JJO

U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:10-cv-23996-AJ

Grimes v. Miami Dade County
Assigned to: Judge Adalberto Jordan
Referred to: Magistrate Judge John J. O'Sullivan
Case in other court: 15th Judicial Circuit in Palm Beach County, Florid, 502010CA027142XXXXMBAE
Cause: 28:1983 Civil Rights

Date Filed: 11/04/2010
Jury Demand: None
Nature of Suit: 445 Civil Rights: Americans with Disabilities - Employment
Jurisdiction: Federal Question

Plaintiff

Annie L. Grimes

represented by **Annie L. Grimes**
12200 NE 6th Avenue
#209
North Miami, FL 33161
PRO SE

V.

Defendant

Miami Dade County
William Candella, Assistant County Attorney

represented by **Eric Alberto Rodriguez**
Dade County Attorney's Office
Metro Dade Center
111 NW 1st Street
Suite 2810
Miami, FL 33128-1993
305-375-1321
Fax: 375-5634
Email: ear2@miamidade.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/04/2010	1	COMPLAINT against Miami Dade County. Filing fee $ 350.00. IFP Filed, filed by Annie L. Grimes. (Attachments: # 1 Civil Cover Sheet)(rgs) (Entered: 11/04/2010)
11/04/2010	2	Judge Assignment RE: Electronic Complaint to Judge Adalberto Jordan (rgs) (Entered: 11/04/2010)
11/04/2010	3	MOTION for Leave to Proceed in forma pauperis by Annie L. Grimes. (rgs) (Entered: 11/04/2010)

11/15/2010	4	ORDER granting 3 Motion for Leave to Proceed in forma pauperis. Signed by Judge Adalberto Jordan on 11/15/10. (mg) (Entered: 11/15/2010)
11/29/2010	5	MOTION to Appoint Counsel by Annie L. Grimes. Responses due by 12/16/2010 (ls) (Entered: 11/29/2010)
11/29/2010	6	Summons Issued as to Miami Dade County. (ls) (Entered: 11/29/2010)
11/29/2010	7	NOTICE of Filing Documents by Annie L. Grimes (mg) (Entered: 11/29/2010)
12/01/2010	8	ORDER denying 5 Motion to Appoint Counsel. Signed by Judge Adalberto Jordan on 12/1/2010. (mc1) (Entered: 12/01/2010)
12/07/2010	9	SUMMONS (Affidavit) Returned Executed by Annie L. Grimes. Miami Dade County served on 12/6/2010, answer due 12/27/2010. (ls) (Entered: 12/08/2010)
12/27/2010	10	MOTION to Dismiss 1 Complaint by Miami Dade County. Responses due by 1/13/2011 (Rodriguez, Eric) (Entered: 12/27/2010)
01/06/2011	11	AMENDED COMPLAINT against Miami Dade County, filed by Annie L. Grimes.(mg) (Entered: 01/07/2011)
01/06/2011	12	Summons Issued as to Miami Dade County. (mg) (Entered: 01/07/2011)
01/10/2011	13	Response to Motion to Dismiss and MOTION to Amend/Correct 1 Complaint by Annie L. Grimes. Responses due by 1/27/2011 (mg) (Entered: 01/11/2011)
01/21/2011	14	REPLY to Response to Motion re 13 MOTION to Amend/Correct 1 Complaint filed by Miami Dade County. (Rodriguez, Eric) (Entered: 01/21/2011)
01/21/2011	15	RESPONSE in Support re 13 MOTION to Amend/Correct 1 Complaint filed by Miami Dade County. (Rodriguez, Eric) (Entered: 01/21/2011)
01/25/2011	16	ORDER denying as moot 10 Motion to Dismiss; granting 13 Motion to Amend/Correct; All defendants, except Miami-Dade County are dismissed from this case. Miami-Dade shall respond to the amended complaint by 2/10/11. Signed by Judge Adalberto Jordan on 1/25/11. (mg) (Entered: 01/25/2011)
01/25/2011		Set Answer Due Deadline Per Order 16 : Miami Dade County response due 2/10/2011. (mg) (Entered: 01/25/2011)
01/28/2011	17	SUMMONS (Affidavit) Returned Executed by Annie L. Grimes. Miami Dade County served on 1/25/2011, answer due 2/15/2011. (ls) (Entered: 01/28/2011)
02/10/2011	18	MOTION to Dismiss 11 Amended Complaint by Miami Dade County. Responses due by 2/28/2011 (Rodriguez, Eric) (Entered: 02/10/2011)
02/18/2011	19	RESPONSE to Motion re 18 MOTION to Dismiss 11 Amended Complaint filed by Annie L. Grimes. Replies due by 2/28/2011. (mg) (Entered: 02/18/2011)
02/18/2011	20	AMENDED COMPLAINT against Miami Dade County, filed by Annie L. Grimes.(mg) (Entered: 02/18/2011)

02/28/2011	21	REPLY to Response to Motion re 18 MOTION to Dismiss 11 Amended Complaint filed by Miami Dade County. (Rodriguez, Eric) (Entered: 02/28/2011)
03/02/2011	22	ORDER denying as moot 18 Motion to Dismiss 11 Amended Complaint; Second Amended Complaint due by 3/20/2011. Signed by Judge Adalberto Jordan on 3/2/2011. (ls) (Entered: 03/02/2011)
03/10/2011	23	Second AMENDED COMPLAINT against Miami Dade County, filed by Annie L. Grimes.(mg) (Entered: 03/10/2011)
03/10/2011	24	RESPONSE/REPLY to 23 Amended Complaint by Annie L. Grimes. (mg) (Entered: 03/10/2011)
03/22/2011	25	MOTION for Leave to File/Add Third Amended Complaint Letter Issued by EEOC on March 3, 2011 Rights to Suit by Annie L. Grimes. (ls) (Entered: 03/23/2011)
03/22/2011	26	THIRD AMENDED COMPLAINT against Miami Dade County, filed by Annie L. Grimes.(ls) (Entered: 03/23/2011)
04/01/2011	28	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Orders 2010-145 and 2011-18 to Magistrate Judge John J. O'Sullivan. Magistrate Judge Chris M. McAliley no longer assigned to case. (dm) (Entered: 04/07/2011)
04/07/2011	27	RESPONSE in Support re 25 MOTION for Leave to File *Third Amended Complaint* filed by Miami Dade County. (Rodriguez, Eric) (Entered: 04/07/2011)
04/11/2011	29	ORDER granting 25 Motion for Leave to File. The Third Amended Complaint is now the operative complaint. Signed by Judge Adalberto Jordan on 4/11/11. (mg) (Entered: 04/11/2011)
04/25/2011	30	MOTION to Dismiss 26 Amended Complaint by Miami Dade County. Responses due by 5/12/2011 (Rodriguez, Eric) (Entered: 04/25/2011)
05/06/2011	31	RESPONSE to Motion re 30 MOTION to Dismiss 26 Amended Complaint filed by Annie L. Grimes. Replies due by 5/16/2011. (mg) (Entered: 05/06/2011)
05/16/2011	32	REPLY to Response to Motion re 30 MOTION to Dismiss 26 Amended Complaint filed by Miami Dade County. (Rodriguez, Eric) (Entered: 05/16/2011)
07/08/2011	33	Order Denying 30 Motion to Dismiss. Signed by Judge Adalberto Jordan on 7/8/2011. (jcy) (Entered: 07/08/2011)

PACER Service Center
Transaction Receipt
07/11/2011 15:40:00

PACER Login:	vl0006	**Client Code:**	
Description:	Docket Report	**Search Criteria:**	1:10-cv-23996-AJ
Billable Pages:	2	**Cost:**	0.16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 10-23996-CV-Jordan/McAliley

The attached hand-written document has been scanned and is also available in the SUPPLEMENTAL PAPER FILE

(Rev. 10/2002) Complaint

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: _____

FILED by ED D.C.
NOV 04 2010
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

ANNIE L. GRIMES
12200 NE 6AVE #209
N MIA FLA 33161 Plaintiff(s)

v.

William CANDELLA, Assistant County ATTORNY
Miami Dade County
111 NW First STREET, Suite 2810
Miami FLA 33128
Defendant(s)

COMPLAINT

I, ANNIE L. GRIMES plaintiff, in the above styled cause, sues defendant(s); Miami Dade County Aviation and Housing Agency.

(Allegation of jurisdiction, i.e., under which federal law or section of the U.S. Constitution this action is being filed)

This action is filed under: TITLE VII of the Civil Right Act of 1964 AS Amended.

I believe that I have been discriminated Against and RETALIATION because of (1) National ORIGIN (2) DisABility (3) AGE. The Agency Never Want ME to WORK for them because I am A AMERICAN BlACE Who Stand-up for My Right and Will Continuing this Action AS Long as I Know that they ARE IN Violation of my Right. Also Number (4) RELIGION [ORIGINAL CHARGE]

The DAY I WAS Hired At First 05/21/2001, THE PERSON Who help me to get IN Was Removed from Her Position And later FIRED, I have her Name, because She Hep ME.

(Statement of Facts)

THE ORIGINAL CHARGE (PLEASE SEE ATTACHMENT of the SETTLEMENT AGREEMENT, WHICH I FEEL I WAS TAKEN FOR A RIDE, RE HIRED ME AND CONTINUING TO HARRASSED ME. TARGET ME FOR THE LAY-OFF (SEE ATTACHMENT.

NEW CHARGE FOR HARRASSMENT (SEE ATTACHMENT) #510-2010-05346 (LAY OFF I WAS TARGET (2) LADIES WAS YOUNGER AND OF CUTTER. ATTY E-MAIL REQUESTED COPIES OF BAD RECORDS WROTE-UP ON ME that I did NOT SEE OR SIGN Was Shown to ME ON 10/25/2010 before the MEETING With (HR) and UNIONS. have NOT RECIEVED YET A COPY. (SEE ATTACHMENT)

WOULD LIKE JUSTIC FROM A HISTORY of discrimination AND being HARRASSED BECAUSE I am A AMERICAN. MY CREDIT WENT bad WENT I WAS FIRED IN "2002" AND MY FINACIAL LIFE WENT UNDER, I WOULD NOT be RICH AT MY AGE NOW, but I WOULD be in good FINIKIAL STATUS IF I WAS ALLOW to WORK AND NOT be FIRED FROM ONE JOB to ANOTHER. A big SET back THIS DISCRIMINATION has CAUSE ME. PLEASE! SOME JUSTIC BEFORE I DIES.

I have ATTACHMENTS of EVERYTHING I THINK MAY HELP IF I CAN get SOME HELP.

I try to get A ATTORNEY (SEE ATTACHMENT ON) this ALSO.

THE ONLY CRIME I CAN be CHARGE WITH IS FILING CHARGE of DISCRIMINATION.

(Rev. 10/2002) Complaint

(Relief request, i.e., State what you want the Court to do or award)

Wherefore, 2,000000.00 (Millions)

IF I WAS NOT DISCRIMINATION AGAINST IN 2001 THE DATE I WAS HIRED 05/21/2001 AND DISMISS 08/00/2002 I Could have MUCH MORE.

Signed this 04 day of November, 20 10.

ANNIE L. GRIMES
Printed or typed name of Filer

Signature of Filer

Florida Bar Number

E-mail address
NO E-mail

Phone Number
305 892-0051

Facsimile Number

Street Address
12200 NE 6AVE. #209 N Miami Florida 33161
City, State, Zip Code

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC — 510-2010-05346

and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Ms. Annie L. Grimes	**(305) 892-0051**	**07-22-1949**

Street Address / City, State and ZIP Code: **12200 NE 6th Avenue, #209, Miami, FL 33161**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. *(Include Area Code)*
MIAMI DADE AVIATION DEPARTMENT	**500 or More**	**(305) 876-8398**

Street Address / City, State and ZIP Code: **P.O. Box 025504, Miami, FL 33102**

Name	No. Employees, Members	Phone No. *(Include Area Code)*

Street Address / City, State and ZIP Code:

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [X] RETALIATION
- [ ] AGE
- [X] DISABILITY
- [ ] GENETIC INFORMATION
- [ ] OTHER *(Specify)*

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
04-14-2010	**08-25-2010**

- [X] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s)):*

I am a person with a disability who filed previous Title VII and ADEA charges.

I am being retaliated against by being harassed by Bobbie Philips, management, with the threat of being sent for a "Fit for Duty" exam even though I am working under permanent medical restrictions granted by my employer at the advice of my treating physician.

I believe I am being discriminated against because of my disability in violation of the Americans With Disabilities Act of 1990, as amended, and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended, and in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

09/04/2010 — *Date* — *Charging Party Signature*

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(*month, day, year*)

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Annie L. Grimes**
12200 NE 6th Avenue, #209
Miami, FL 33161

From: **Miami District Office**
2 South Biscayne Blvd
Suite 2700
Miami, FL 33131

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
846-2009-02802	**Dennis Kendrick, Investigator**	**(305) 808-1807**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Delner Franklin-Thomas
Acting District Director

AUG 11 2010
EEOC Miami District Office
(Date Mailed)

Enclosures(s)

cc: **William Candella, Assistant County Attorney**
MIAMI DADE COUNTY
111 N.W. First St., Suite 2810
Miami, FL 33128

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:
- [ ] FEPA
- [X] EEOC

Agency(ies) Charge No(s):
846-2009-02802

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)
Ms. Annie L. Grimes

Home Phone (Incl. Area Code)
(305) 892-0051

Street Address
12200 Ne 6th Avenue, #209, Miami, FL 33161

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name
MIAMI DADE COUNTY AVIATION

No. Employees, Members
500 or More

Phone No. (Include Area Code)
(305) 876-7300

P.O. Box 592075, Miami, FL 33159

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)
- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [X] RETALIATION
- [ ] AGE
- [ ] DISABILITY
- [ ] OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest: 04-15-2008
Latest: 10-24-2008
- [ ] CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I a person who participated in an activity protected by Title VII when I filed a previous charge against Miami Dade County Aviation and resolved the issue by withdrawing my charge and signing a settlement agreement.

In retaliation, I was demoted from my work duties with the computer and assigned to work as a clerk.

I believe I am being retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Oct 24, 2008
Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Grimes, Annie (Aviation)

From: Grimes, Annie (Aviation)
Sent: Thursday, October 28, 2010 11:24 AM
To: Fernandez, Diosdado J. (Aviation)
Cc: Eiroa, Antonio M. (Aviation); Edwards, Michael (HR); Jones-Wilfork, Bobbie (Aviation)
Subject: Annie Employment file

Joe! Please provided me with copies of everything in my employment fold, as you show me on Monday October 25, 2010 information that I had never seen or signed neither did I put my initial.

Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504
T 305-876-7000 F 305-876-0948
www.miami-airport.com

miamidade.gov

MIAMI INTERNATIONAL AIRPORT

Commercial Airport:
Miami International Airport

General Aviation Airports:
Dade-Collier Training & Transition
Homestead General
Kendall-Tamiami Executive
Opa-locka Executive

Effective January 01, 2010

Interoffice Mail

Annie Grimes
Office Support Specialist 2

Dear Ms. Grimes:

We have received the Certification of Health Care Provider form regarding your medical condition. Your doctor states you may be absent from work for treatments once every three weeks, and when your medical condition flares-up (twice every four to six months lasting five to ten days). Your medical treatments may reduce your work schedule to half days from 1/10/2010-6/10/2010.

In accordance with the Family and Medical Leave Act (FMLA), we have granted you intermittent leave, for the condition(s) certified by the attending physician. A total of 12 weeks of FMLA leave per calendar year is granted. All leave designated as Family and Medical Leave will be subtracted from your 2010 FMLA entitlement.

Please be reminded employees needing intermittent leave for **foreseeable** (at least 30 days notice, two days notice for extenuating circumstances) medical reason (treatments, therapy, doctor's appointments) must schedule the leave so as not to unduly disrupt the employer's operation. If you are absent due to an **unforeseeable** (e.g. transport daughter to the emergency room) medical reason, you may be required to submit medical documentation.

Furthermore, please note on your leave slip in the comments/reasons section **"Sick family – (SF)" and the reason (e.g. treatments, physical therapy, etc.)** when you take time off, due to your medical condition. Please make sure the reason stated is certified by the treating physician. If no reason is stated or the reason is not certified by the treating physician, the PAR coordinator may code your absence as annual, holiday, unauthorized or other available leave accruals. This will help us in calculating your leave usage and the payroll records will be accurately reflected.

While you are on intermittent leave, you may be required to produce a medical status report.

If your status changes, you are expected to keep the Department informed. Please be advised that you may be required to submit medical recertification if needed.

Attached is a Fact sheet from the Department of Labor explaining your rights and responsibilities under the Family and Medical Leave Act. Should you have any questions, please contact me at 305-876-7821.

Sincerely,

Sharon Weekes
Personnel Specialist 3

Attachment: Employee Rights and Responsibilities

Kelly Flores w/o attachment
Medical File

Grimes, Annie (Aviation)

From: Weekes, Sharon (Aviation)
Sent: Monday, May 17, 2010 7:53 PM
To: Grimes, Annie (Aviation)
Subject: medical restrictions

The Facilities Maintenance division can accommodate your medical restrictions within your normal job duties. This includes filing as a part of your job functions using those cabinet draws that can be reached without bending.

Please call me if you have any questions. Thanks.

Sharon Weekes
Personnel Specialist 3
Miami Dade Aviation Department
P.O. Box #025504
Miami, Florida 33102-5504
Phone: 305-876-7821
Fax: 305-876-0514

sweekes@miami-airport.com

"Delivering Excellence Every Day"
Medical information is confidential and exempt from public disclosure under Chapter 119 of the Florida Statutes.

IMPORTANT NOTICE

The Miami-Dade County Aviation Department is a public agency subject to Chapter 119 of the Florida Statues concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

Grimes, Annie (Aviation)

From: Weekes, Sharon (Aviation)
Sent: Monday, May 03, 2010 5:36 PM
To: Grimes, Annie (Aviation)
Subject: permanent medical restrictions

Annie,

These are your permanent medical restrictions as advised by your treating physician.

Employee has the following permanent medical conditions: no bending, squatting, crawling, climbing, reaching above shoulder level, work involving unprotected heights, work around moving machinery, be exposed to marked changes in temperature and humidity, drive automotive equipment, be exposed to fumes and gases. No lifting or carrying over 10 pounds. No standing or walking for more than 1 hour in an eight hour day. Employee can sit continuous for 4 hrs without interruptions in an 8 hour work day.

If you have any questions or concerns about the above medical restrictions, please consult your doctor. I will be back in the office 5/10/2010.

Sharon Weekes
Personnel Specialist 3
Miami Dade Aviation Department
P.O. Box #025504
Miami, Florida 33102-5504
Phone: 305-876-7821
Fax: 305-876-0514

sweekes@miami-airport.com

"Delivering Excellence Every Day"
Medical information is confidential and exempt from public disclosure under Chapter 119 of the Florida Statutes.

IMPORTANT NOTICE

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Grimes, Annie (Aviation)

From: Jose, Carlos (Aviation)
Sent: Monday, August 02, 2010 2:01 PM
To: Jose, Carlos (Aviation)
Subject: Meeting W/ Aviation Director - Jose Abreu

Please be advised that your presence is required by the Director's Office tomorrow, Tuesday, August 3rd, 2010 at 3:00 pm for a mandatory meeting in the North Terminal Auditorium. Make any necessary arrangements to reschedule all conflicting meetings.

Reply to confirm receipt of this email.

Thank you.

Carlos E. Jose
Assistant Director
Facilities Management Division

Miami-Dade Aviation Department
P.O. Box 022504
Miami, Florida 33102-5504
Office: 305-876-8398 or 7095
Cell: 786-229-5256
Fax: 306-876-0601
cjose@miami-airport.com

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

MIAMI-DADE COUNTY

Carlos Alvarez, Mayor

Human Resources
Director's Office
111 NW 1st Street • Suite 2110
Miami, Florida 33128-1907
T 305-375-1589 F 305-375-2459

miamidade.gov

October 12, 2010

Ms. Annie Grimes
12200 NE 6 Avenue #209
North Miami, FL 33161

Dear Ms. Grimes:

As a result of the difficult fiscal challenges Miami-Dade County is experiencing, some departments have to reduce staff and eliminate positions. Due to these staffing reductions, we regret to inform you that your position has been impacted.

We reviewed your personnel records and confirmed that you do not have sufficient classified service rights to exercise at this time for any County position. Therefore, your last day of County service will be on November 1, 2010. However, if you wish, you may remain in active status for ten additional working days using your accrued annual and holiday leave or leave without pay as you complete your transition. Since you have previously earned classified service rights, your name will be placed on a Recall List for a period of two years.

Though we have very limited job openings at this time, we encourage you to visit the County's jobs website at www.miamidade.gov/jobs, for any available positions for which you can apply. Please note that for the next two years after separation from the County, you will be able to apply for "County Only" jobs through the jobs website. In addition, please consider registering with South Florida Workforce, Florida's official online job-matching service, at http://www.southfloridaworkforce.com/w/EFMprocess.html, for job search and other employment support services.

Most importantly, we urge you to visit the Human Resources website which provides a wealth of information, including an employee transition guide to resources, to assist you through this difficult period. The complete guide is available on the County's website at http://www.miamidade.gov/Assistance/assistance_home.asp. If you have any questions regarding the transition process th at cannot be answered by your Departmental Personnel Representative (DPR), please call Human Resources at 305-375-3346.

We sincerely appreciate your contributions to the County and its residents and we wish you the best in your future career endeavors.

Sincerely,

Angela Maher

Angela Maher, Director
Human Resources

c: Releasing Department Director - 063
Central Employment Files
RCTD - Files
Bargaining Unit Representative - G
ID# 138677
LO2: TA09

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd, Suite 2700
Miami FL, 33131
PH (305) 536-4476
TTY (305) 536-5721
FAX (305) 530-6121

Annie Grimes
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

Charging Party

Miami Dade Housing Agency
c/o William X. Candela, Esq.
111 N.W. 1st Street
Suite 2810
Miami, FL 33128

Respondent

Re: EEOC Charge No. 150-A2-03043
Annie Grimes v. Miami Dade Housing Agency

Please find enclosed the fully executed settlement agreement in the above matter. We thank you for participating in our alternative dispute resolution program.

This settlement agreement closes EEOC's processing of EEOC Charge No. 150-A2-03043. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Gilbert Carrillo
ADR Coordinator
(305) 536-4476

August 29, 2002
Date

GC/nem

SETTLEMENT AGREEMENT

CHARGE NUMBER: 150 A2 03043

CHARGING PARTY: Annie Grimes

RESPONDENT: Miami Dade Housing Agency

1. In exchange for the promises made by **Miami Dade Housing Agency** pursuant to Charge Number **150 A2 03043, Annie Grimes** agrees not to institute a law suit under Title VII of the Civil Rights Act of 1964, as amended, based on EEOC Charge Number **150 A2 03043.**

2. Further we agree that submission of this agreement to EEOC will constitute a request for closure of EEOC Charge Number **150 A2 03043.**

3. It is understood that this agreement does not constitute an admission by Respondent of any violation of Title VII.

4. Respondent agrees that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice deemed illegal under Title VII, as a result of filing this charge, or for giving testimony, assistance or participating in any manner in an investigation, proceeding or a hearing under the aforementioned Act.

5. This document constitutes a final and complete statement of the agreement between the parties.

6. The parties agree that the EEOC is authorized to investigate compliance with this agreement and that this agreement may be specifically enforced in court by the EEOC or the parties and may be used as evidence in a subsequent proceeding in which a breach of this agreement is alleged.

7. As evidence of a good faith effort to resolve EEOC Charge Number **150 A2 03043,** Respondent offers and Charging Party accepts the following proposal of settlement:

Respondent agrees to pay the Charging Party a lump sum of $ 1,500.00. Respondent agrees to only provide neutral letters of reference to Prospective employers. Prespective employers should contact Madeline Clodfelter. Respondent will mail

x A-G
WKC

From: Houstonlaw <houstonlaw@aol.com>
To: gandgdemp@hotmail.com
Subject: email for Annie Grimes
Date: Mon, Nov 1, 2010 8:17 am

Dear Ms. Grimes,

Thank you for coming to see me last week. After discussing your case with the other lawyers in my office, we have concluded that due to the many EEOC charges and the long history, the government employer, the only way we could represent you is on an hourly rate basis, with an initial deposit of $7500. If you get us the deposit of $7500, we can open a file and get right to work for you.

Bruce Coane
305-538-6800

10-23996-CV-Jordan/McAliley

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

GRIMES, ANNIE L.

(b) County of Residence of First Listed Plaintiff Dade County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Miami Dade County
111 N.W. First St, Suite 2810
Miami FLA 33128

DEFENDANTS Miami Dade County

County of Residence of First Listed Defendant Dade County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known) William CANDELA
111 N.W. First STREET, Suite 2810 33128

(d) Check County Where Action Arose: ☒ MIAMI- DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business In This State	☒ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

FILED by P.D. D.C.
NOV 04 2010
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. of FLA. - MIAMI

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS
PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury
PERSONAL INJURY
☐ 362 Personal Injury - Med. Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 444 Welfare
☒ 445 Amer. w/Disabilities Employment
☐ 446 Amer. w/Disabilities Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt.Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
☐ 462 Naturalization Application
☐ 463 Habeas Corpus-Alien Detainee
☐ 465 Other Immigration Actions

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):
a) Re-filed Case ☐ YES ☐ NO b) Related Cases ☒ YES ☐ NO
JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Civil Title VII of Civil Rights Act of 1964.
I believe that I have been Discriminated against because of National ORIGIN and previous charge
LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:
☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE OF ATTORNEY OF RECORD
DATE 11/04/2010

FOR OFFICE USE ONLY
AMOUNT _____ RECEIPT # _____ IFP _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 10-CV-23996-Jordan

The attached hand-written document has been scanned and is also available in the SUPPLEMENTAL PAPER FILE

FILED by UMA D.C.
NOV 29 2010
STEVEN M. LARIMORE
CLERK U. S. DIST. CT
S. D. of FLA. – MIAMI

(Rev. 10/2002) General Document

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: 10-23996-CIV-Jordan

ANNIE L. GRIMES
12200 NE 6AVE #209
NMIA FLA 3161 Plaintiff(s)

v.

Miami-Dade County
111 NW First STREET, Suite #2810
Miami Florida 33128

Defendant(s)

DOCUMENT's USED to hurt ME. (REVIEW PLEASE)
(TITLE OF DOCUMENT)

I, ANNIE L. GRIMES plaintiff or defendant, in the above styled cause,

SETTLEMENT AGREEMENT WAS USED FROM THE BEINGNING of MY being RE-HIRED, THOSE I'T STATE that I WOULD NOT be RETALIATION OR DISCRIMINATION IN ANY WAY.

MY KNOWEDEGE of this WAS ON NOVEMBEE 01, 2010. I WAS NOT AWARE of ANY thing that IN this FOLD that WAS MAIL TO ME. I WOULD NEED to EXPLAIN PLEASE NOTE DATE ON COPIES. MY NAME AND I'NATED WAS FORGE ON DOCUMENTS that USE AND SEND to MY NEW SUPERVISOR AND EVERYWHERE I WAS TRANSFER TO.

I WAS FIRED and DID NOT SEE ANY of THE PAPER'S I HALE IN the LETTER SEND to ME.

SCANNED

Certificate of Service

I ANNIE L. GRIMES, certify that on this date 11-29-2010 a true copy of the foregoing document was mailed to: _____
name(s) and address(es)

By: ANNIE L. GRIMES
Printed or typed name of Filer

Signature of Filer

Florida Bar Number

E-mail address

Phone Number
305 892-0051

Facsimile Number

Street Address
12200 N E 6AVE #209 N Miami FLA 33161

City, State, Zip Code

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd, Suite 2700
Miami FL, 33131
PH (305) 536-4476
TTY (305) 536-5721
FAX (305) 530-6121

ORIGIN

Annie Grimes — Charging Party
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

Miami Dade Housing Agency — Respondent
c/o William X. Candela, Esq.
111 N.W. 1st Street
Suite 2810
Miami, FL 33128

Re: EEOC Charge No. 150-A2-03043
Annie Grimes v. Miami Dade Housing Agency

Please find enclosed the fully executed settlement agreement in the above matter. We thank you for participating in our alternative dispute resolution program.

This settlement agreement closes EEOC's processing of EEOC Charge No. 150-A2-03043. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Gilbert Carrillo
ADR Coordinator
(305) 536-4476

August 29, 2002
Date

GC/nem

SETTLEMENT AGREEMENT

CHARGE NUMBER: 150 A2 03043

CHARGING PARTY: Annie Grimes

RESPONDENT: Miami Dade Housing Agency

1. In exchange for the promises made by **Miami Dade Housing Agency** pursuant to Charge Number **150 A2 03043, Annie Grimes** agrees not to institute a law suit under Title VII of the Civil Rights Act of 1964, as amended, based on EEOC Charge Number **150 A2 03043.**

2. Further we agree that submission of this agreement to EEOC will constitute a request for closure of EEOC Charge Number **150 A2 03043.**

3. It is understood that this agreement does not constitute an admission by Respondent of any violation of Title VII.

4. Respondent agrees that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice deemed illegal under Title VII, as a result of filing this charge, or for giving testimony, assistance or participating in any manner in an investigation, proceeding or a hearing under the aforementioned Act.

5. This document constitutes a final and complete statement of the agreement between the parties.

6. The parties agree that the EEOC is authorized to investigate compliance with this agreement and that this agreement may be specifically enforced in court by the EEOC or the parties and may be used as evidence in a subsequent proceeding in which a breach of this agreement is alleged.

7. As evidence of a good faith effort to resolve EEOC Charge Number **150 A2 03043,** Respondent offers and Charging Party accepts the following proposal of settlement:

Respondent agrees to pay the Charging Party a lump sum of $ 1,500.00. Respondent agrees to only provide Neutral letters of reference to Prospective employers. Prespective employers should contact Madeline Clodfelter. Respondent will mail

x A.G.
WKC

Annie Grimes v. Miami Dade Housing Agency
Charge No.150 A2 03043
Page 2 of 2

Payment to Charging Party within 15 days of the signing of this agreement.

Miami Dade Housing Agency — Date: 08/26/2002

Annie Grimes — Date: 08/26/2002

In reliance on the promises made in paragraphs 1 through 7 above, EEOC agrees to terminate its investigation and to not use the above referenced charge as a jurisdictional basis for a civil action under Title VII of the Civil Rights Act of 1964, as amended. EEOC does not waive or in any manner limit its right to investigate or seek relief in any other charge including, but not limited to, a charge filed by a member of the Commission against the Respondent.

On Behalf of the Commission:

Federico Costales, District Director — Date: 8/29/02

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd, Suite 2700
Miami, FL 33131
(305) 536-4491
TTY (305) 536-5721
FAX (305) 536-4011

RECEIVED
AUG 16 2004

NEGOTIATED SETTLEMENT AGREEMENT

1. The following agreement refers to Charge No: 150-2003-03910 on file with the Equal Employment Opportunity Commission (EEOC) under Title VII of the Civil Rights Act of 1964, as amended.

2. In exchange for satisfactory fulfillment by Respondent of the promises contained in paragraph (3) of this Agreement, the Charging Party agrees not to institute a lawsuit with respect to the above referenced charge.

3. In exchange for the promises of Annie Grimes (Charging Party) contained in paragraph (2) of this Agreement, Miami Dade Housing Agency (Respondent) agrees to:

   A) Expunge all off the negative references from the personnel records of the Charging Party. This also refers to entries contained within the Respondent's computer data base.

   B) Assist and Guide the Charging Party in applying for other positions. The Respondent will make available a contact person to assist the Charging Party. Ms. Lilian Fernandez, a Representative of the Miami-Dade County Employee Relations Department, or successors, will assist the Charging Party.

4. It is understood that this Agreement does not constitute an admission by the Respondent of any violation of Title VII of the Civil Rights Act of 1964.

5. The Respondent agrees to provide written notice to the Director of the Miami District Office within 10 days of satisfying each obligation specified at paragraph (3) of this Agreement.

6. The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

page two
charge no. 150-2003-03910

Respondent

Aug. 23, 04
Date

Charging Party

08/17/2004
Date

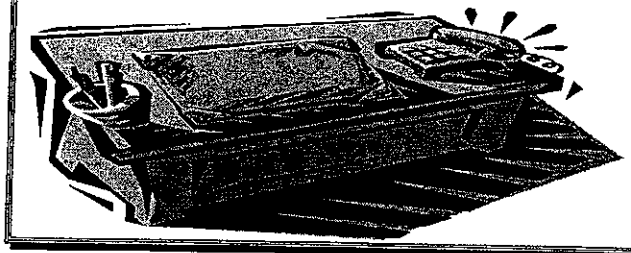
7. In reliance on the promises made in paragraphs (2) and (3), (5) and (6) EEOC agrees to terminate the investigation which it has begun and not to use the above referenced charge as the jurisdictional basis for a civil action under Title VII of the Civil Rights Act. EEOC does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including but not limited to, a charge filed by a member of the Commission against the Respondent.

On behalf of the Commission:

Date

for Elsa M. Higuera
Federico Costales
District Director

MIAMI INTERNATIONAL AIRPORT™



FROM THE DESK OF
Kelly Flores

"Today, I will seize each opportunity and use it to the fullest."
Louis Armstrong

DATE: 8/18/05

SUBJECT: A .Grimes Eval. (***Please see attached document(s).***

TO:

- ☒ ***Miguel Estevill***
- ☒ ***Neil Wyatt***
- ☒ ***Daniel Douglass***

ACTION:

- ☐ ***Follow-up by_____***
- ☒ ***Prepare Response***
- ☐ ***Review & Comment***
- ☐ ***Please see me***
- ☐ ***Other_____***

COMMENT:

Further elaboration on your sections are needed, please provide written respond by c.o.b., Tuesday, August 23, 2005. Thanks.

MIAMI-DADE COUNTY

EMPLOYEE PERFORMANCE EVALUATION

(INSTRUCTIONS ON BACK OF SECOND PAGE)

01/03/2005 07/03/2005

Name GRIMES ANNIE L 063-14-031 (INITIAL) | Period Covered From ___/___/___ To ___/___/___ (Mo Day Yr)

ARPT OFF SUPP SPEC 2 267-86-4462

Classificati MERIT PROBATIONAL e Ends | Social Security Number

PROB PP: 26

Departmen MIAMI-DADE AVIATION DEPARTMENT MAINTENANCE WAREHSES | Unit

TO PERSONNEL BY JUL 01 2005 DPC 06/19/2005

REASON FOR REVIEW

☐ Merit Raise ☐ Status Change ☐ Annual Review ☐ Other ☐ Due Back to Personnel Section by _____

Raters: It is understood that the importance of each category will vary with job classification and department. Explain your rating in terms of performance in each category. Mark the appropriate box. Use additional sheets if necessary.

1. QUANTITY OF WORK. Includes amount of work performed.

RATING: ☐ Unsatisfactory ☑ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding

Explain Why:

2. QUALITY OF WORK: Includes accuracy, achievement of objectives; effectiveness, initiative and resourcefulness and, neatness of work product.

RATING: ☐ Unsatisfactory ☑ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding

Explain Why:

3. WORK HABITS: Includes attendance, observation of work hours, completion of work on schedule, compliance with rules, policies, and directives, safety practice and use of tools and equipment.

RATING: ☐ Unsatisfactory ☑ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding

Explain Why:

4. INTERPERSONAL SKILLS: Includes participation and teamwork; contribution to unit morale; working cooperatively with the public, peers, and subordinates; and accepting advice and counseling from superiors.

RATING: ☐ Unsatisfactory ☑ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding

Explain Why:

RATER'S OVERALL EVALUATION — Only one rating factor to be checked.

☐ **Unsatisfactory:**	Performance is inadequate and must be corrected.
☑ **Needs Improvement:**	Performance does not fully meet job requirements as indicated below.
☐ **Satisfactory:**	Employee is performing as required and expected in a satisfactory manner.
☐ **Above Satisfactory:**	Performance surpasses job requirements.
☐ **Outstanding:**	Consistently conspicuous, distinguished performance. Employee displays initiative and creativity. Employee has substantially enhanced departmental efficiency and/or effectiveness.

If an employee is eligible for a merit increase, check following: ☐ Granted ☑ Deferred, reevaluate in _____ months

If an employee is eligible for permanent status, check following: ☐ Granted ☐ Denied ☐ Extended _____ months with the Employee's written permission. (Attached) (Probationary period may not be extended beyond one year.)

WAYS THE EMPLOYEE CAN OR MUST IMPROVE PERFORMANCE: (If overall rating is Needs Improvement or Unsatisfactory, a written plan of action for improvement must be included in this section. Optional if Satisfactory or better).

This report is based on my observations, knowledge of employee's performance and review of applicable information. It represents my best judgment of the employee's performance.

RATER'S SIGNATURE Neil Wyatt DATE 12/14/05

Print Name Neil Wyatt TITLE Capt.

I have reviewed this report and discussed it with the rater. It represents an accurate appraisal of the employee's performance in accordance with Administrative Order. I concur in the recommendation, if any, as to merit raise and/or permanent status.

REVIEWER'S SIGNATURE _____ DATE _____

Print Name: _____ TITLE _____

I acknowledge that I received a copy of this evaluation. I have had an opportunity to discuss it with my supervisor. In signing the evaluation, I do not necessarily agree with the conclusions. I understand that I may write my comments below or on another sheet of paper.

A permanent employee who has received an overall evaluation of "Unsatisfactory" or "Needs Improvement," must first request a review of the Performance Evaluation by the Department Director within ten (10) calendar days. If the decision of the Director is not acceptable to the employee, the employee may continue the appeal within ten (10) calendar days after receipt of the Director's decision by making a request in writing to the Personnel Division Director, of the Employee Relations Department.

I have read and understand the above appeal process.

EMPLOYEE COMMENTS:

EMPLOYEE'S SIGNATURE _____ **DATE:** _____

108.01-6A 2/92

DISTRIBUTION: White copy to employee — Green copy to Personnel — Yellow copy to departmental personnel office — Blue copy to reviewer.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-4462

Period Covered
From 01/03/2005 – 07/03/2005

QUANTITY OF WORK: **Needs Improvement** A.G

When Annie was first assigned to this section she had experience several difficulties in the areas of properly following directions and satisfactorily completing work assignments. Her tendencies were not to follow directions on how to properly close out open work orders, instead She would question other staff members repeatedly on the processes while not following basic instructions given to her by the Clerk 3 or her Supervisors. Her inability to properly follow instructions resulted in her low productivity. Annie is also reluctant to perform various other clerical duties such as data entry on spreadsheets. Annie has shown improvement in these areas however continued progress is required.

QUALITY OF WORK: **Needs Improvement** A.G.

During the first several months of this rating period Annie's accuracy was below the acceptable standards; she was experiencing difficulties in interrupting information on trouble call log sheets creating duplicate work orders while in the process of her assignment to open work orders, input pertinent data and then close the work order. This was in part entirely her fault, however she should have been more attentive towards her work. This has inhibited her ability to achieve her objective of timely and accurate close out of work orders. Annie again made improvement in this area.

WORK HABITS: **Needs Improvement** AG.

During this rating period Annie has always arrived to work well before her scheduled start time and has only one unscheduled leave occurrence. Annie is aware of her break times and generally works well within the prescribed times. Annie had difficulties in completing her assignments within a reasonable time, this was due to a large extent to her lack of keeping notes on instructions she was given to reference when she was having difficulties. Annie has also made improvement in her effectiveness in the closing out of work orders from various shops without the same difficulties she had originally experienced.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-4462

Period Covered
From 01/03/2005 – 07/03/2005

INTERPERSONAL SKILLS: **Needs Improvement** A.G.

Annie has had difficulties with interactions within the group; she tends to want to do things based on her previous experience, which may not be consistent with current practices of the unit. At times she is less than cooperative and has had difficulties working with other members of the work group. This diminishes the groups' moral.

RATER'S OVERALL EVALUATION: **Needs Improvement** A.G.

IN WHAT WAYS CAN OR MUST THE EMPLOYEE IMPROVE PERFORMANCE: A.G.

Towards the latter part of this rating period Annie has made improvements in her performance, to a large extent most of her difficulties were due to her lack of understanding of the system and inability to consistently follow instructions and procedures specifically with the processing of work orders. Currently she is capable of working independently through the process with few exceptions. Annie needs to continue to focus on the various nomenclature used by the various shops for continued improvement and work on following oral instructions. Annie should enroll in various computer courses offered by the Department to enhance her skills.

Employee: Annie Grimes
Job classification: OSS2
Subject: Probation Progress Report

Date: 2/8/05

Areas where performance is satisfactory ;

- You have perfect attendance and observe rules regarding observance of break times and lunch time to the letter.
- You are responsible with your supplies and equipment, and keep your office locked when you are away and, the keys and items you are responsible for secured.
- You have begun to develop basic work order processing skills. You are able to open and close work orders and to check open work order screens to identify work orders by trade, priority, and date. You are able to print work orders remotely and to screen print at your desk and you are able to distribute work orders by trade code to the appropriate shop supervisor.
- You have been able to make copies using the copy machine and to send and receive faxes.
- You have been able to collect, copy, and file time and attendance reports and deliver them to payroll, and you have been able to receive paychecks for our section and distribute them to the appropriate supervisors.

Areas needing improvement;

Computer skills:

- You need to develop basic Microsoft Outlook skills. You must learn to send and receive e- mail with attachments, to file mail under folders, and to cut and past work orders and photos into e-mail. You must also learn how to save documents sent to you using the save-as function rather than the cut and past function. You must also learn to use spell check. You have expressed that e-mail is new to you and that you have not had other than limited e-mail exposure in previous jobs. You have experienced difficulty in getting your account started, and in organizing your screen. You are not yet familiar with preview options, filter options and how to negotiate from one function to another. Training has been provided to you as well as access to e-training. In addition you have been shown how to use the help function, and to request help by dialing the info systems help desk at extension 5900. You need to read and comprehend e-mail instructions completely before giving information to others.
- You need to learn to open and create documents in Microsoft excel and to update information in spreadsheets provided to you in this format. You have expressed that you have very limited experience with excel in your previous jobs and have been resistant to learning these skills. Since January 7th you have been provided access to E-training in excel as well as a suite of related topics. As of this date you have not been able to complete excel documents with required proficiency. As confirmed in your meeting with Chief of Administration Kelly Flores on 1/28/05 after your complaints to MDAD personnel about work tasks given to you, it is your responsibility to learn excel and other skills particular to required duties, even though they may mot have been specifically mentioned in the initial job posting.
- You need to improve your skills in Microsoft word. Tables created and used must be transferable without corrupting and must use standard business formatting and recommended practices. You must use headers and footers when requested and align and wrap text in readable columns and rows. You must learn to use shadings, highlighting and desired fonts. You must also learn to use spell check and grammar check to replace misspelled text and to make corrections. You must develop an electronic filing system that enables you to find saved documents in a timely manner and a system for naming documents. You must learn to use the file save-as function to modify documents and preserve them in different versions and drafts. You must refrain from overuse and inappropriate use of Microsoft Draw to make tables and the unnecessary insertion of clip art and symbols instead of standard text elements.

- You need to continue to gain knowledge in work order processing including the use of the clone function, how to re-open closed work orders, how to properly close re-opened work orders. You must become familiar with special category codes, PM work orders, and the inventory and query functions.
- You must learn to use resources provided to you and to interact patiently and persistently with those whose task it is to provide you computer assistance. This includes the ability to use help functions loaded in computer programs, access technical assistance available at extension 5900, the ability to discuss and work through work order processing functions with programmers from info systems and maintenance planners, and your supervisor, and the ability to utilize the e-training function. During the 1st six weeks of the rating period you have had difficulty in understanding verbal instructions given in person, directions given over the phone from these sources, and written instructions given via e-mail. Your supervisor has had to sit at your computer and show you repeatedly how to perform basic functions such as log on, how to open a file, how to enter data, etc. In addition you have disrupted work of others by constantly calling them to come to your office and show you how to do things.

Filing and Clerical Skills:

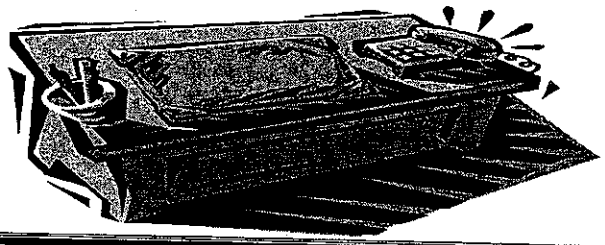
- You must develop the ability to file documents and forms using prescribed methods so that you and your supervisor can find filed items when you are not available to provide them.
- You must be able to implement and continue a system of purging old files.
- You must utilize the existing follow-up regimen on work orders, requisitions, stock item requests, and correspondence and be able to translate follow up information compiled from files into new and / or existing reports after initial instruction. You must make copies of items while they are in transit.
- You must be able to track and follow-up on documents requiring authorization at various levels such as overtime requests, requests for checks, invoices, training requests, GBR projects, etc.
- You must take notes when instructions are given to you in order to remember clearly what has been said. You have had difficulty in understanding instructions and have repeatedly asked the same questions or variations of the same question. When you have been told to write down notes you have resisted.
- You must develop basic computational skills. You have been unable to sort basic numerical data and place it in a table form manually or by using the computer.
- You must become familiar with the Department's ISO 14001 initiative and your role in complying with the procedures related to environmental responsiveness.
- You must organize your activities to avoid constant disruption and switching from task to task. For instance, items to be copied can in most cases be placed in a folder and accomplished in a single trip to the copy machine once per day. Time for compiling information for reports has been prescribed and specific hours can be designated for that activity. E-mails and phone messages can be answered within time frames agreed to by your supervisor, etc. Time can be set aside for training and review of the days work. Instead, you have shown a tendency to jump from task to task as the phone rings, the item comes to your in-box. Take notes and save questions for a designated time and avoid disrupting others every few minutes to answer questions that pop into your head.

Interpersonal skills:

- I encourage you to focus on the task at hand when performing your duties and receiving training. You have shown a tendency for your attention to wander and get off track during training sessions and discuss news items, personal beliefs, or unrelated topics. When directions are given acknowledge that you heard & understand what is expected of you.
- When you have concerns or issues that you do not care to discuss with your supervisor go through the chain of command to get resolution within the Division. You have been introduced to the Interim Chief of Facilities Maintenance and Grounds, Jose Barroso, and the Chief of Maintenace Administration and Management Services, Kelly Flores.

During the next 3 months immediate and significant improvement is required. Your supervisor and support staff are here to assist you learning to work productively and to assist you with learning where your skills are not adequate. No one can do it for you or show you how to do the same thing again and again. You must do your part to learn and operate within the shop and within the County's policies and guidelines. Any question you may have please ask me for assistance first, and then those who I have indicated to you have expertise in the areas where you are deficient and are able to provide guidance.

MIAMI INTERNATIONAL AIRPORT™



FROM THE DESK OF
Kelly Flores

"Today, I will seize each opportunity and use it to the fullest."
Louis Armstrong

DATE: 8/18/05

SUBJECT: A .Grimes Eval. (***Please see attached document(s).***

TO:

- ☒ ***Miguel Estevill***
- ☒ ***Neil Wyatt***
- ☒ ***Daniel Douglass***

ACTION:

- ☐ ***Follow-up by_____***
- ☒ ***Prepare Response***
- ☐ ***Review & Comment***
- ☐ ***Please see me***
- ☐ ***Other*** _____

COMMENT:

Further elaboration on your sections are needed, please provide written respond by c.o.b., Tuesday, August 23, 2005. Thanks.

01/03/2005 07/03/2005
GRIMES ANNIE L 063-14-031
ARPT OFF SUPP SPEC 2 267-86-4462
MERIT
PROBATIONAL
PROB PP: 26
MIAMI-DADE AVIATION DEPARTMENT
MAINTENANCE WAREHSES
TO PERSONNEL BY JUL 01 2005 DPO 06/19/2005

01/03/2005 07/03/2005
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MAINTENANCE WAREHSES
TO PERSONNEL BY JUL 01 2005 DPO 06/19/2005

EVALUATION

(COND PAGE)

Name

Classific

Departm

REASOI

Raters:

(INITIAL)	Period Covered
	From ___/___/___ To ___/___/___ (Mo Day Yr / Mo Da Yr)
te Ends	Social Security Number
	Unit

☐ Due Back to Personnel Section by _____

ssification and department. Explain your rating in terms
onal sheets if necessary.

1. QU

RATING ☐ Above Satisfactory ☐ Outstanding
Explain

2. QU
of \

RATINC
Explain

veness, initiative and resourcefulness and, neatness

/ ☐ Above Satisfactory ☐ Outstanding

3. **WORK HABITS:** Includes attendance, observation of work hours, completion of work on schedule, compliance with rules, policies, and directives, safety practice and use of tools and equipment.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

4. **INTERPERSONAL SKILLS:** Includes participation and teamwork; contribution to unit morale; working cooperatively with the public, peers, and subordinates; and accepting advice and counseling from superiors.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

Employee: Annie Grimes
Job classification: OSS2
Subject: Probation Progress Report

Date: 2/8/05

Areas where performance is satisfactory ;

- You have perfect attendance and observe rules regarding observance of break times and lunch time to the letter.
- You are responsible with your supplies and equipment, and keep your office locked when you are away and, the keys and items you are responsible for secured.
- You have begun to develop basic work order processing skills. You are able to open and close work orders and to check open work order screens to identify work orders by trade, priority, and date. You are able to print work orders remotely and to screen print at your desk and you are able to distribute work orders by trade code to the appropriate shop supervisor.
- You have been able to make copies using the copy machine and to send and receive faxes.
- You have been able to collect, copy, and file time and attendance reports and deliver them to payroll, and you have been able to receive paychecks for our section and distribute them to the appropriate supervisors.

Areas needing improvement;

Computer skills:

- You need to develop basic Microsoft Outlook skills. You must learn to send and receive e- mail with attachments, to file mail under folders, and to cut and past work orders and photos into e-mail. You must also learn how to save documents sent to you using the save-as function rather than the cut and past function. You must also learn to use spell check. You have expressed that e-mail is new to you and that you have not had other than limited e-mail exposure in previous jobs. You have experienced difficulty in getting your account started, and in organizing your screen. You are not yet familiar with preview options, filter options and how to negotiate from one function to another. Training has been provided to you as well as access to e-training. In addition you have been shown how to use the help function, and to request help by dialing the info systems help desk at extension 5900. You need to read and comprehend e-mail instructions completely before giving information to others.
- You need to learn to open and create documents in Microsoft excel and to update information in spreadsheets provided to you in this format. You have expressed that you have very limited experience with excel in your previous jobs and have been resistant to learning these skills. Since January 7th you have been provided access to E-training in excel as well as a suite of related topics. As of this date you have not been able to complete excel documents with required proficiency. As confirmed in your meeting with Chief of Administration Kelly Flores on 1/28/05 after your complaints to MDAD personnel about work tasks given to you, it is your responsibility to learn excel and other skills particular to required duties, even though they may mot have been specifically mentioned in the initial job posting.
- You need to improve your skills in Microsoft word. Tables created and used must be transferable without corrupting and must use standard business formatting and recommended practices. You must use headers and footers when requested and align and wrap text in readable columns and rows. You must learn to use shadings, highlighting and desired fonts. You must also learn to use spell check and grammar check to replace misspelled text and to make corrections. You must develop an electronic filing system that enables you to find saved documents in a timely manner and a system for naming documents. You must learn to use the file save-as function to modify documents and preserve them in different versions and drafts. You must refrain from overuse and inappropriate use of Microsoft Draw to make tables and the unnecessary insertion of clip art and symbols instead of standard text elements.

- You need to continue to gain knowledge in work order processing including the use of the clone function, how to re-open closed work orders, how to properly close re-opened work orders. You must become familiar with special category codes, PM work orders, and the inventory and query functions.
- You must learn to use resources provided to you and to interact patiently and persistently with those whose task it is to provide you computer assistance. This includes the ability to use help functions loaded in computer programs, access technical assistance available at extension 5900, the ability to discuss and work through work order processing functions with programmers from info systems and maintenance planners, and your supervisor, and the ability to utilize the e-training function. During the 1st six weeks of the rating period you have had difficulty in understanding verbal instructions given in person, directions given over the phone from these sources, and written instructions given via e-mail. Your supervisor has had to sit at your computer and show you repeatedly how to perform basic functions such as log on, how to open a file, how to enter data, etc. In addition you have disrupted work of others by constantly calling them to come to your office and show you how to do things.

Filing and Clerical Skills:

- You must develop the ability to file documents and forms using prescribed methods so that you and your supervisor can find filed items when you are not available to provide them.
- You must be able to implement and continue a system of purging old files.
- You must utilize the existing follow-up regimen on work orders, requisitions, stock item requests, and correspondence and be able to translate follow up information compiled from files into new and / or existing reports after initial instruction. You must make copies of items while they are in transit.
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MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-4462

Period Covered
From 01/03/2005 – 07/03/2005

QUANTITY OF WORK: **Needs Improvement** ___

When Annie was first assigned to this section she had experience several difficulties in the areas of properly following directions and satisfactorily completing work assignments. Her tendencies were not to follow directions on how to properly close out open work orders, instead She would question other staff members repeatedly on the processes while not following basic instructions given to her by the Clerk 3 or her Supervisors. Her inability to properly follow instructions resulted in her low productivity. Annie is also reluctant to perform various other clerical duties such as data entry on spreadsheets. Annie has shown improvement in these areas however continued progress is required.

QUALITY OF WORK: **Needs Improvement** ___

During the first several months of this rating period Annie's accuracy was below the acceptable standards; she was experiencing difficulties in interrupting information on trouble call log sheets creating duplicate work orders while in the process of her assignment to open work orders, input pertinent data and then close the work order. This was in part entirely her fault, however she should have been more attentive towards her work. This has inhibited her ability to achieve her objective of timely and accurate close out of work orders. Annie again made improvement in this area.

WORK HABITS: **Needs Improvement** ___

During this rating period Annie has always arrived to work well before her scheduled start time and has only one unscheduled leave occurrence. Annie is aware of her break times and generally works well within the prescribed times. Annie had difficulties in completing her assignments within a reasonable time, this was due to a large extent to her lack of keeping notes on instructions she was given to reference when she was having difficulties. Annie has also made improvement in her effectiveness in the closing out of work orders from various shops without the same difficulties she had originally experienced.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-4462

Period Covered
From 01/03/2005 – 07/03/2005

INTERPERSONAL SKILLS: **Needs Improvement**

Annie has had difficulties with interactions within the group; she tends to want to do things based on her previous experience, which may not be consistent with current practices of the unit. At times she is less than cooperative and has had difficulties working with other members of the work group. This diminishes the groups' moral.

RATER'S OVERALL EVALUATION **Needs Improvement**

IN WHAT WAYS CAN OR MUST THE EMPLOYEE IMPROVE PERFORMANCE:

Towards the latter part of this rating period Annie has made improvements in her performance, to a large extent most of her difficulties were due to her lack of understanding of the system and inability to consistently follow instructions and procedures specifically with the processing of work orders. Currently she is capable of working independently through the process with few exceptions. Annie needs to continue to focus on the various nomenclature used by the various shops for continued improvement and work on following oral instructions. Annie should enroll in various computer courses offered by the Department to enhance her skills.

METROPOLITAN DADE COUNTY
PERSONAL RECORD SUMMARY

Employee Name: Annie Grimes/Melissa Flores — Date: 05/03/05

Classification: OSS2/Clerk3 — Date of Hire:

063 14 00 — Employee Status: Probation

INCIDENT or ACTION:
Ms. Grimes approached Ms. Flores desk in the morning of 5/3/05 and started to go through her papers on the desk. Ms. Flores advised her not to touch the papers on her desk if she needed anything she would get it for her. Ms. Grimes responded "Yes Mommy". Ms. Flores told Ms. Grimes not to call her Mommy, as this was disrespectful. Later in the morning Ms. Flores approached Ms. Grimes and Ms. Wachope to ask if they had any of the work log faxes that had come in the morning. Ms. Grimes once again used the phrase "No Mommy" and that she did not touch the fax because she was being treated like a child and with disrespect. Ms. Flores advised Ms. Grimes that she did not appreciate her using the word Mommy. They started a discussion at which point I Miguel Estevill interrupted and stated that I wanted to see them in my Office.

I met with both Ms. Grimes and Ms. Flores to address them both about the communications that had transpired between them both. Ms. Grimes stated that she thought Melissa was tainted with Prejudice and Hate. She thought Melissa was too young and didn't have enough experience. She further stated Melissa has an attitude and she doesn't want Annie here because of her prejudice and the fact that Annie is Black. Annie stated that Melissa has told her she is not doing a good job.

Melissa responded that Annie interrupts her while she tries to give instructions and she does not take notes. Melissa further stated that Annie continuously makes comments about her age stating she is too young and lacks experience. Melissa denied Annie's allegations about prejudice, she added that her parent is Black and she holds no prejudice against any race or religion. She stated God has made us all and there is no difference in color.

Mr. Estevill advised Annie that a charge of Prejudice is very serious and is not taken lightly. That Management was going to be advised and if she would like to meet with Mr. Barroso or file a formal charge it would be scheduled.

Annie stated that she did not want to do this at this time and that she felt more comfortable after our discussion of the matter. Mr. Estevill stated to Annie and Ms. Flores that it was not acceptable to speak to any one in a manner such as that used earlier with comments such as Mommy. Further Annie was advised that the work assignments that were given to her by Ms. Flores for distribution are directly given or ordered by the Superintendents.

RESULT or ACTION of EMPLOYER:

Mr. Barroso later met with all clerical staff (Ms. Wachope, Ms. Grimes and Ms. Flores in the presence of Mr. Estevill the Superintendent to discuss all issues and encourage Team Work participation by all office staff. He advised them that clerical staff must work out any differences between them in the office and improve communication or he would take whatever administrative action was required.

COMMENTS:

This was the second recorded incident concerning office clerical staff since Annie Grimes was transferred to this office. Mr. Wyatt was not available during this incident.

METROPOLITAN DADE COUNTY
PERSONAL RECORD SUMMARY

Employee Name: Annie Grimes

Date: 03/01/2005

Classification: OSS 2

Date of Hire:

063 14 32

Employee Status:
Probation

INCIDENT or ACTION:
Ms. Grimes requested a meeting with Neil Wyatt concerning a conflict she was experiencing within the work group.

RESULT or ACTION of EMPLOYER:
Mr. Wyatt and Mr. Estevill responded and met with Ms. Grimes. Later met with Ms. Flores, Mrs. Garay, Ms. Wachope, and Mr. Ayhens independently to gather the facts and further investigate. Following are the findings:

Ms. Grimes
Ms. Grimes thinks the office staff is playing games with her.
Ms. Grimes stated that she felt Ms. Flores was being disrespectful towards her. She stated Ms. Flores was using the words "Common Sense" which gave her the impression it's meaning was that she was being called ignorant.
Ms. Grimes feels that Ms. Flores has a personal problem with her.
Ms. Grimes stated that in the morning Ms. Flores was yelling at her because of a question she had asked concerning a request for leave slip form.
Ms. Grimes also stated that Ms. Wachope was rude to her on occasion.
Ms. Grimes called Mr. Kelly Flores and stated that she was looking for direction as to where she should address her concerns.
Ms. Grimes stated that she has a shoulder injury from previous.
Ms. Grimes mentioned that she had spoken to Ms. Phillips and advised her that they needed to talk. that things were not going well.
Ms. Grimes stated that she chose not to ever go into supervision and she had been doing office/clerical work almost her entire career and that she could outperform any one in clerical work with her skills.
Ms. Grimes stated that in the morning she was unpacking items as per Ms. Flores instructions, later she went on to process work orders not having asked for further instructions from Ms. Flores.

Ms. Flores
Ms. Flores stated that she was giving instructions and explaining to Ms. Grimes the procedure of filling out a leave slip in the morning. Ms. Grimes had not filled out the leave slip properly. Ms. Flores stated that Ms. Grimes continuously interrupted her and was not listening to the instructions. Ms. Flores stated that Ms. Grimes started arguing with her in disagreement.

Ms. Flores stated that during the office move Ms. Grimes was not productive and always concerned with taking break rather than completing the assignment. Ms. Flores stated that Ms. Grimes on occasion takes break early and returns to work late from break. Ms. Flores stated that during the move Ms. Grimes was taking an additional break during the afternoon at approximately 2:00 p.m.
Ms. Flores stated that Ms. Grimes had stated that no one in the office had "Common Sense" because the received date stamp was packaged away during the move and was not available at the time. Ms. Grimes was given instructions to unpack and store binders packaged in boxes from the move and open them in order to place them where they belonged and Ms. Grimes replied that she would not open the binders. Ms. Flores responded that the binders should go on the bookshelf and that is when she mentioned the statement about "Common Sense".
Ms. Flores stated that Mr. Ayhens was a witness to incident.
Ms. Flores stated that no one in the office had been rude to Ms. Grimes in any manner.
Ms. Flores stated that she had noticed Ms. Grimes contacting the work order center for instruction and direction on processing the work order assignments given to her instead of communicating with our office staff as directed previously.
Ms. Flores stated that Ms. Grimes has made comments to her that Ms. Flores is too young to tell her what to do.

Mrs. Garay
Ms. Garay stated she heard Ms. Grimes and Ms. Flores having a discussion concerning the proper procedure for filling out a leave slip. Ms. Garay stated that Ms. Flores was explaining to Ms. Grimes how to fill out the form.
Ms. Garay stated that Ms. Grimes is argumentative about assigned tasks.
Ms. Garay recalls that Ms. Flores had used the words common sense.
Ms. Garay stated that Ms. Grimes had closed work orders with no mistakes noted, but continuously asks the same questions regarding work processes.

Ms. Wachope
Ms. Wachope stated that Ms. Grimes won't listen to instructions or directions and continues to ask different people until she gets the answer she expects.
Ms. Wachope stated Ms. Flores was trying to explain to Ms. Grimes this morning how to fill a leave slip and Ms. Grimes was arguing about the procedures we used to fill out the form.
Ms. Wachope stated that Ms. Flores has displayed a negative attitude when speaking to Ms. Grimes in the past and Ms. Grimes has displayed same attitude towards Ms. Flores.
Ms. Wachope stated that Ms. Grimes has not offered assistance during the office move and has had a negative attitude towards Ms. Wachope.
Ms. Wachope stated that Ms. Grimes was eating soup at approximately 2:30 p.m. on 2/28/05 while office staff was unpacking and organizing office move packages.
Ms. Wash-up stated that she asked Ms. Grimes when she was finished eating if she would assist her to move boxes. Ms. Grimes responded that she doesn't ever ask her to do things when she is not busy, but she would help her when she was finished eating. Ms. Wash-up replied that's what she had said.
Ms. Wachope stated that she had not heard Ms. Flores use the phrase use common sense.

Mr. Ayhens
Mr. Ayhens stated he observed that Ms. Grimes does not like to be told what to do by a 19 year old (Ms. Flores).
Mr. Ayhens stated that Ms. Flores was giving Ms. Grime's instructions this morning.
Mr. Ayhens stated that he noticed Ms. Flores was somewhat talking down to Ms. Grimes.
Mr. Ayhens stated that Ms. Grimes continues to use Ms. Wachope's computer without asking.
Mr. Ayhens stated that Ms. Grimes is set in her ways and does not like to be told what to do.

COMMENTS:
Mr. Wyatt and Mr. Estevill both concluded the following:
Ms. Grimes has difficulty following instructions. She has on numerous occasions gone about asking several members of staff the same questions. It is not clear whether it is due to a lack of understanding or she is searching for an answer that will satisfy her. The difficulty is evident when Ms. Flores explained the proper procedure in filling out a request for leave form and Ms. Grimes proceeded to ask Ms. Garay.
During our interview with her, she had difficulty in correctly using our names.
Ms. Grimes continuously asks different staff about using jeans in the office, when Mr. Wyatt and other staff have on several occasions advised her that it is not permitted by aviation department policy. She also had received a copy of the written departmental policies and procedures by Mr. Daniel Douglas on 2/01/05.
On February 25, 2005 Mr. Wyatt held a staff meeting with the clerical staff Ms. Flores, Ms. Wachope and Ms. Grimes. He outlined areas of responsibilities and specifically that the OSS 2 positions should address any concerns or questions through the chain of command which is Clerk 3, Superintendent, Chief of Facilities. Ms. Grimes has failed to follow the instruction of her Superintendent Neil Wyatt.
Additionally there appears to be a personality conflict between Ms. Grimes and Ms. Flores.

Supplemental of 3/3/05
According to Ms. Flores despite her attempts over the past few days to put the incident behind them, Ms. Grimes does not respond to Ms. Flores when she greets Ms. Grimes at the beginning of the day and on several occasions Ms. Grimes has sought instructions from Ms. Garay as opposed to Ms. Flores

Mr. Wyatt and Mr. Estevill met with Ms. Grimes on 03/03/05 to discuss our conclusions and concerns. Ms. Grimes stated that she was confused sometimes. Ms. Grimes additionally stated that Ms. Wachope and Ms. Flores never greeted her before and did not display common courtesy. She stated that she only spoke to Ms. Phillips as she was passing by our office. Mr. Wyatt and Mr. Estevill both met with staff after the meeting to discuss office policies and the need for professional courtesy and behavior.

MIAMI-DADE COUNTY

EMPLOYEE PERFORMANCE EVALUATION

(INSTRUCTIONS ON BACK OF SECOND PAGE)

01/02/2006 12/31/2006

GRIMES ANNIE L 063-14-018
AROFSUPSP2 267-86-4462
MERIT
PERMANENT

PROB PP: 26

MIAMI-DADE AVIATION DEPARTMENT
MAINTENANCE WAREHSES

TO PERSONNEL BY DEC 29 2006 DPO 12/17/2006

(INITIAL)	Period Covered From Mo/Day/Yr To Mo/Da/Yr
Prob. Date Ends	Social Security Number
	Unit

REASON FOR REVIEW

☐ Merit Raise ☐ Status Change ☐ Annual Review ☐ Other ☐ Due Back to Personnel Section by _____

Raters: It is understood that the importance of each category will vary with job classification and department. Explain your rating in terms of performance in each category. Mark the appropriate box. Use additional sheets if necessary.

1. **QUANTITY OF WORK. Includes amount of work performed.**

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☑ Above Satisfactory ☐ Outstanding
Explain Why:

2. **QUALITY OF WORK:** Includes accuracy, achievement of objectives; effectiveness, initiative and resourcefulness and, neatness of work product.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☑ Above Satisfactory ☐ Outstanding
Explain Why:

3. **WORK HABITS:** Includes attendance, observation of work hours, completion of work on schedule, compliance with rules, policies, and directives, safety practice and use of tools and equipment.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☑ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

4. **INTERPERSONAL SKILLS:** Includes participation and teamwork; contribution to unit morale; working cooperatively with the public, peers, and subordinates; and accepting advice and counseling from superiors.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☑ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

RATER'S OVERALL EVALUATION — Only one rating factor to be checked.

☐ **Unsatisfactory:**	Performance is inadequate and must be corrected.
☐ **Needs Improvement:**	Performance does not fully meet job requirements as indicated below.
☑ **Satisfactory:**	Employee is performing as required and expected in a satisfactory manner.
☐ **Above Satisfactory:**	Performance surpasses job requirements.
☐ **Outstanding:**	Consistently conspicuous, distinguished performance. Employee displays initiative and creativity. Employee has substantially enhanced departmental efficiency and/or effectiveness.

If an employee is eligible for a merit increase, check following: ☐ Granted ☐ Deferred, reevaluate in _____ months

If an employee is eligible for permanent status, check following: ☐ Granted ☐ Denied ☐ Extended _____ months with the Employee's written permission. (Attached) (Probationary period may not be extended beyond one year.)

WAYS THE EMPLOYEE CAN OR MUST IMPROVE PERFORMANCE: (If overall rating is Needs Improvement or Unsatisfactory, a written plan of action for improvement must be included in this section. Optional if Satisfactory or better).

This report is based on my observations, knowledge of employee's performance and review of applicable information. It represents my best judgment of the employee's performance.

RATER'S SIGNATURE _____ DATE 1.26.7

Print Name Joe Fernandez TITLE Supervisor

I have reviewed this report and discussed it with the rater. It represents an accurate appraisal of the employee's performance in accordance with Administrative Order. I concur in the recommendation, if any, as to merit raise and/or permanent status.

REVIEWER'S SIGNATURE _____ DATE 1/29/07

Print Name: Thomas J Soto TITLE Superintendent

I acknowledge that I received a copy of this evaluation. I have had an opportunity to discuss it with my supervisor. In signing the evaluation, I do not necessarily agree with the conclusions. I understand that I may write my comments below or on another sheet of paper.

A permanent employee who has received an overall evaluation of "Unsatisfactory" or "Needs Improvement," must first request a review of the Performance Evaluation by the Department Director within ten (10) calendar days. If the decision of the Director is not acceptable to the employee, the employee may continue the appeal within ten (10) calendar days after receipt of the Director's decision by making a request in writing to the Personnel Division Director, of the Employee Relations Department.

I have read and understand the above appeal process.

EMPLOYEE COMMENTS:

EMPLOYEE'S SIGNATURE _____ **DATE:** 02/05/2007

108.01-6A 2/92

DISTRIBUTION: White copy to employee — Green copy to Personnel — Yellow copy to departmental personnel office — Blue copy to reviewer.

EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes

SS# 267-86-4462 from 01/02/2006 to 12/31/2006

QUANTITY OF WORK: ABOVE SATISFACTORY A.G

Annie has performed well in this category during this evaluation period. As part of Annie's accomplishments has been timely data input of daily work orders; both closing and generating work orders, generating Honeywell requests, and parts requests. Annie works well with her supervisor and lead worker and is always available to become involved in new projects.

QUALITY OF WORK: ABOVE SATISFACTORY A.G

Annie is cognizant of what is expected of her; she is very responsible in completing her daily assignments regardless of their magnitude. During this evaluation period Annie has strived in producing good quality work and has assured to follow directions on follow ups on documents or generated work orders. Annie is quick to point out ways she may deem important or that may improve efficiency.

WORK HABITS SATISFACTORY A.G.

Annie is usually on time; she follows departmental policies when scheduling her time off. Ms Grimes employs a good safety conscience and follows departmental policies adequately in this category. Annie effectively manages her time, is self motivated and a reliable employee requiring very little supervision. During this evaluation Annie has shown initiative and a willingness to complete work assigned to her.

INTERPERSONAL SKILLS: SATISFACTORY A.G.

Annie has developed a good rapport with her lead worker and supervisor; she gets along well with her peers and contributes to good shop morale.

RATER'S OVERALL EVALUATION: SATISFACTORY A.G

WAYS THE EMPLOYEE CAN OR MUST IMPROVE PERFORMANCE: A.G.

Annie would benefit from becoming proficient in Microsoft Excel and Microsoft Power point. Proficiency in this software will increase Annie's value to the Maintenance Department.

EMPLOYEE MUST INITIAL EACH PARAGRAPH

EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes

SS# 267-86-4462 from 01/02/2006 to 12/31/2006

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Annie would benefit from becoming proficient in Microsoft Excel and Microsoft Power point. Proficiency in this software will increase Annie's value to the Maintenance Department.

EMPLOYEE MUST INITIAL EACH PARAGRAPH

Daniel Douglass

From: Daniel Douglass
Sent: Wednesday, September 07, 2005 3:37 PM
To: Miguel Estevill
Cc: Neil Wyatt
Subject: Annie Grimes- revised draft evaluation

See attached revised draft. My recommendation is to acknowledge that despite our combined best efforts to help Ms. Grimes, her performance has been a net negative for the Maintenance Division and she should fail probation. I have Annie's file and the original evaluation form. Please advise of any changes and I will type them in and deliver the entire package to whomever you direct. Thanks.

Annie Grimes
Performance Evalu..

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-XXXX

Period Covered
From XX/XX/XXXX – XX/XX/XXXX

QUANTITY OF WORK: **Needs Improvement**

When Annie was first assigned to this section she had difficulty properly following directions and satisfactorily completing work assignments. Incidents of resistance to training are recorded by Superintendent Douglass in her file as early as the second week of her employment and continue throughout the rating period. On January 11 she was advised of weaknesses in her ability to use Microsoft Excel. By January 19th, rather than accepting instruction, she challenged her supervisor as to what the job requirements for her position were and refused to perform or even try to learn to perform required tasks. Later similar learning resistance was displayed and documented regarding the use of the MDAD work order system, e-mail, and Microsoft word. During the rating period, Annie was transferred (at her request) and continued to have problems. Examples are incidents that were brought to her attention regarding failure to follow instructions from the Clerk 3 on March 1, which resulted in an investigation and fact finding meeting where it was concluded by Superintendents Estevill and Wyattt that "Ms. Grimes has difficulty following directions." Instead She would question other staff members repeatedly on the processes while not following basic instructions given to her.

Also documented in this rating period are repeated instances of inability to get along with coworkers. In addition to causing a loss of time and effort in tasks assigned specifically to Annie, the friction between coworkers resulted in lower output for others in the group. Instances of this inability to be a cooperative team member were as varied as Annie's solicitation of opinions from staff in conflict with management direction on dress code issues, to the inability to share the use of a copy machine, to the disrespectful statements made by Annie to others about Supervisors and coworkers.

The inability to properly follow instructions from superiors and / or work as part of a team with coworkers required repeated prolonged training sessions, and Superintendent and Chief level interventions to mediate disputes, which detracted from the productivity of those working in the section as a whole. Incidents of this nature are documented in her file on January 20th and May 3rd.

Finally, in this category, Annie began to show some proficiency in work order processing. However she continued to be reluctant to perform various other clerical duties such as data entry on spreadsheets. While she has shown some improvement in these areas, continued progress is required.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-XXXX

Period Covered
From XX/XX/XXXX – XX/XX/XXXX

QUALITY OF WORK: **Needs Improvement**

During the first several months of this rating period Annie's accuracy was below the acceptable standards. She experienced difficulties in interpreting information on spreadsheets and was unable to perform some tasks requiring Microsoft Excel in a timely manner. She insisted on using tables in word documents using the draw function rather than using standard forms and formats required. She refused to take written notes on instructions given and insisted on using the work place to develop memory skills. Her memory skills were not adequate to the task. In work order processing she had initial difficulty reading and interpreting trouble call log sheets, which resulted in the creation of duplicate work orders while in the process of her assignment to open work orders, input pertinent data and then close the work order. While this was not entirely her fault, she should have been more attentive towards her work. This has inhibited her ability to achieve her o bjective o f t imely and ac curate c lose o ut o f w ork o rders. Annie made some improvement in this area toward the end of the rating period.

WORK HABITS: **Needs Improvement**

During this rating period Annie always arrived to work well before her scheduled start time and had only one unscheduled leave occurrence. Annie is aware of her break times and generally works well within the prescribed times. Annie had difficulties in completing her assignments within a reasonable time, this was due to a large extent to her lack of keeping notes on instructions she was given to reference when she was having difficulties. Annie improved during the rating period in her effectiveness in the closing out of work orders from various shops without the same difficulties she had originally experienced.

INTERPERSONAL SKILLS: **Needs Improvement**

Annie had difficulties with interactions within the group; in both assignment locations covered during this rating period. She tended to want to do things based on her previous experience, which was not always consistent with current practices of the unit. At times she was less than cooperative and has had difficulties working with other members of the work group. This diminished the groups' moral.
Specific instances and discussion of how this lack of cooperativeness and trust in management decisions impacted work flow are detailed in the "Quantity of Work" section of this evaluation.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-XXXX

Period Covered
From XX/XX/XXXX – XX/XX/XXXX

RATER'S OVERALL EVALUATION: **Needs Improvement**

Re-evaluate in 3 months.

IN WHAT WAYS CAN OR MUST THE EMPLOYEE IMPROVE PERFORMANCE:

Towards the latter part of this rating period Annie became more secure with the work order system and experienced in its use. Her duties were narrowed to this specific task and consequently her level of proficiency improved. To a large extent most of her difficulties were due to her lack of understanding of the system and inability to consistently follow instructions and procedures specifically with the processing of work orders and her reluctance to take written notes. Currently she is capable of working independently through the process with few exceptions. Annie needs to continue to focus on the various nomenclature used by the various shops for continued improvement.

In other clerical skills, Annie must become more technically proficient. Annie should enroll in various computer courses offered by the Department and study on her own to enhance her skills in Word, and Excel.

Of equal importance, the Office Support Specialist 2 position requires a continuing ability to adapt to new situations, follow directions, accept instruction and constructive criticism from superiors, and even supervise entry level clerks. During this rating period Annie has displayed severe deficiencies in these areas. In order to become successful in the short time remaining in her probation, she must modify her behavior to become less defensive personally, and critical of management direction and intentions generally. She must develop professional and respectful communication skills coupled with appropriate demeanor, wear appropriate office attire, and develop a friendly customer service attitude. Annie must learn to listen with an open mind and take notes of what is told to her. She could benefit from customer service training and other classes such as "conflict resolution" offered by the Department.

Issues

Daniel Douglass

From: Daniel Douglass
Sent: Thursday, January 20, 2005 7:53 AM
To: Annie Grimes
Subject: FW: copy machine

Importance: High

Annie got into dispute with Mary Taylor regarding use of "her" copy machine. Mary came & spoke to me advising that Annie was welcome to use machine while she was there but that Annie was rude & walked away from her while she was talking. I told Annie to keep c-fold w/ copier & to make 1 trip a day to 3086 if needed in meantime. I told Annie to be polite to fellow workers & stick to work issues. There have been several complaints. Annie demanded to know who complained & said she was ready to "fight" for her job. I told her to avoid conflict & and I would handle.

FYI- I will let you know when it becomes official and we can make copies next door.

-----Original Message-----
From: Jose Barroso
Sent: Wednesday, January 19, 2005 4:47 PM
To: Daniel Douglass; David Shannon
Subject: FW: copy machine
Importance: High

fyi, Kelly agreed to this.

-----Original Message-----
From: Michael Garcia
Sent: Wednesday, January 19, 2005 4:16 PM
To: Kelly Flores; Jose Barroso
Cc: Diosdado J. Fernandez; Frank R. Eggler
Subject: RE: copy machine
Importance: High

Kelly, per our discussion regarding the copy machine, please advise when it will be available for staff.

Thanks for your cooperation and assistance.

-----Original Message-----
From: Diosdado J. Fernandez
Sent: Wednesday, January 19, 2005 1:36 PM
To: Michael Garcia
Subject: RE: copy machine

Yes it is.

-----Original Message-----
From: Michael Garcia
Sent: Wednesday, January 19, 2005 1:29 PM
To: Diosdado J. Fernandez
Subject: FW: copy machine

Joe, does this apply to your shop as well?

-----Original Message-----
From: Frank R. Eggler
Sent: Wednesday, January 19, 2005 1:14 PM
To: Michael Garcia
Cc: Angel Hidalgo; Suhaill Blanco; Sal Sepulveda
Subject: copy machine

In bldg.3040 at this time we do not have access to a copying machine. The old machine is gone from purchasing and the other copier is locked in Mary Taylor's office. Our shop and others need access to a copier for daily business.

On 1/19

Daniel Douglass

Annie expressed concern that the problem she was experiencing with her time card was deliberate and that "they were messing with her time." I assured her that time cards are common and not deliberate. I shared her that I had signed her in so her check would be correct.

From: Daniel Douglass
Sent: Thursday, January 20, 2005 7:49 AM
To: Annie Grimes
Subject: FW: complete T&A Report

FYI,-. they are taking care of the problem and it is not your fault.

-----Original Message-----
From: Jordan Garber
Sent: Thursday, January 20, 2005 7:48 AM
To: Ladean Bryant; Laura Miret; Daniel Douglass; Betty White
Cc: Kelly Flores
Subject: FW: complete T&A Report

Danny, I have forwarded this to Payroll so they can investigate. I can tell you that we are having some Time and Attendance problems which is affecting our ability to download and apply swipes. Be assured that this is not limited to a single individual and the problem is currently being worked on.

-----Original Message-----
From: Daniel Douglass
Sent: Wednesday, January 19, 2005 3:58 PM
To: Jordan Garber
Cc: Annie Grimes
Subject: complete T&A Report

Can you verify Annie's time card is reporting properly when she swipes? As a new hire I want to be sure it is recorded that she worked before and after the holiday and that her paycheck is correct. Please see below. thanks.

-----Original Message-----
From: Daniel Douglass
Sent: Wednesday, January 19, 2005 11:01 AM
To: Ladean Bryant
Cc: Annie Grimes
Subject: RE: Complete T&A Report

For some reason the clock did not record Annie's time on Friday 1/14/05. She was here and did swipe in and out, and I have signed on the t and a report affirming same. All other days are recorded accurately. I have asked her to verify with you that her card is functioning properly when she turns in the T and A this afternoon. Thanks for your help.

-----Original Message-----
From: Ladean Bryant
Sent: Wednesday, January 19, 2005 10:30 AM
To: Alan McEvoy; Alina Garay; Andre Schweikert; Angela L. Fleitas; Annie Grimes; Aydee Serrano; Bill Seaman; Carlos Tellez; Charles T. Voltz; Chaynea Shaw; Chris Pallidine; Daniel Douglass; Daniel Palivoda; David Shannon; Debra Charles; Diosdado J. Fernandez; Donald Young; Elizabeth Ogden; Eric M. Gibb; Francisco Chavez; Garfield McCormack; Ivan Valdes; Ivon Gomez; John Liotti; Jonathon Spicer; Jorge Sariego; Jose A. Diaz; Joseph St. Victor; Karen Proctor; Kenneth Hurtak; Kenneth Reposkey; Kent J. Wallace; Laura Miret; Mario Marrero; Mark Anthony Sepulveda; Michael Prince; Milton Lazier; Neil Wyatt; Orlando Borrajo; Phil Gangi; Rene Vallieres; Robert Birdwell; Ruth Swaine; Sal Sepulveda; Stanley Vaz; Ted Davis; Ysnard Garcia
Cc: Betty White; Brenda Ellis; Kelly Flores; Ladean Bryant
Subject: Complete T&A Report

The Complete Time ane Attendance Report is ready for pick up. All reports are due back **TODAY**, Wednesday, 1/19/, **by 4:30 p.m.**

Ladean Bryant
Payroll, 3030
8572

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY AVIATION, et al.

Defendant.
_____/

DEFENDANTS' MOTION TO DISMISS

This action purports to allege an employment discrimination claim by Plaintiff under Title VII of the Civil Rights Act. In the first line of the Complaint form it states that "plaintiff sues defendant(s); Miami Dade County Aviation and Housing Agency." [D.E. 1, p.2].

Miami-Dade County Aviation and the Miami-Dade County Housing Agency are both departments of Miami-Dade County. As departments of Miami-Dade County, neither are proper defendants because neither are entities capable of being sued. Additionally, while the statement in the Complaint identifying who is being sued clearly identifies the only defendants being sued as the Aviation Department and Housing Agency, because the caption and the summons mention William Candela, an Assistant County Attorney, in an abundance of caution, it is respectfully requested that Mr. Candela's name be stricken from the style of the case.

MEMORANDUM OF LAW

A. The Complaint Must Be Dismissed Because the Defendants Plaintiff Has Sued – the Aviation Department and Housing Agency -- are Departments of Miami-Dade County That Must Be Dismissed Because Neither Is *Sui Juris*

The Aviation Department and the Housing Agency are departments of the government of Miami-Dade County, a political subdivision of the State of Florida. Just like the County's police

department was dismissed in *Masson v. Miami-Dade County*, 738 So.2d 431 (Fla. 3d DCA 1999), the Complaint must be dismissed because the Aviation Department and the Housing Agency are improper defendants.

B. Individual Employee Cannot Be Sued Under Title VII

To the extent that William Candela, employed by Miami-Dade County as an Assistant County Attorney was intended by Plaintiff to be named as a defendant, his name should be stricken from the style of the case because of insufficiency of service of process under F.R.C.P. 4 because he was not personally served. Additionally, even if he had been served, Mr. Candela should not be listed in the Complaint as a defendant because individual employees may not be sued under Title VII because they are not Plaintiff's employer. *See Albra v. Advan, Inc.*, 490 F.3d 826, 833 (11th Cir. 2007)(noting "that this court has held that there is no individual liability for violations of Title VII" and citing cases). Accordingly, to the extent Mr. Candela is listed as a defendant in this action, his name should be removed from this Complaint.

Finally, because the Plaintiff in the jurisdictional statement did not sue Miami-Dade County, the County believes that it is not required at this time to serve a responsive pleading. If the Court determines otherwise, Miami-Dade County requests that pursuant to the operation of Rule 12(a)(4), of the Federal Rules of Civil Procedure that it not be required to file a responsive pleading to the Complaint until after the disposition of this motion by the Court and the filing of an amended complaint in which Plaintiff explicitly sues Miami-Dade County.

WHEREFORE, it is respectfully requested that the Complaint be dismissed.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant Miami-Dade County

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
CASE NO. 10-23996-CIV-JORDAN

Annie L. Grimes
12200 NE 6 Avenue
N. Miami, FL 33161
Plaintiff
Service by U.S. Mail

Eric A. Rodriguez
Assistant County Attorney
E-Mail: ear2@miamidade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5151
Facsimile: (305) 375-5634
Attorney for Defendants
Filing Party/No Service

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 10-CV-23996

The attached hand-written document has been scanned and is also available in the SUPPLEMENTAL PAPER FILE

(Rev. 10/2002) Complaint

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: 10-23996-CV-JORDAN/MCALILEY

ANNIE L. GRIMES
12200 N E 6 AVENUE #209
MIA FLA 33161 Plaintiff(s)

v.

FILED by [illegible] D.C.
JAN 06 2011
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. of FLA. – MIAMI

Miami Dade County
111 N.W. 1st STREET, SUITE #2810
Miami FLORIDA 33128

Defendant(s)

AMENDED COMPLAINT

I, ANNIE L. GRIMES plaintiff, in the above styled cause, sues defendant(s); Miami Dade County.

(Allegation of jurisdiction, i.e., under which federal law or section of the U.S. Constitution this action is being filed)

This action is filed under: Title VII of the Civil Right Act of 1964 As Amended

I believe that I have been discriminated Against and Retaliation because of (1) National ORigin (2) Disability (3) Age. The Agency Never Want ME to WORK for them because I am a American Black Who STand-up for My Right and Will Continuing this Action as long as I Know that they are IN Violation of My Right. Also Number (4) Religion (Original Charges).

The Day I was Hired at first 05/21/2001, The Person Who help me to get IN was Removed from her Position and later Fired, I have her Name, because She Help ME.

(Rev. 10/2002) Complaint

(Statement of Facts)

THE ORIGINAL CHARGE (PLEASE SEE ATTACHMENT of the SETTLEMENT AGREEMENT, WHICH I FEEL I WAS TAKEN FOR A RIDE, RE HIRED ME AND CONTINUING TO HARRASSED ME. TARGET ME FOR the LAY-OFF (SEE ATTACHMENT.

NEW CHARGE FOR HARRASSMENT (SEE ATTACHMENT) #510-2010-05346 (LAY-OFF I WAS TARGET (2) LADIES WAS YOUNGER AND OF CUTTER. ATTY E-MAIL REQUESTED COPIES OF BAD RECORDS WROTE-UP ON ME that I did NOT SEE OR SIGN WAS SHOWN to ME ON 10/25/2010 BEFORE the MEETING WITH (HR) AND UNIONS. have NOT RECIEVED YET A COPY. (SEE ATTACHMENT)

WOULD LIKE JUSTIC FROM A HISTORY of discrimination AND BEING HARRASSED BECAUSE I am A AMERICAN. MY CREDIT WENT bad WENT I WAS FIRED IN "2002" AND MY FINICAL life WENT UNDER, I WOULD NOT be RICH AT MY AGE NOW, but I WOULD be in good FINIKAL STATUS IF I WAS ALLOW to WORK AND NOT be FIRED FROM ONE JOB to ANOTHER. A big SET back THIS DISCRIMINATION has CAUSE ME. PLEASE! SOME JUSTIC BEFORE I DIES.

I have ATTACHMENTS of EVERYTHING I THINK MAY HELP IF I CAN get SOME HELP.

I try to get A ATTORNEY (SEE ATTACHMENT UN) this ALSO.

THE ONLY CRIME I CAN be CHARGE WITH IS FILING CHARGE of DISCRIMINATION.

(Rev. 10/2002) Complaint

(Relief request, i.e., State what you want the Court to do or award)

Wherefore, 2,000 000,00 (Millions)

I

IF I WAS Not DISCRIMINATION AGAINST IN 2001 the Date I WAS HIRED 05/21/2001 and DISMISS 08/00/2002 I Could have MUCH MORE.

Signed this 06 day of JANUARY, 20 11.

ANNIE L. GRIMES
Printed or typed name of Filer

Signature of Filer

Florida Bar Number

E-mail address
N/O E-Mail

Phone Number
305 892-0051

Facsimile Number

Street Address
12200 N.E. 6AVE #209 Miami, FLORIDA 33161

City, State, Zip Code

FILED by UMA D.C.
JAN 10 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-23996-CIV-JORDAN

ANNIE L. GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY

Defendant.

_____/

RESPONSE TO MOTION TO DISMISS AND MOTION TO AMEND COMPLAINT

The Plaintiff, Annie Grimes, responds to the Motion to Dismiss and states that this action arises from a charge of employment discrimination under Title VII of the Civil Rights Act of 1964. Because neither Miami-Dade County Housing nor Miami Dade County Aviation were the proper agencies to file against, and William Candela, Assistant County Attorney, should not have been served. Plaintiff respectfully requests that the judicial system and judge who was assigned to my case allow me to amend the complaint explicitly to Miami Dade County as a defendant.

There is no confusion about the charges of this case, including discrimination and retaliation. Miami-Dade County has a long history of mistreating me because of not liking me which I believe violates my Constitutional rights--all because I filed charges against Miami Dade County. As of December 31, 2010, no copy of the Motion to Dismiss was received by me, which I feel displays an attitude of not wanting to recognize me. Also, they seem to feel above the law and I am nobody.

If the court allows me the opportunity to present my evidence, I feel I can prove my case. I am not an attorney, but I know when I have been discriminated against, and there is no other way I know how to fight but by the laws of employment discrimination because that is the right way my conscience is before God.

Back to Mr. William Candela being 'out to get' someone, no, that is not me. I do not know the letter of the law as he and the Judge do, so I handled the matter from what I know to be the right way, but if you take note of the first papers I submitted to the Court you will see I put Miami-Dade County. I am sorry if I caused any harm to Assistant County Attorney William Candela. I just want to get justice—not a person.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court deny the Motion to Dismiss and allow the Plaintiff to amend the Complaint.

Respectfully submitted,

Annie L. Grimes, pro se
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

CERTIFICATE OF SERVICE

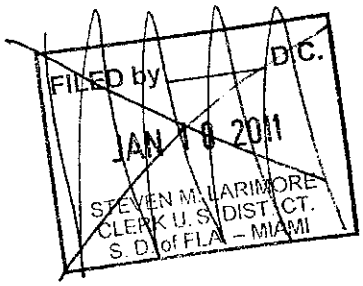
I hereby certify that on January 10, 2011, the foregoing was served by U.S. Mail on all persons on the Service List.

Annie L. Grimes

Service List

R. A. Cuevas, Jr.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

Eric A. Rodriguez
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-23996-CIV-JORDAN

ANNIE L. GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY
Defendants.

_____/

ORDER ON MOTION TO DISMISS AND MOTION TO AMEND COMPLAINT

THIS CAUSE having come before the Court upon the Defendant's Motion to Dismiss the Complaint and the Plaintiff's Motion to Amend, the Court having read the pleadings, and being otherwise advised in the premises, it is hereby

ORDERED and ADJUDGED that:

_____

_____

_____

_____.

DONE and ORDERED this 10 day of January, 2011.

_____
District Court Judge

Copies furnished to:
All counsel on the attached Service List

Service List

Plaintiff:
Annie L. Grimes, pro se
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

Defendant:
R. A. Cuevas, Jr.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

Eric A. Rodriguez
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY AVIATION, et al.

Defendant.
_____/

DEFENDANTS' REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

Plaintiff filed a response to the motion to dismiss in which she agreed that all defendants should be dismissed and that the only remaining defendant should be Miami-Dade County. While Miami-Dade County ("the County") does not concede that Plaintiff has a valid cause of action against it, the County agrees with the Plaintiff that the other defendants should all be dismissed.

WHEREFORE, it is respectfully requested that the Court grant the motion to dismiss the Complaint.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant Miami-Dade County

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
CASE NO. 10-23996-CIV-JORDAN

Annie L. Grimes
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Attorney for Defendants
Filing Party/No Service

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY AVIATION, et al.

Defendant.
_____/

DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION TO AMEND THE COMPLAINT

Plaintiff filed a response to the motion to dismiss and in her response she also filed a motion to amend the Complaint to remove the Aviation Department, the Housing Agency and the Williams Candela as defendants. While Miami-Dade County ("the County") does not concede that Plaintiff has a valid cause of action against it, the County agrees that Plaintiff should be permitted to file an amended complaint that removes the Aviation Department, the Housing Agency and William Candela as defendants in this action and therefore has no objection to Plaintiff's motion to amend. Should the Court grant the motion to amend, the County respectfully requests that it be granted fourteen (14) days from the date of the Court's order to file a response to an amended complaint.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant Miami-Dade County

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
CASE NO. 10-23996-CIV-JORDAN

Annie L. Grimes
12200 NE 6 Avenue
N. Miami, FL 33161
Plaintiff
Service by U.S. Mail

Eric A. Rodriguez
Assistant County Attorney
E-Mail: ear2@miamidade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5151
Facsimile: (305) 375-5634
Attorney for Defendants
Filing Party/No Service

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 10-23996-CIV-JORDAN

ANNIE L. GRIMES,
Plaintiff
vs.
MIAMI-DADE COUNTY,
Defendant

ORDER

Annie L. Grimes's motion to amend her complaint [D.E. 13] is GRANTED. The defendants' motion to dismiss [D.E. 10] is DENIED AS MOOT. All defendants, except Miami-Dade County, are dismissed from this case. Ms. Grimes's amended complaint [D.E. 11] is now the operative complaint.

Miami-Dade shall respond to the amended complaint by no later than February 10, 2011.

DONE and ORDERED in chambers in Miami, Florida, this 25th day of January, 2011.

Adalberto Jordan
United States District Judge

Copy to: All counsel of record
Annie L. Grimes
12200 NE 6th Avenue
#209
North Miami, FL 33161
Pro Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY,

Defendant.
_____/

DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT
AND INCORPORATED MEMORANDUM OF LAW

Defendant Miami-Dade County ("the County") moves to dismiss the amended complaint pursuant to Rules 8(a), 10 and 12(b)(6) of the Federal Rules of Civil Procedure and states as follows:

Plaintiff filed a complaint against several defendants other than the County. Plaintiff requested and received permission from the Court to file an amended Complaint and has served that Amended Complaint on the County.

The Amended Complaint must be dismissed because it fails to state a claim against the County for employment discrimination under Title VII of the Civil Rights Act in violation of Rules 8(a), 10 and 12(b)(6) in that it does not set forth a short plain statement of facts that demonstrates that the Plaintiff is entitled to relief and does not provide for numbered paragraphs. Instead, the three-page complaint merely mentions a history of alleged discrimination, a request for records that she alleged not to have before a meeting and then concludes that she suffered a history of discrimination. Although Plaintiff is *pro se*, she must allege more than that to state a claim. Accordingly, the Amended Complaint must be dismissed.

MEMORANDUM OF LAW

A. The Amended Complaint Must Be Dismissed Because It Fails To Comply With Even the Most Basic Pleading Standards

The Amended Complaint merely makes conclusory allegations about discrimination and retaliation with not even a skeleton of facts to demonstrate that she has a plausible claim against the County for employment discrimination under Title VII. Thus, the Amended Complaint fails to comply with Rule 8(a) requirement of a short and plain statement of the facts. Additionally, the Amended Complaint fails to comply with Rule 10 of the Federal Rules of Civil Procedure because the Amended Complaint is a rambling narrative not separated into paragraphs and counts.

To properly state a claim, a complaint must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). The Supreme Court has recently clarified that while the pleading standard of Rule 8 "'does demand "more than an un-adorned, the-defendant-unlawfully-harmed-me accusation." *Ashcroft v. Iqbal*, 556 U.S. ___, 129 S.Ct. 1937, 1949, 173 L.Ed. 868 (2009)((*quoting Bell Atlantic Corp., v. Twombly*, 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed. 929 (2007)). More to the point, the court explained that "to survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Id.* (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). Although *pro se* pleadings are given some leeway, a *pro se* litigant's complaint must comply with the pleading rules set forth above.

In this case, the Amended Complaint fails to meet the minimum pleading standards in that it fails to set forth even the bare minimum of facts to establish the elements of a Title VII claim. Faced with a complaint similar to the Amended Complaint here, a District Court recently granted a motion to dismiss on the same grounds sought in this motion. *See Washington v.*

Sprint Food Stores, Inc., 2010 WL 5463137 (N.D. Ga. Dec. 2, 2010)(dismissing *pro se* litigant's Title VII claim for failure to meet basic pleading requirements of Rule 8).

Additionally, the Amended Complaint does not even allege that she received a right-to-sue letter. A plaintiff must allege that all conditions precedent have been satisfied which in a Title VII action requires that the plaintiff be issued a right-to-sue letter and that the action be filed timely after receipt of the right-to-sue letter. Since the Amended Complaint did not allege such compliance, it must be dismissed for failure to allege timely compliance with this critical condition precedent. *See* 42 U.S.C. §2000e-5)(f)(1).

WHEREFORE, it is respectfully requested that the Amended Complaint be dismissed.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant Miami-Dade County

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
CASE NO. 10-23996-CIV-JORDAN

Annie L. Grimes
12200 NE 6 Avenue
N. Miami, FL 33161
Plaintiff
Service by U.S. Mail

Eric A. Rodriguez
Assistant County Attorney
E-Mail: ear2@miamidade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5151
Facsimile: (305) 375-5634
Attorney for Defendants
Filing Party/No Service

(Rev. 10/2002) General Document

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: 10-23996-CIV-JORDAN

ANNIE L. GRIMES

Plaintiff(s)

v.

MIAMI-DADE COUNTY

Defendant(s)

FILED by AL D.C.
FEB 18 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

RESPONSE TO DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT

(TITLE OF DOCUMENT)

I, Annie Grimes, (plaintiff) or defendant, in the above styled cause, file this response to defendant Miami-Dade County's motion to dismiss the amended complaint.

The defendant requests that my amended complaint be dismissed because it fails to state a claim against it for employment discrimination under Title VII of the Civil Rights Act, because it does not provide a short and plain statement of facts showing I am entitled to relief and my statements are not separated into paragraphs and counts. Additionally, the defendant states my amended complaint does not allege that I received a right-to-sue letter.

My amended complaint does state a claim for employment discrimination under Title VII of the Civil Rights Act and I have already provided the Court with a right-to-sue letter.

In order to fix the problems with my amended complaint, I respectfully ask the Court to allow me to file a second amended complaint. Attached is the proposed second amended complaint.

(Rev. 10/2002) General Document

Certificate of Service

I Annie L. Grimes, certify that on this date 02/18/2011 a true copy of the foregoing document was mailed to: Eric A. Rodriguez, Dade County Attorney's Office, 111 NW 1st Street, Suite 2810, Miami, FL 33128

name(s) and address(es)

By:

Annie L. Grimes
Printed or typed name of Filer

Signature of Filer

Florida Bar Number
305-892-0051

E-mail address

Phone Number

Facsimile Number

12200 NE 6th Avenue, #209
Street Address

North Miami, FL 33161
City, State, Zip Code

(Rev. 10/2002) Complaint

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: 10-23996-CIV-JORDAN

ANNIE L. GRIMES

Plaintiff(s)

v.

MIAMI-DADE COUNTY

Defendant(s)

FILED by AR D.C.
FEB 18 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

COMPLAINT Amend

I, Annie L. Grimes plaintiff, in the above styled cause, sues defendant(s); Miami-Dade County.

(Allegation of jurisdiction, i.e., under which federal law or section of the U.S. Constitution this action is being filed)

This action is filed under: Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination.

Title VII forbids employers from retaliating, or from taking adverse personnel action against, employees who exercise their lawful and protected rights under Title VII.

(Statement of Facts)

1. I participated in an activity protected by Title VII when I filed a previous employment discrimination charge against Miami-Dade County and resolved the issue by withdrawing my charge and signing a settlement agreement.

2. In retaliation for participating in an activity protected by Title VII, I was demoted from my position/job duties and assigned to work as a clerk.

3. I filed an EEOC charge regarding this and received a right-to-sue letter dated August 11, 2010. Attached is a copy of the right-to-sue letter regarding EEOC Charge No. 846-2009-02802. I filed my original complaint in federal court on November 4, 2010, well within the 90 days allowed under the law.

4. I have suffered and continue to suffer irreparable injury caused by the defendant's illegal conduct including, but not limited to, emotional distress, pain, suffering, humiliation, loss of enjoyment of life, lost earnings and lost earning capacity.

(Relief request, i.e., State what you want the Court to do or award)

Wherefore, plaintiff requests that the Court enter an order:

a. prohibiting the defendant from engaging in acts of discrimination and retaliation;

b. award the plaintiff all damages she is entitled to for employment benefits she would have received, but for the discriminatory and retaliatory acts and practices of defendant;

c. award the plaintiff compensatory damages against the defendant in an amount that is fair; and

d. order any other relief she is due that the Court deems proper and just.

Plaintiff demands a jury trial.

Signed this 18 day of February 18, 20 11.

Annie L. Grimes
Printed or typed name of Filer

Signature of Filer

Florida Bar Number

E-mail address

305-892-0051
Phone Number

Facsimile Number

12200 NE 6th Avenue, #209
Street Address

North Miami, FL 33161
City, State, Zip Code

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Annie L. Grimes**
12200 NE 6th Avenue, #209
Miami, FL 33161

From: **Miami District Office**
2 South Biscayne Blvd
Suite 2700
Miami, FL 33131

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
846-2009-02802	**Dennis Kendrick, Investigator**	**(305) 808-1807**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Delner Franklin-Thomas
Acting District Director

AUG 11 2010
(Date Mailed)

Enclosures(s)

cc: **William Candella, Assistant County Attorney**
MIAMI DADE COUNTY
111 N.W. First St., Suite 2810
Miami, FL 33128

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY,

Defendant.
_____/

DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT AND SUPPORTING MEMORANDUM OF LAW

Defendant Miami-Dade County ("the County") files this reply memorandum in support of its motion to dismiss the Amended Complaint and states as follows:

Plaintiff's response conceded the need for amending the complaint a second time. Plaintiff has also requested the opportunity to file a second Amended Complaint to correct the deficiencies in the Amended Complaint.

In light of Plaintiff's request, Defendant respectfully submits that the motion to dismiss the amended complaint should be granted and Plaintiff should be granted leave to file a Second Amended Complaint to attempt to cure the deficiencies in the Amended Complaint.

WHEREFORE, it is respectfully requested that the Amended Complaint be dismissed and that Plaintiff be granted leave to file a Second Amended Complaint.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant Miami-Dade County

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
CASE NO. 10-23996-CIV-JORDAN

Annie L. Grimes
12200 NE 6 Avenue
N. Miami, FL 33161
Plaintiff
Service by U.S. Mail

Eric A. Rodriguez
Assistant County Attorney
E-Mail: ear2@miamidade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5151
Facsimile: (305) 375-5634
Attorney for Defendants
Filing Party/No Service

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 10-23996-CIV-JORDAN

ANNIE L. GRIMES,
Plaintiff
vs.
MIAMI-DADE COUNTY,
Defendant

ORDER

For the following reason, Miami-Dade County's motion to dismiss [D.E. 18] is DENIED AS MOOT.

Miami-Dade County moved to dismiss Ms. Grimes's amended complaint. In response, Annie L. Grimes moved to amend her complaint. In its reply, Miami-Dade County did not oppose Ms. Grimes's motion for leave.

Ms. Grimes shall file a second amended complaint by March 20, 2011.

DONE and ORDERED in chambers in Miami, Florida, this 2nd day of March, 2011.

Adalberto Jordan
United States District Judge

Copy to: All counsel of record
Annie L. Grimes
12200 NE 6th Avenue
#209
North Miami, FL 33161
Pro Se

FILED by ... D.C.
MAR 10 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-23996-CIV-JORDAN

ANNIE L. GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY
Defendants.

_____/

SECOND AMENDED COMPLAINT

The plaintiff, Annie L. Grimes in the above styled cause, sues defendant(s) Miami –Dade County

Title VII of the Civil Rights Act of 1964, as amended for employment discrimination. Title VII forbids employers from retaliating or from taking adverse personnel action against, employees who exercise their lawful and protected rights under Title VII.

(Statement of facts)

1. I participated in an activity protected by Title VII when I filed a previous employment discrimination charge against Miami Dade County and resolved the issue by withdrawing my change and signing a settlement agreement.
2. In retaliation for participating in an activity protected by Title VII, I was demoted from my position/job duties and assigned to work as a clerk.
3. I filed an EEOC charge regarding this and received a right-to-sue letter dated August 11, 2010. Attached is a copy of the-right-to-sue letter regarding EEOC Charge No. 846-2009-02802. I filed my original complaint in federal court on November 4, 2010, well within the 90 days allowed under the law.

4. I have suffered and continue to suffer irreparable injury caused by the defendant's illegal conduct including, but not limited to, emotional distress, pain, suffering, humiliation, loss of enjoyment of life in the work-place, lost earnings and lost earning capacity.

(Relief request i.e. State what you want the Court to do or award)

Plaintiff requests that the Court enter an order.

a. *Prohibiting the defendant from engaging in acts of discrimination and retaliation.*

b. *Award the plaintiff all damages she is entitled to for employment benefits she would have received, but for the discriminatory and retaliatory acts and practices of defendant.*

c. *Award the plaintiff compensatory damages against the defendant in an amount that is fair, and*

d. *Order any other relief she is due that the Court deems proper and just.*

Signed this 10 day of March 2011

ANNIE L. GRIMES
Printed or typed name of filer

Signature of filer

Plaintiff:
Annie L. Grimes, pro se
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

Defendant:
Eric A. Rodriguez
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Annie L. Grimes**
12200 NE 6th Avenue, #209
Miami, FL 33161

From: **Miami District Office**
2 South Biscayne Blvd
Suite 2700
Miami, FL 33131

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
846-2009-02802	**Dennis Kendrick, Investigator**	**(305) 808-1807**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Delner Franklin-Thomas,
Acting District Director

AUG 11 2010
EEOC Miami District Office
(Date Mailed)

Enclosures(s)

cc: **William Candella, Assistant County Attorney**
MIAMI DADE COUNTY
111 N.W. First St., Suite 2810
Miami, FL 33128

FILED by D.C.
MAR 10 2011
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. — MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-23996-CIV-JORDAN

ANNIE L. GRIMES,

Plaintiff,

Vs.

MIAMI-DADE COUNTY

Defendant.

_____/

RESPONSE TO SECOND AMENDED CAMPLAINT

In order to fix the problems with my amended complaint, I respectfully ask the court to allow me to file a second amended complaint.

The Plaintiff, Annie L. Grimes, responds to the Motion to Dismiss second amended complaint of employment discrimination under Title VII of the Civil Rights Act of 1964. Because it fails to state against it employment discrimination under Title VII of the Civil Rights Act of 1964, because it does not separated in paragraphs and counts. Additionally, the defendant states my amended complaint does not allege that I received a right-to-sue- letter. My amended complaint does state a claim for employment under Title VII of the Civil Rights Act and I have already provided the Court with a right-to-sue letter.

Respectfully submitted,

Annie L. Grimes, pro se
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

CERTIFICATE OF SERVICE

I hereby certify that on March, 10 2011, U.S. Mail served the foregoing on all persons on the Service List.

Annie L. Grimes

Service List

R. A. Cuevas, Jr.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

Eric A. Rodriguez
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

FILED by D.C.
MAR 22 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-23996-CIV-JORDAN

ANNIE L. GRIMES,

Plaintiff,

Vs.

MIAMI-DADE COUNTY

Defendant.

_____/

MOTION TO ADD THIRD AMENDED COMPLAINT LETTER ISSUE BY EEOC ON MARCH 03, 2011 RIGHTS TO SUIT

The Plaintiff, Annie L. Grimes, I respectfully ask the court to allow me to file a third amended complaint, that was issue to me by the EEOC dated March 03, 2011 #510-2010-05346, which was part of Document #1 that I filed on November 04, 2010 but did not have this letter of my right to suite at that time just the charges, so it the second letter -Notice of suit rights- for charges #510-2010-05346 which I gave as a copy to court at the time as evidence to support my case.

Respectfully submitted,

Annie L. Grimes, pro se
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2011, U.S. Mail served the foregoing on all persons on the Service List.

Annie L. Grimes, pro se

Service List

R. A. Cuevas, Jr.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

Eric A. Rodriguez
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

FILED by ____ D.C.
MAR 22 2011
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. of FLA. – MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-23996-CIV-JORDAN

ANNIE L. GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY
Defendants.

_____/

THIRD AMENDED COMPLAINT TO ADDED – NOTICE OF SUIT RIGHT- ISSUE ON MARCH 03, 2011 BY EEOC

The plaintiff, Annie L. Grimes in the above styled cause, sues defendant(s) Miami –Dade County

I filed an EEOC charge regarding this and received a right-to-sue letter dated March 03, 2011. Attached is a copy of the-right-to-sue letter regarding EEOC Charge No. 510-2010-05346 which I did not have at that time. I filed my original complaint in federal court on November 4, 2010, well within the 90 days allowed under the law.

To the opponent-at-law I attached a copy of both charges with the letter of right to suit to the complaint (new) letter#510-2010-05346 (old) #846-2009-02802, please see attachment, also copies was filed in the court as well.

Title VII of the Civil Rights Act of 1964, as amended for employment discrimination. Title VII forbids employers from retaliating or from taking adverse personnel action against, employees who exercise their lawful and protected rights under Title VII.

(Statement of facts)

1. I participated in an activity protected by Title VII when I filed a previous employment discrimination charge against Miami Dade County and resolved the issue by withdrawing my change and signing a settlement agreement.
2. In retaliation for participating in an activity protected by Title VII, I was demoted from my position/job duties and assigned to work as a clerk.
3. I filed an EEOC charge regarding this and received a right-to-sue letter dated August 11, 2010. Attached is a copy of the-right-to-sue letter regarding EEOC Charge No. 846-2009-02802. I filed my original complaint in federal court on November 4, 2010, well within the 90 days allowed under the law.
4. I have suffered and continue to suffer irreparable injury caused by the defendant's illegal conduct including, but not limited to, emotional distress, pain, suffering, humiliation, loss of enjoyment of life in the work-place, lost earnings and lost earning capacity.

(Relief request i.e. State what you want the Court to do or award)

Plaintiff requests that the Court enter an order.

a. *Prohibiting the defendant from engaging in acts of discrimination and retaliation.*
b. *Award the plaintiff all damages she is entitled to for employment benefits she would have received, but for the discriminatory and retaliatory acts and practices of defendant.*
c. *Award the plaintiff compensatory damages against the defendant in an amount that is fair, and*
d. *Order any other relief she is due that the Court deems proper and just.*

Signed this 22 day of March 2011

ANNIE L. GRIMES
Printed or typed name of filer

Signature of filer

Plaintiff:
Annie L. Grimes, pro se
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

Defendant:
Eric A. Rodriguez
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Annie L. Grimes**
12200 N.E. 6th Avenue, #209
Miami, FL 33161

From: **Miami District Office**
2 South Biscayne Blvd
Suite 2700
Miami, FL 33131

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
510-2010-05346	**Dennis Kendrick, Investigator**	**(305) 808-1807**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Delner Franklin-Thomas,
Acting District Director

MAR 03 2011
EEOC Miami District Office
(Date Mailed)

Enclosures(s)

cc: **Carlos Jose, Assistant Director**
MIAMI-DADE AVIATION DEPARTMENT
P.O. Box 022504
Miami, FL 33102

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC — 510-2010-05346

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Annie L. Grimes	**(305) 892-0051**	**07-22-1949**

Street Address / City, State and ZIP Code

12200 NE 6th Avenue, #209, Miami, FL 33161

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
MIAMI DADE AVIATION DEPARTMENT	**500 or More**	**(305) 876-8398**

Street Address / City, State and ZIP Code

P.O. Box 025504, Miami, FL 33102

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address / City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [X] RETALIATION
- [ ] AGE
- [X] DISABILITY
- [ ] GENETIC INFORMATION
- [ ] OTHER (*Specify*)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
04-14-2010	**08-25-2010**

- [X] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

I am a person with a disability who filed previous Title VII and ADEA charges.

I am being retaliated against by being harassed by Bobbie Philips, management, with the threat of being sent for a "Fit for Duty" exam even though I am working under permanent medical restrictions granted by my employer at the advice of my treating physician.

I believe I am being discriminated against because of my disability in violation of the Americans With Disabilities Act of 1990, as amended, and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended, and in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

09/04/2010 — Date

Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(*month, day, year*)

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Annie L. Grimes**
12200 NE 6th Avenue, #209
Miami, FL 33161

From: **Miami District Office**
2 South Biscayne Blvd
Suite 2700
Miami, FL 33131

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
846-2009-02802	**Dennis Kendrick, Investigator**	**(305) 808-1807**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

Delner Franklin-Thomas
Acting District Director

AUG 11 2010
EEOC Miami District Office
(Date Mailed)

cc: **William Candelia, Assistant County Attorney**
MIAMI DADE COUNTY
111 N.W. First St., Suite 2810
Miami, FL 33128

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 846-2009-02802

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.): **Ms. Annie L. Grimes**

Home Phone (Incl. Area Code): **(305) 892-0051**

Street Address: **12200 Ne 6th Avenue, #209, Miami, FL 33161**

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name: **MIAMI DADE COUNTY AVIATION**

No. Employees, Members: **500 or Mo**

Phone No. (Include Area Code): **(305) 876-7300**

P.O. Box 592075, Miami, FL 33159

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN

[X] RETALIATION [ ] AGE [ ] DISABILITY [ ] OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: **04-15-2008** Latest: **10-24-2008**

[ ] CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I a person who participated in an activity protected by Title VII when I filed a previous charge against Miami Dade County Aviation and resolved the issue by withdrawing my charge and signing a settlement agreement.

In retaliation, I was demoted from my work duties with the computer and assigned to work as a clerk.

I believe I am being retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Oct 24, 2008

Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY AVIATION, et al.

Defendant.
_____/

DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Defendant responds to Plaintiff's motion for leave to file a third amended complaint and states that although it does not concede that Plaintiff has a valid cause of action against it, the County agrees that Plaintiff should be granted leave to file a third amended complaint.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant Miami-Dade County

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
CASE NO. 10-23996-CIV-JORDAN

Annie L. Grimes
12200 NE 6 Avenue
N. Miami, FL 33161
Plaintiff
Service by U.S. Mail

Eric A. Rodriguez
Assistant County Attorney
E-Mail: ear2@miamidade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5151
Facsimile: (305) 375-5634
Attorney for Defendants
Filing Party/No Service

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 10-23996-CIV-JORDAN

ANNIE L. GRIMES,
Plaintiff

vs.

MIAMI-DADE COUNTY,
Defendant

ORDER

Annie L. Grimes's motion for leave to file a third amended complaint [D.E. 25] is GRANTED. The third amended complaint [D.E. 26] is now the operative complaint.

Miami-Dade shall respond to the amended complaint by no later April 25, 2011.

DONE and ORDERED in chambers in Miami, Florida, this 11th day of April, 2011.

Adalberto Jordan
United States District Judge

Copy to: All counsel of record
Annie L. Grimes
12200 NE 6th Avenue
#209
North Miami, FL 33161
Pro Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY,

Defendant.
_____/

DEFENDANTS' MOTION TO DISMISS THIRD AMENDED COMPLAINT AND SUPPORTING MEMORANDUM OF LAW

Defendant Miami-Dade County ("the County") moves to dismiss the amended complaint pursuant to Rules 8(a), 10 and 12(b)(6) of the Federal Rules of Civil Procedure and states as follows:

Plaintiff filed a complaint against several defendants other than the County. Plaintiff requested and received permission from the Court to amend the Complaint several times and now has filed a Third Amended Complaint.

The Third Amended Complaint must be dismissed because it fails to state a claim against the County for employment discrimination under Title VII of the Civil Rights Act in violation of Rules 8(a) and 12(b)(6) in that it does not set forth a short plain statement of facts that demonstrates that the Plaintiff is entitled to relief.

MEMORANDUM OF LAW

A. The Third Amended Complaint Must Be Dismissed Because It Fails To Comply With Even the Most Basic Pleading Standards

The Third Amended Complaint merely makes conclusory allegations and does not allege even the most basic facts to demonstrate that she has a plausible claim against the County under

Title VII. Thus, the Amended Complaint fails to comply with Rule 8(a) requirement of a short and plain statement of the facts.

To properly state a claim, a complaint must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). The Supreme Court has recently clarified that while the pleading standard of Rule 8 "'does demand "more than an un-adorned, the-defendant-unlawfully-harmed-me accusation." *Ashcroft v. Iqbal*, 556 U.S. ___, 129 S.Ct. 1937, 1949, 173 L.Ed. 868 (2009)((*quoting Bell Atlantic Corp., v. Twombly*, 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed. 929 (2007)). More to the point, the court explained that "to survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Id.* (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). Although *pro se* pleadings are given some leeway, a *pro se* litigant's complaint must comply with the pleading rules set forth above.

In this case, the Amended Complaint fails to meet the minimum pleading standards in that it fails to set forth even the bare minimum of facts to establish the elements of a Title VII claim. Indeed, the entire operative section of the Third Amended Complaint appears in one sentence in paragraph 2 that barely spans two lines and it fails to allege what the protected activity was, when it occurred and what she was demoted to and when that occurred. Dates are critical in responding to retaliation claims. The absence of even a month or a year when such actions allegedly occurred renders this complaint deficient. And deficient pleading should be dismissed. *See Washington v. Sprint Food Stores, Inc.*, 2010 WL 5463137 (N.D. Ga. Dec. 2, 2010)(dismissing *pro se* litigant's Title VII claim for failure to meet basic pleading requirements of Rule 8). Now that the Plaintiff has been given several opportunities to amend the Complaint and still has not stated a claim, the Third Amended Complaint should be dismissed with prejudice.

B. The Third Amended Complaint must be Dismissed Because It Is Out

In addition to the fundamental pleading deficiencies in the Third Amended Complaint, it suffers from an even more important and insurmountable flaw. The Third Amended Complaint in paragraph 2 claims that Plaintiff was demoted at some indeterminate time in retaliation for some indeterminate protected activity. Plaintiff attaches a right-to-sue letter and an EEOC Charge to purport to satisfy the condition precedent to bring the claim in paragraph 2 that she was demoted. There is one huge problem with this. The claim in the Third Amended Compliant is outside the scope of the EEOC Charge upon which the Plaintiff received a right-to-sue from the EEOC.

It is well established that a judicial complaint under Title VII is limited by the scope of the EEOC Charge on which it is based. *Ray v. Freeman*, 626 F.2d 439, 443 (5th Cir. 1980). After a party has filed a Charge with the EEOC, any subsequent judicial proceeding is limited by the nature of the charges filed with the EEOC. *See Buzzi v. Gomez*, 62 F. Supp.2d 1344, 1351-53 (S.D. Fla. 1999)(Gold, J.)(holding that claims for acts of alleged retaliation such as denial of promotion, denial of a transfer and denial of training occurring after the filing of the EEOC Charge were not reasonably related to the EEOC Charge and were required to be dismissed for failure to exhaust administrative remedies); *see generally Forehand v. Florida State Hosp.*, 89 F.3d 1562, 1567 (11th Cir. 1996)(stating that administrative remedies must be exhausted before an employee may pursue a Title VII employment discrimination claim). *See also Lieberman v. Miami-Dade County*, 2000 WL 1717649 (S.D. Fla. 2000). In *Lieberman*, which was a case involving Miami-Dade County, the Court stated that:

> The aggrieved may not complain to the EEOC of only certain instances of discrimination and then seek judicial relief for different instances of discrimination. This limitation is consistent with the principle of primary jurisdiction in the agency, for it gives the employer some warning of the conduct about which the employee was aggrieved, and it affords the

> agency and the employer an opportunity to attempt conciliation without resort to the courts.

Lieberman (quoting *Rush v. McDonald's Corp.*, 966 F.2d 1104, 1110 (7th Cir.1992)). Thus, the allegations in the EEOC Charge control the scope of a judicial action.

Here the EEOC Charge on which Plaintiff relies upon to provide the condition precedent to this lawsuit makes no allegation regarding the Plaintiff being demoted. The EEOC Charge makes some general allegation about a fitness for duty examination and that is it. A demotion, such as is alleged in the Third Amended Complaint, is the type of employment action that is known as a discrete action and it must be contained in a timely filed charge of discrimination. *See generally Nat'l R.R. Passenger Corp. v. Morgan,* 536 U.S. 101, 114, 122 S.Ct. 2061, 153 L.Ed.2d 106 (2002) (noting that a failure to promote qualified as a "discrete act[ ]" constituting a separate unlawful discriminatory practice and that plaintiff "can only file a charge to cover discrete acts that 'occurred' within the appropriate time period."). Accordingly, because the Third Amended Complaint is premised on a demotion that is not alleged in the EEOC Charge upon which the Plaintiff received a right-to-sue, this case should be dismissed for failure to comply with the condition precedent of having a timely filed EEOC Charge.

WHEREFORE, for the foregoing reasons and in light of the multiple chances Plaintiff has received to correct the complaint, it is respectfully requested that the Third Amended Complaint be dismissed with prejudice.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant Miami-Dade County

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
CASE NO. 10-23996-CIV-JORDAN

Annie L. Grimes
12200 NE 6 Avenue
N. Miami, FL 33161
Plaintiff
Service by U.S. Mail

Eric A. Rodriguez
Assistant County Attorney
E-Mail: ear2@miamidade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5151
Facsimile: (305) 375-5634
Attorney for Defendants
Filing Party/No Service

FILED by D.C.
MAY 06 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 10-23996-CIV-JORDAN

ANNIE L. GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY

Defendant.

_____/

PLAINTIFF, RESPONSE TO MOTION TO DISMISS THIRD AMENDED COMPLAINT AND SUPPORTING MEMORANDUM OF LAW

The Plaintiff, Annie L. Grimes, responds to the Motion to Dismiss and states that this action arises from a charge of employment discrimination under Title VII of the Civil Rights Act of 1964. Again I am respectfully asking that the court not dismissed my complain, because of my limited understanding of the law of the case as state by Miami-Dade County I feel and know that all statements of fact that I have given to the court with copies that supported my claim is true and correct and contain factual information. However, at this time my understanding with past experiences with a person who was highly educated in law lead me to make a decisions that giving too much detail about the case would be in my best interest so please bear with me I will give a little more detail about my case but short and hope this will help the court in their decision not to dismissed the third amended complaint.

MEMORANDUM OF LAW, WHAT I THINK MIAMI-DADE COUNT WANT RETALIATION

On November 04, 2010 charges #846-2009-02802, again I participated in activity protected by Title VII. When I filed a previous charge against Miami-Dade County after I was re-rehired as Settlement agreement said I would. Works assigned that had important behind it was taken always from me by upper management as I learned later, not only was the works taking always but it was given to persons who I have name of and these co-worker was not in good standing with their department at that time, also not as experience as I was could not past a typing test which Miami-Dade County required for a job were you need to type but works assigned was taken because I participated in activity of Title VII. All of the employee's was not of my national origin I had a meeting with upper management about these charges I filed that they called me in and said I would be given more important works would be assigned to me later, it never happen instead I became an object of laughter by upper management during this meeting and also, suggested that I see Miami-Dade County Psychologist for a head check, after the meeting I ask for the phone number did not give it to me. Miami-Dade County try to sidestepping the law on Title VII by telling EEOC that there was no charges filed. But I got that straight out by calling Mr. Dennis Kendrick at (305) 808-1807, which he agreed with them at first. Miami-Dade County continue to mistreated me and retaliated against me, also demoted was taken always from me because the employee's given the work was young them me and not of my national origin. I have had several conversations with downtown as well. (Date of Action March and April)

Dated of Violation (A G.)

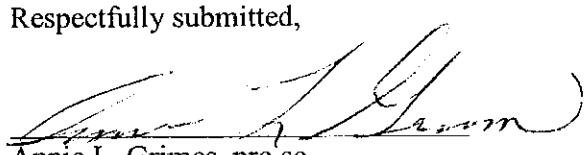
RETALIATION (DISABILITY AND AGE) TITLE VII DISABILITES ACT OF 1990

I was told to go over and do some filing for upper management in building#3030 for the employee that was hired off the street and she had less experience than I had and young than me also, not of my origin (American Black) but black the computer system that we work on peoples-soft which required you to type she was Not Req. tested to type by Miami-Dade County rules. I was in the Family Medical Leave plan because of Arthritis in my right hip at time I could not walk longer distance like I was before and sometime pain was great that I would miss work that will I contact Sharon Weeks and joint this plan. My doctor ok it as I visit him several times before with the complaint about the pain was I was accepted in the plan from my doctor reported. The day I was send to filed my leg went into pain I called Sharon weeks at (305) 876-7821 for advised on how the plan go with these type of assigned works and that I was not able to do this without going into pain and it was shortly after that that I received a call from Kelley Flores stating that the plan did not cover that, them I call up Bobbie Phillips at (305) 876 – 0639 she them state that they could send me for a test for "fit-For-Duty" and I would not be coming back. Justice involves treating people according to what is fair and right I have not experience this with Miami-Dade County instead was tread bad because I filed those charges of my Civil right

VII. Date of Action August, E-Mail To Support This was Attach was given Already. (A.G.)

WHEREFORE, the Plaintiff respectfully requests this Honorable Court deny the Motion to Dismiss and allow the Plaintiff to amend the Complaint.

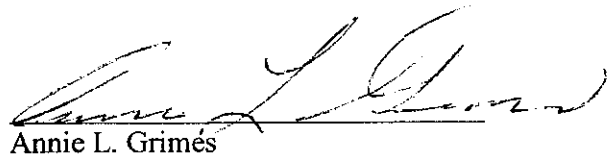
Respectfully submitted,



Annie L. Grimes, pro se
12200 N.E. 6th Avenue, # 209
North Miami, FL 33161

CERTIFICATE OF SERVICE

I hereby certify that on May 06, 2011, the foregoing was served by U.S. Mail on all persons on the Service List.



Annie L. Grimes

Service List

R. A. Cuevas, Jr.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

Eric A. Rodriguez
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-JORDAN

ANNIE GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY,

Defendant.
_____/

DEFENDANT'S REPLY MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THIRD AMENDED COMPLAINT

Defendant Miami-Dade County ("the County") file this memorandum of law in support of its motion to dismiss and in reply to Plaintiff's opposition to Defendant's motion to dismiss the Third Amended Complaint and states as follows:

I. Despite Four Chances Plaintiff Still Has Not Alleged A Plausible Legal Claim

Plaintiff has now filed four complaints in this action and has yet to adequately set forth a viable claim upon which relief can be granted. Plaintiff's response fails to controvert the well established case law cited in the motion to dismiss. *See Ashcroft v. Iqbal*, 556 U.S. ___, 129 S.Ct. 1937, 1949, 173 L.Ed. 868 (2009)((*quoting Bell Atlantic Corp., v. Twombly*, 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed. 929 (2007))("to survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Id.* (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). *See also Washington v. Sprint Food Stores, Inc.*, 2010 WL 5463137 (N.D. Ga. Dec. 2, 2010)(dismissing *pro se* litigant's Title VII claim for failure to meet basic pleading requirements of Rule 8).

II. The Third Amended Complaint Is Barred Because It Is Outside The Scope of the EEOC Charge

The Third Amended Complaint must also be dismissed for the additional reason that the bare bones allegations in the Third Amended Compliant are outside the scope of the EEOC Charge upon which Plaintiff received a right-to-sue letter from the EEOC.

Plaintiff has failed to adequately controvert this argument and also failed to controvert the case law and arguments on this point that were cited in the motion to dismiss. *See e.g. Nat'l R.R. Passenger Corp. v. Morgan,* 536 U.S. 101, 114, 122 S.Ct. 2061, 153 L.Ed.2d 106 (2002) (noting that a failure to promote qualified as a "discrete act[ ]" constituting a separate unlawful discriminatory practice and that plaintiff "can only file a charge to cover discrete acts that 'occurred' within the appropriate time period."); *Forehand v. Florida State Hosp.*, 89 F.3d 1562, 1567 (11th Cir. 1996)(stating that administrative remedies must be exhausted before an employee may pursue a Title VII employment discrimination claim); *Ray v. Freeman*, 626 F.2d 439, 443 (5th Cir. 1980); *Lieberman v. Miami-Dade County*, 2000 WL 1717649 (S.D. Fla. 2000)("The aggrieved may not complain to the EEOC of only certain instances of discrimination and then seek judicial relief for different instances of discrimination."); *Buzzi v. Gomez*, 62 F. Supp.2d 1344, 1351-53 (S.D. Fla. 1999)(holding that claims for acts of alleged retaliation such as denial of promotion, denial of a transfer and denial of training occurring after the filing of the EEOC Charge were not reasonably related to the EEOC Charge and were required to be dismissed for failure to exhaust administrative remedies). Plaintiff's opposition does not even address this case law and just rambles on regarding matters that have nothing to do with this important threshold issue. Accordingly, because the Third Amended Complaint is premised on a demotion that is not alleged in the EEOC Charge upon which the Plaintiff received a right-to-sue, this case should

be dismissed for failure to comply with the condition precedent of having a timely filed EEOC Charge.

Finally, Plaintiff has been given several chances to meet the basic pleading requirements and to set forth a viable claim that satisfies the requirement to exhaust the administrative procedures with the EEOC. Plaintiff has not corrected these flaws despite having four chances and at least as it relates to the exhaustion issue, Plaintiff cannot correct these flaws. Thus, after all those chances, this case should be dismissed with prejudice. *See e.g., Hopkins v. St. Lucie County School Board*, 2010 WL 3995824 (11th Cir. Oct. 13, 2010)(affirming dismissal of *pro se* litigant's first Title VII complaint); *Singletary v. Haskell Company*, 2009 WL 2604587 (M.D. Fla. 2009)(granting motion to dismiss with prejudice of Title VII *pro se* litigant's Third Amended Complaint because of deficient pleading and because the claims were not within the scope of the EEOC Charge).

WHEREFORE, for the foregoing reasons and in light of the multiple chances Plaintiff has received to correct the complaint, it is respectfully requested that the Third Amended Complaint be dismissed with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 10-23996-CIV-JORDAN

ANNIE L. GRIMES,
Plaintiff

vs.

MIAMI-DADE COUNTY,
Defendant

ORDER DENYING MOTION TO DISMISS

For the following reasons, Miami-Dade County's motion to dismiss [D.E. 30] is DENIED. Miami-Dade County shall respond to the third amended complaint by July 22, 2011.

When ruling on a motion to dismiss, I must look at the allegations in the complaint as well as any attached material. *See Wilchombe v. TeeVee Toons, Inc.*, 555 F.3d 949, 959 (11th Cir. 2009). And, when considering the complaint of a *pro se* litigant, I must liberally construe the pleadings. *See Moton v. Cowart*, 631 F.3d 1337, 1340 n.2 (11th Cir. 2009).

In her third amended complaint, Annie Grimes alleges that she participated in an activity protected by Title VII when she filed a discrimination charge against Miami-Dade County, that Miami-Dade County eventually settled that dispute, that she was demoted from her job to the status of "clerk" as a response for filing the discrimination charge, that she filed a new charge based on this demotion with the Equal Employment Opportunity Commission, that the EEOC gave her a right-to-sue letter, and that she filed a complaint in this case within the 90-day period provided by law. Ms. Grimes also attached two right-to-sue letters. It is unclear how the first right-to-sue letter relates to this case. The second one, however, concerns Miami-Dade County's alleged retaliation. This second right-to-sue letter contains the following allegation from Ms. Grimes: "I am a person who participated in an activity protected by Title VII when I filed a previous charge . . . . [I]n retaliation, I was demoted from my work duties with the computer and assigned to work as a clerk."

Miami-Dade County argues that Ms. Grimes fails to plead a claim under the standard given

by *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). I disagree.

Construing the complaint liberally, as I must, *see Moton*, 631 F.3d at 1340 n.2, Ms. Grimes alleges that Miami-Dade County discriminated against her. In response, she filed a charge with the EEOC, and Miami-Dade County settled that case with Ms. Grimes. Then Miami-Dade County demoted Ms. Grimes, and the EEOC gave her a right-to-sue letter in August of 2010. This suffices at this stage. *Twombly* does not, as Miami-Dade County claims, require Ms. Grimes to give more factual detail. The factual allegations, along with the attachments to the complaint, must merely "possess enough heft" to set forth "a plausible entitlement to relief." *Fin. Sec. Assurance, Inc. v. Stephens, Inc.*, 500 F.3d 1276, 1282 (11th Cir. 2007) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 554–55 (2007)). Given the right-to-sue letter and Ms. Grimes's status as a *pro se* litigant, she has met this requirement.[1]

Finally, Miami-Dade County believes that the right-to-sue letter giving Ms. Grimes a right to bring this case has allegations inconsistent with the complaint's allegations. But Miami-Dade County is relying on the wrong right-to-sue letter. Ms. Grimes received the first right-to-sue letter attached to the complaint after she initiated this lawsuit. The second attached right-to-sue letter is about her demotion, and that right-to-sue letter is consistent with the allegations in the complaint. Miami-Dade County's argument is therefore unconvincing.

DONE and ORDERED in chambers in Miami, Florida, this 8th day of July, 2011.

Adalberto Jordan
United States District Judge

Copy to: All counsel of record
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[1]Miami-Dade County also complains about the lack of time frame, but the right-to-sue letters both contain dates on which the alleged discrimination took place.