

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

JESSICA HOWELL-GONZALEZ,

Plaintiff,

v.

THE CITY OF MOUNT DORA,
FLORIDA,

Defendant.

CASE NO.:

JURY TRIAL DEMANDED

VERIFIED COMPLAINT

Jessica Howell-Gonzalez (“Howell”), by and through her undersigned counsel, hereby files this Verified Complaint against The City of Mount Dora, Florida (“The City”) for violation of her rights under Florida’s Public Sector Whistleblower’s Act, §§ 112.3187-112.31895, Fla. Stat. (2018) (the “FWA”), for violation of the Family Medical Leave Act (“FMLA”), and unlawful retaliation under the First Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983 (the “First Amendment”), and in support states as follows:

NATURE OF ACTION

1. This is an action arising from and seeking redress for The City’s violations of:
 - a. the FWA;
 - b. FMLA; and
 - c. the First Amendment.

JURISDICTION AND VENUE

2. This Court has jurisdiction because this action involves a claim for damages and reasonable attorneys’ fees and costs under a federal statute, FMLA.

3. This Court possesses federal question jurisdiction over the claims asserted by Plaintiffs pursuant to 28 U.S.C. § 1331 because they arise under the First Amendment, enforced through 42 U.S.C. § 1983.

4. This Court has supplemental jurisdiction over Howell's FWA claim under 28 U.S.C. § 1367(a) as these claims are so related to claims in this action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

5. Venue is proper under 28 U.S.C. § 1391(b)(2) because the events giving rise to Howell's claims occurred in the Middle District of Florida.

PARTIES

6. Howell is a resident of Eustis, Lake County, Florida, and formally a corporal with The City's police department ("MDPD").

7. At all material times herein, Howell was an "employee" of The City as defined by Section 112.3187(3)(b) of the FWA and 42 U.S.C. § 2000e(f).

8. MDPD's principal place of business is at 1300 N. Donnelly Street, Mt. Dora, Lake County, Florida 32757.

PROCEDURAL REQUIREMENTS

9. Employees protected under the FWA include those who disclose information on their own initiative in a written and signed complaint, those who refuse to participate in any adverse action prohibited by the FWA, or those who file "any written complaint to their supervisory officials." Section 112.3187(7), Fla. Stat. (2019).

10. On August 27, 2019, Howell provided her written, signed complaint to The City.

11. Howell has satisfied all of the administrative procedures that were conditions precedent to filing her FWA claims.

FACTUAL BACKGROUND

12. Howell was a corporal with MDPD until her constructive discharge on October 17, 2019.

FWA

13. For several months, Howell complained about a co-worker and subordinate, Officer Ivy Severance (“Severance”), as a result of her failing to work and conducting personal business on the clock.

14. This activity by Severance began in February 2019.

15. One specific instance was in mid-March where she took a civilian friend shopping and to run errands in her patrol vehicle on MDPD time while she was supposed to be taking an employee, Ashley Butler, out for uniforms.

16. A fellow co-worker, Deja Pollidore (“Pollidore”), complained about this event as well.

17. Howell made numerous complaints to Sgt K. Taylor regarding these chronic issues, who always advised her that he was told to leave Ofc. Severance alone at the instruction of then-Deputy Chief Robert Bell, who later became the MDPD police chief.

18. On April 4, 2019, Howell discussed the issues with Severance to Lt. Ken Hinman (“Hinman”).

19. On April 10 and April 12, 2019, Howell again met with Hinman and complained about Severance incurring overtime (OT) she did not work and that she continued to perform personal errands and activities on MDPD time.

20. Howell raised these issues once more on April 15th to Hinman when an OT issue again arose after Severance told Howell she had no work and then “worked” OT hours from home.

21. Despite the complaints and objections of Howell, this activity continued.

22. In retaliation for Howell’s complaints and objections, she was transferred from her unit the week following her April 15th objection.

23. On June 20, 2019, Howell met with Bell, who at this time was the acting chief, and again raised the significant issues regarding Severance using company time to perform personal errands and incurring overtime for which she was not entitled.

24. In response, Bell became aggressive and moved close to Howell and falsely told her that Severance spends more time at MDPD than anyone, and that he takes his daughter to school while at work and asked Howell if she was also accusing him of stealing time.

25. In the same conversation, Bell also made it clear that because of Howell’s objections regarding Severance’s theft of time, Howell would never be back in the community relations unit.

26. Howell was the acting sergeant of the unit when she made her initial complaints, including her complaint to Hinman.

27. Howell was a corporal in the unit when she made her complaints to Sgt. Taylor.

28. Based on Bell’s demeanor and aggressive stance during their meeting, Howell felt intimidated and removed herself to avoid further attempts by Bell to intimidate and silence her.

29. Howell believed that her complaints related to activity that was detrimental to the taxpayers of Lake County.

30. Howell, by making her complaint, had hoped these activities would cease but it only became worse.

31. In fact, Severance has made a list of “villains” for which Howell was included as “Lady Tremaine,” a reference to Cinderella’s evil step-mom.

32. Severance took a photograph of this list, which Howell obtained.

33. On August 27, 2019, Howell submitted her written complaint regarding these issues to City Manager Robin Hayes, Human Resources Director Sharon Kraynik and Bell.

34. In her written complaint, Howell explained that she was treated unfairly at work as a result of her objections and refusal to engage in these improper activities.

35. Howell asked that this activity cease immediately and that her concerns be immediately investigated.

36. Instead, in retaliation for her complaints concerning acts or suspected acts of gross mismanagement and gross neglect of duty, as well as violations or suspected violations of laws, MDPD callously did nothing and ignored requests made by Howell to conduct an investigation into her complaints.

37. Inexplicably, Howell was instead told that the IA investigation into Severance must first be completed.

38. To that end, Howell was interviewed on Thursday, October 3, 2019.

39. During the interview, Howell identified Pollidore as a witness.

40. On Monday, October 7, 2019, Pollidore received correspondence that was mailed anonymously, along with statements from Krystal Beasley, Karen Campbell, Jeff Biles and Victor Uvalle.

41. The correspondence was devoted entirely to Severance's interests, which is telling and provides significant guidance regarding the identity of its author.

42. The correspondence threatens Pollidore with a civil lawsuit for "defamation of character" and cautions her to "do the right thing."

43. It was clearly a threat and intended to dissuade Pollidore from providing information in the IA investigation.

44. Howell reported this serious issue to the investigator.

45. However, tellingly, nobody followed up with either Howell or Pollidore regarding this serious issue.

46. Similarly, Captain Coy Hunter ("Hunter") solicited Sgt. Karen Dancel ("Dancel") to make a baseless complaint against Howell, to which she refused.

47. As a result, Severance became upset regarding Dancel's refusal.

48. After Dancel refused to lodge a complaint at Hunter's request, she alerted Howell.

49. A few days later, Hunter again asked Dancel if she had a complaint to file against Howell, and Dancel again told him no.

50. Thereafter, Howell asked Hunter why he would solicit Dancel to file a complaint against her.

51. Hunter responded that it was "at the direction of Chief Bell."

52. In turn, Howell called Bell regarding this serious issue.

53. Bell claimed to not have any knowledge of Hunter's actions.

FMLA

54. In July 2019, Howell went on FMLA due to significant work stress.

55. During her time off, Bell repeatedly and falsely told staff that Howell was “abusing sick time.”

56. Incredibly, she was penalized in her most recent evaluation for taking FMLA time.

57. For example, after receiving lower than usual points for “Dependability,” the following comment was made, “During this evaluation period, Jessica used all of her available sick time and went without pay for several weeks.”

58. This is clear interference and retaliation under the FMLA.

59. Following her return to work from FMLA leave, Howell was to change to nightshift.

60. This would have meant that her exposure to Bell and Severance would have been minimal.

61. Instead, and in retaliation for taking FMLA leave, she was told right before she was to return that she would be back on dayshift, which has meant daily interactions with the individuals who are the subject of her FWA complaints.

TERMINATION

62. In light of the foregoing, it is apparent that MDPD created an entirely untenable situation in which no reasonable person would continue an employment relationship.

63. Therefore, as of October 17, 2019, Howell was constructively discharged from her employment with MDPD.

COUNT I:
FLORIDA PUBLIC SECTOR WHISTLEBLOWER ACT

64. Howell incorporates by reference paragraphs 1(a), 2, 4-53, 62 and 63 of this Verified Complaint.

65. Howell disclosed information in her written, signed complaint to MDPD and The City on August 27, 2019, as well as verbally beginning in February 2019 and through her constructive discharge.

66. The information disclosed amounted to violations or suspected violations of state and local law, rule, or regulation committed by MDPD and The City, which created and presented a substantial and specific danger to the public's health, safety, and welfare.

67. Additionally, Howell disclosed information in her written, signed complaint to MDPD and The City regarding acts or suspected acts of gross mismanagement, malfeasance, misfeasance, and gross neglect of duty committed by MDPD and The City.

68. Howell suffered retaliatory actions because of the information disclosed by her through her written, signed complaint, as well as through her verbal complaints.

69. As a direct and proximate result of her protected activity, Howell was subjected to retaliatory personnel action by MDPD and The City.

70. MDPD's and The City's actions have created an entirely untenable situation in which no reasonable person would continue an employment relationship.

71. Howell was constructively discharged from her employment with MDPD and The City on October 17, 2019.

72. As a direct and proximate result of MDPD's and The City's actions, Howell suffered a loss of employment and related economic and emotional injuries.

73. The actions of MDPD and The City make reinstatement ineffective as a make-whole remedy, entitling Howell to front pay in lieu of reinstatement.

WHEREFORE, Howell demands judgment against The City for:

- a. Compensation for lost wages, benefits, and other remuneration;
- b. Front pay in lieu of reinstatement;
- c. Compensatory damages;
- d. Injunctive relief;
- e. Attorney's fees and costs pursuant to §§ 112.3187-112.31895, Fla. Stat. (2018);
- f. Prejudgment interest; and
- g. Such other relief as this Court deems just and proper.

COUNT II: RETALIATION
(FIRST AMENDMENT OF U.S. CONSTITUTION PURSUANT TO 42 U.S.C. § 1983)
(In the alternative to Count I)

74. Howell incorporates by reference paragraphs 1(b), 2, 5-8, 12, and 54-63 of this Verified Complaint.

75. Howell brings this cause of action in the alternative to Count I, pursuant to 42 U.S.C. § 1983.

76. The conduct of MDPD and The City complained of herein was taken under color of the laws of the State of Florida.

77. The persons who engaged in the conduct at issue were of such position and authority so that their acts may fairly be said to constitute the official expressions of MDPD and The City' custom, policy or usage.

78. Howell engaged in constitutionally protected conduct by making statements relating to matters of public interest.

79. Howell's statements relating to matters of public interest were made in her capacity as a private citizen and were beyond the scope of her job duties and responsibilities as a public employee for MDPD and The City.

80. Howell's statements involved matters of public concern that outweighed the interests of the MDPD and The City as an employer, as the public has a substantial interest in eliminating fraudulent practices that cause taxpayer funds to be misappropriated.

81. Howell's statements were the type traditionally covered under the First Amendment.

82. The adverse employment actions suffered by Howell were causally related to, and in retaliation for, Howell having engaged in constitutionally protected conduct by making statements relating to matters of public interest.

83. MDPD and The City' retaliatory conduct deprived Howell of her constitutionally-protected rights of free speech under the First Amendment.

84. No legitimate governmental interest was served in denying Howell her right to free speech.

85. As a direct, proximate, and foreseeable result of MDPD and The City' retaliatory actions, Howell has suffered past and future losses, emotional pain, suffering, embarrassment, humiliation, inconvenience, mental anguish, loss of enjoyment of life, loss of dignity, emotional distress and other non-pecuniary losses and intangible injuries.

86. The actions of MDPD and The City make reinstatement ineffective as a make whole remedy, entitling Howell to front pay in lieu of reinstatement.

87. Howell has retained counsel to represent her in this matter and has incurred, and will continue to incur, attorney's fees and costs.

WHEREFORE, Howell demands judgment against The City for:

- a. Back pay;
- b. Front pay;
- c. Compensatory damages;
- d. Punitive damages;
- e. Attorneys' fees and costs of this action pursuant to 42 U.S.C. § 1988(b);
and
- f. Such other relief as this Court deems just and proper.

COUNT III: FMLA RETALIATION

88. Howell incorporates by reference paragraphs 1(c), 3, 5-8, 12-53, 62, and 63 of this Verified Complaint.

89. Howell met all of the eligibility requirements to qualify for up to twelve (12) weeks of unpaid, job-protected, leave per year for qualifying reasons.

90. Howell was entitled to FMLA leave.

91. Howell engaged in statutorily protected activity by applying for and taking leave under the FMLA.

92. Thereafter, Howell suffered adverse employment decisions because she took leave

93. These adverse decisions were made as a direct result of, and in retaliation for, Howell exercising her rights under the FMLA.

94. MDPD and The City did not act in good faith, nor did it have any reasonable grounds for believing that its actions were in compliance with the FMLA.

95. Moreover, MDPD and The City' proffered reason for engaging in the foregoing acts was merely pretext for its unlawful retaliatory actions against Howell for availing herself of the rights afforded to her under the FMLA.

96. As a result of MDPD and The City' retaliatory conduct, Howell suffered lost compensation, including the loss of wages and benefits.

97. Howell has and will continue to incur attorneys' fees and costs in this action, and is entitled to recovery of her attorneys' fees and costs pursuant to the FMLA. 29 C.F.R. § 825.400(c).

WHEREFORE, Howell demands judgment against The City for:

- a. Lost wages and benefits;
- b. Liquidated damages;
- c. Injunctive relief;
- d. Attorney's fees and costs;
- e. Prejudgment interest; and
- f. Any other relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

Howell hereby demands a trial by jury on all issues and counts triable of right before a jury.

Date: March 31, 2020.

Respectfully submitted,

s/ Christopher A. Pace _____
Jill S. Schwartz, Esquire
Florida Bar No. 523021
Christopher A. Pace, Esquire
Florida Bar No. 676721
JILL S. SCHWARTZ & ASSOCIATES, P.A.
655 W. Morse Blvd., Suite 212
Winter Park, Florida 32789
Telephone: (407) 647-8911
Facsimile: (407) 628-4994
E-mail: jschwartz@schwartzlawfirm.net
E-mail: cpace@schwartzlawfirm.net

Attorneys for Plaintiff

VERIFICATION

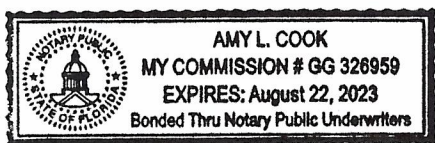
Personally appeared before the undersigned, JESSICA HOWELL-GONZALEZ, who being first duly sworn, deposes and says that the allegations of this Verified Complaint and Demand for Jury Trial, are true and correct to the best of her knowledge, information and belief.

J. Howell-G
JESSICA HOWELL-GONZALEZ

STATE OF FLORIDA)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 31st day of March 2020, by JESSICA HOWELL-GONZALEZ, who is personally known to me or who has produced FL Drivers License as identification, and who did take an oath.

Amy L Cook
Notary Public – State of Florida at Large
My Commission Expires: 8/22/23



JS 44 (Rev. 09/19)

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 NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS <u>JESSICA HOWELL-GONZALEZ,</u></p> <p>(b) County of Residence of First Listed Plaintiff <u>LAKE COUNTY, FL</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p> <p>Jill S. Schwartz & Associates, P.A., 655 W. Morse Blvd., Suite 212, Winter Park, FL 32789; 407-647-8911</p>	<p>DEFENDANTS <u>THE CITY OF MOUNT DORA, FLORIDA</u></p> <p>County of Residence of First Listed Defendant <u>LAKE COUNTY, FL</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <p><i>(For Diversity Cases Only)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

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

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
42 U.S.C. Section 1983


Brief description of cause:
Violations of Florida's Public Sector Whistleblower's Act; the Family Medical Leave Act and the First Amendment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE 03/31/2020 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

Ocala Division

JESSICA HOWELL-GONZALEZ,

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Plaintiff(s)

)

v.

)

Civil Action No.

THE CITY OF MOUNT DORA, FLORIDA,

)

)

)

)

Defendant(s)

)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CITY OF MOUNT DORA
510 N. BAKER STREET
MOUNT DORA, FL 32757

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christopher A. Pace, Esquire
Jill S. Schwartz & Associates, P.A.
655 West Morse Blvd., Suite 212
Winter Park, FL 32789

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: