big black dick for you," "I want to suck your pussy," "Let me stick this dick up your ass," "Oh! I'm coming, I'm coming. This is for you," "I smell pussy," "Why don't you take a bath some times? Your pussy smells like fish," "What's the matter, you ain't had no good dick in a while? I've got some good dick for you," and the like.

273. Black wrote numerous DRs on these inmates. She was never told whether they went through and was never called upon to testify or otherwise tell what happened. She felt it was a waste of time to write DRs, because often the DRs were sent back to her to redo, allegedly because she had not filled them out correctly. In some cases, the DRs were returned multiple times.

274. The Department did not give Black any training to prepare her for or to address sexual harassment by inmates.

275. The harassment described above occurred during Black's employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Donna Pixley

276. Plaintiff Donna Pixley was employed by the Department as a Senior LPN at Martin CI from March 1999 to July 2001.

277. Pixley's duties as a Senior LPN included dispensing medication on a daily basis and responding to medical emergencies and sick calls to inmates in the close management housing as well as attending to inmates in the infirmary of the medical unit at Martin CI. Her

duties required regular contact with inmates in close management.

278. Throughout Pixley's employment at Martin CI, inmates in close management custody regularly exposed themselves and masturbated at her. This occurred regularly when she was making daily medication passes or rounds. When she or other female nurses arrived in the close management housing unit B, inmates would call out "work call" which was a signal to other inmates that a nurse was present and to expose themselves and masturbate at her. While they exposed themselves and masturbated at her, the inmates made sexually degrading and demeaning comments, such as "I can smell your pussy," and "bitch, you need to take off that jacket. We need to see some ass," "look nurse, I got something for you" and the like. Inmates accused Pixley of having sexual relationships with Correctional Officers. Anytime Pixley dropped something for which she had to bend over the inmates would make sexually degrading and demeaning comments about her body. As a result Pixley tried never to bend over and further always wore a lab coat.

279. Inmates would routinely fake medical emergencies in order to expose themselves and masturbate at Pixley when she responded.

280. Inmates would claim they were suicidal in order to be placed in the isolation or "pink" rooms in the infirmary. There they exposed themselves and masturbated at Pixley and the female nurses who were required to continually watch them.

281. Pixley wrote numerous DRs on these inmates. However, the DRs never seemed to achieve anything and she ultimately gave up.

282. Pixley and other nurses met with the warden and explained to him the problems. The warden said they would be addressed; however, nothing changed.

283. The Department did not give Pixley any training to prepare her for or to address sexual harassment by inmates.

284. The harassment described above occurred during Pixley's employment at Martin CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Paula LaCroix

285. Plaintiff Paula LaCroix has been employed by the Department as a Senior LPN at Martin CI since August 1999.

286. LaCroix's duties as a Senior LPN include dispensing medication and responding to medical emergencies and sick calls to inmates in the close management housing as well as attending to inmates in the infirmary of the medical unit at Martin CI. Her duties required regular contact with inmates in close management.

287. Throughout LaCroix's employment at Martin CI, inmates in close management have exposed themselves and masturbated at her on a daily basis. The inmates stand naked on toilets and masturbate so that she has to see them while she waits in the control unit and as she administers medications or as she goes to each cell to visually assess the condition of each inmate.

288. LaCroix has written numerous DRs on close management inmates, but the inmates were never punished for masturbating in her presence. Though she was not encouraged by administrative officials to write the DRs, she continued to do so in an effort to try to get rules enforced that required that inmates be dressed for sick call, for medication passes, and for medical rounds.

289. LaCroix and other nurses were also sexually harassed by close management inmates who were receiving medical treatment in the medical unit. Inmates masturbate in direct view of the nursing station.

290. While they expose themselves and masturbate at her, the inmates regularly make sexually degrading and demeaning comments to LaCroix, such as "I smell your pussy" and "Don't you want some of this?"

291. Recently, as LaCroix was being sexually harassed, she tried to alert her security escort so that he could witness the offense. She was finally able to do so by moving the Correctional Officer to her other side. The officer ended up in front of the cell-door window just as the inmate ejaculated on it. The officer did not write a DR on that inmate.

292. The Department did not give LaCroix any training to prepare her for or to address sexual harassment by inmates.

293. The harassment described above occurred throughout LaCroix's employment at Martin CI and continues to occur. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Olivia Crisafi

294. Plaintiff Olivia Crisafi was employed by the Department as a Senior LPN at Glades CI from January 2001 until April 2001.

295. Crisafi's duties as a Senior LPN included dispensing medication and responding to medical emergencies and sick calls to inmates in the close management housing as well as attending to inmates in the infirmary of the medical unit at Glades CI. Her duties required regular contact with inmates in close management.

296. During Crisafi's employment at Glades CI, male inmates in close management custody routinely exposed themselves and masturbated at her while she was doing her rounds in the close management dorms. On one occasion in close management housing, an inmate called Crisafi over to his cell, allegedly to see something on his leg. The inmate masturbated at her. She told the Correctional Officer accompanying her that she would not treat the inmate. The officer only laughed. On another occasion, an inmate masturbated at her outside the nurses' station in the medical unit building.

297. While they exposed themselves and masturbated, the inmates made sexually degrading and demeaning comments to Crisafi such as "Damn, you're fine" and the like.

298. Crisafi did not write DRs on any of the inmates but told the charge nurse, and the inmates' behavior was witnessed by Correctional Officers.

299. The Department did not give Crisafi any training to prepare her for or to address sexual harassment by inmates.

300. The harassment described above occurred during Crisafi's employment at Glades CI. She did nothing to welcome the conduct, and she found it offensive and physically disgusting.

Jean Garrett

301. Plaintiff Jean Garrett is employed by the Department as a RN Specialist at Lake CI. She has been so employed since January 4, 2002.

302. Garrett's duties include assessing patients, responding to medical and psychiatric emergencies, and dispensing medications to male inmates in close management custody. Her duties require regular contact with male inmates in close management custody. She and the other nurses at Lake CI are required to make daily rounds of the close management inmates and

to visually inspect all of them within their areas of work.

303. Throughout Garrett's employment, specifically beginning within the first two weeks of her employment at Lake CI, male inmates have regularly exposed their genitals and masturbated at her and the other female nurses. While doing so, the inmates frequently abused her and other female nurses there with sexually degrading and demeaning comments, such as, "I'm going to slide my dick in your mouth and your ass," and about her "red pussy" as well as exposing a penis while saying, "This is for you."

304. Isolation cells are directly behind the nurses' station, and the medication room has direct view of all the cells. Garrett and other nurses have requested one way screens but management told them, "It's not in the budget." Inmates stand on their commodes, sinks, and mattresses to be seen while they masturbate at the nurses.

305. On numerous occasions, Garrett and the other nurses at Lake CI have informed the Department of the sexual harassment they have suffered and have sought relief.

306. Garrett has written DRs on inmates who have exposed themselves to her and masturbated at her. The DRs have been filed with the prison security at Lake CI.

307. One Lt. Stafford has made comments to Garrett like, "You knew you were in a male prison when you started here; now you will have to deal with it." Other statements by correctional officers include, "Women shouldn't be here in the first place," and, "Some women ask for it."

308. Until approximately March 2002, well after the underlying administrative complaints in this case were filed by other putative class representatives, did the Department give Garrett or the other nurses any training to prepare her for or to address sexual harassment by inmates.

309. The harassment described above has occurred throughout Garrett's employment at Lake CI and continues to occur. Garrett has done nothing to welcome the conduct, and she has found it offensive and physically disgusting.

Count I

(Florida Human Rights Act of 1977 and Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes)

310. The Plaintiffs reallege paragraphs 1 through 309.

311. This claim is brought on behalf of all Plaintiffs and the class they seek to represent.

312. All Plaintiffs and the class are women and each is a "person aggrieved" under the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

313. The Department is an "employer" of the Plaintiffs and the class under the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

314. The acts of sex discrimination and sexual harassment described herein were done on account of the Plaintiffs' sex.

315. The acts of sex discrimination and sexual harassment described hereinabove are severe and pervasive and have affected and continue to affect the terms and conditions of the Plaintiffs' employment.

316. The acts of sex discrimination and sexual harassment described hereinabove were unwelcome and offensive to the Plaintiffs.

317. The Department knew or should have known of the acts of sex discrimination and sexual harassment described hereinabove, and at all times relevant to this action, the inmates

referred to herein were in the custody and control of the Department and the officials of the Department referred to hereinabove were agents of the Department and were acting in the course and the scope of their authority.

318. The foregoing acts of sex discrimination and sexual harassment violate the Plaintiffs' right to be free from sex discrimination and sexual harassment under the Florida Human Rights Act of 1977 and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

319. As a direct result of the foregoing acts of sex discrimination and sexual harassment, the Plaintiffs have lost wages and other employment benefits and/or have suffered emotional distress, humiliation, embarrassment, anguish and loss of enjoyment of life.

320. The foregoing acts of sex discrimination and sexual harassment are continuing in nature.

Count II

(Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq.)

310. The Plaintiffs reallege paragraphs 1 through 309.

311. This claim is brought on behalf of all Plaintiffs and the class they seek to represent.

312. All Plaintiffs and the class are women and each is an "individual" and "employee" under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq.

313. The Department is a "person" and an "employer" of the Plaintiffs and the class under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq.

314. The acts of sex discrimination and sexual harassment described herein were done

on account of the Plaintiffs' sex.

315. The acts of sex discrimination and sexual harassment described hereinabove are severe and pervasive and have affected and continue to affect the terms and conditions of the Plaintiffs' employment.

316. The acts of sex discrimination and sexual harassment described hereinabove were unwelcome and offensive to the Plaintiffs.

317. The Department knew or should have known of the acts of sex discrimination and sexual harassment described hereinabove, and at all times relevant to this action, the inmates referred to herein were in the custody and control of the Department and the officials of the Department referred to hereinabove were agents of the Department and were acting in the course and the scope of their authority.

318. The foregoing acts of sex discrimination and sexual harassment violate the Plaintiffs' right to be free from sex discrimination and sexual harassment under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq.

319. As a direct result of the foregoing acts of sex discrimination and sexual harassment, the Plaintiffs have lost wages and other employment benefits and/or have suffered emotional distress, humiliation, embarrassment, anguish and loss of enjoyment of life.

320. The foregoing acts of sex discrimination and sexual harassment are continuing in nature.

Jury Demand

321. Plaintiffs demand trial by jury on all issues so triable.

Prayer for Relief

WHEREFORE, Plaintiffs demand the following relief:

- (a) That the Court certify this matter as a class action pursuant to the provisions of subsections (b)(2) and (b)(3) of Rule 23 of the Federal Rules of Civil Procedure and certify the Plaintiffs as class representatives and their counsel as class counsel;
- (b) That the Court declare that the Department's practices complained of herein are unlawful and violate the Florida Human Rights Act of 1977 and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq.;
- (c) That the Court enjoin the Department from engaging in each of the unlawful practices, policies, customs and usages set forth herein;
- (d) That the Court order the Department to enforce and implement policies, practices and procedures to remedy the unlawful practices complained of herein;
- (e) That the Court enter judgment awarding the Plaintiffs and the class lost wages and other employment benefits and/or compensatory damages for emotional distress, humiliation, embarrassment and anguish;
- (f) That the Court enter judgment awarding the Plaintiffs reasonable attorneys' fees and costs and expenses of suit;
- (g) That the Court enter judgment awarding prejudgment interest as allowed by law; and
- (h) That the Court order such other and further relief as is just and proper.

Dated this 28th day of March 2006.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Second Amended Complaint and Demand For Jury Trial has been electronically filed using the CM/ECF system which will send an electronic notice and copy to Edwin R. Hudson, Esq., Henry, Buchanan, Hudson, Suber & Carter, P.A., PO Drawer 1049, Tallahassee, FL 32302, and to John C. Davis, Esq., P.O. Box 3855, Tallahassee, Florida 32315 this 28th day of March, 2006.

s/ C. Wes Pittman
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