

This Document is Presented Courtesy of



Workplace Champions Protecting Your Civil Rights®



Contact Us:

1-202-331-3911

Or Visit Us Online:

<https://www.EmploymentLawGroup.com>

---

The Employment Law Group, P.C., has reproduced this document from public records as an educational service to users of its Web site. With the exception of this cover page and any other work of its own authorship herein, for which it reserves all rights, The Employment Law Group disclaims all copyright interest in this public domain work. If you believe you hold a valid copyright on any material in this document and wish to assert your rights, please contact us at [inquiry@EmploymentLawGroup.com](mailto:inquiry@EmploymentLawGroup.com).

AMY OGLE,  
Plaintiff,

WILLIAM T. JONES, individually and  
in his official capacity; and ANDERSON  
COUNTY, TENNESSEE,

Case No.: 3:20-cv-293  
Jury Demanded

Plaintiff, Amy Ogle, for her Complaint against Defendants, William T. Jones, individually and in his official capacity as the Clerk of the Anderson County Circuit Court, and Anderson County, Tennessee, avers as follows:

1. Individuals have a clear right, protected by the Equal Protection Clause of the Fourteenth Amendment, to be free from discrimination on the basis of sex in public employment, and this extends to protection from hostile work environments. For years preceding the filing of this action, Defendant William T. Jones has subjected Plaintiff and other women working under him to unwelcomed sexual advances, unwanted touching, intimidation, threats of retaliation, retaliation, and epithets offensive to women, culminating in a hostile work environment in violation of the Fourteenth Amendment.

1

privileges, and immunities secured by the Equal Protection Clause of the Fourteenth Amendment and to recover money damages and equitable relief.

### Jurisdiction and Venue

3. This Court's jurisdiction rests with 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) and (4).

4. This Court properly maintains supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiff's state law claims arising under the Tennessee Human Rights Act ("THRA"), Tenn. Code Ann. § 4-20-401, *et seq.*

5. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2), because Defendants reside in this judicial district and all or a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in this judicial district.

### Parties

6. Plaintiff Amy Ogle is and was at all relevant times a resident of the State of Tennessee and this judicial district. Plaintiff is and was at all relevant times employed by Defendant Anderson County, Tennessee, in the office of Defendant William T. Jones, Clerk of the Anderson County Circuit Court.

7. Defendant Anderson County, Tennessee ("Anderson County") is a unit of local government organized under the laws of the State of Tennessee. Anderson County is a "person" under 42 U.S.C. § 1983 and at all relevant times acted under color of law.

8. Defendant William T. Jones is and at all relevant times was the Clerk of the Anderson County Circuit Court. Mr. Jones is a "person" under 42 U.S.C. § 1983 and at all relevant times acted under color of law. Mr. Jones is sued in his official and individual capacities.

9. Defendants, either individually or collectively, meet the definition of “employer” under the THRA.

#### Facts

10. Plaintiff began working for the clerk’s office on or around November 14, 2016, as a full-time Deputy Clerk assigned to the Juvenile court division.

11. Throughout her employment, Defendant Jones repeatedly subjected Plaintiff to unwelcomed sexual advances, requests, comments, and other verbal and physical conduct of a sexual nature.

12. By way of example only, and not by way of limitation, the sexual advances, requests, comments, and conduct to which Jones regularly subjected Plaintiff throughout her employment included:

- a. Calling Plaintiff his “prissy bitch;”
- b. Making inappropriate and unwelcomed comments about Plaintiff’s appearance and her breasts in particular;
- c. Asking Plaintiff if she would show him her breasts;
- d. Invading Plaintiff’s personal space and insisting that she give him ‘booby hugs’ (in which he would press his chest against Plaintiff’s breasts);
- e. Sending Plaintiff sexually explicit messages;
- f. Showing Plaintiff pornographic images;
- g. Sending Plaintiff partially nude pictures of himself and asking Plaintiff to reciprocate by sending pictures of herself; and
- h. Implying that Plaintiff would get a raise in pay if she were to comply with his sexual advances.

13. Early on in Plaintiff's employment Jones encouraged Plaintiff to download Snapchat, an instant messaging 'app.' Snapchat is an ideal tool for the harasser, because messages are automatically deleted unless "saved." If "saved," the sender (in this case Jones) receives a notification that the message was saved by the recipient. Indeed, knowing this, on more than one occasions Jones warned Plaintiff against saving his Snapchat messages.

14. Jones would use Snapchat to send Plaintiff the explicit messages and pornographic images referenced above in Paragraph 12. Jones continued to use Snapchat for this purpose until Plaintiff deleted the 'app' in or around July 2017.

15. On a nearly weekly basis, and sometimes multiple times a week, Jones would ask Plaintiff to go to lunch with him alone. This made Plaintiff very uncomfortable, as Jones would engage in the same sorts of behaviors listed above. Nevertheless, Plaintiff felt obligated to go to lunch with Jones, because on those occasions where she told him she could not (normally making up some excuse) he would become noticeably upset and would refuse to talk to Plaintiff for several days.

16. Chief Deputy Angela Metcalf was aware of Jones's harassment of Plaintiff and, at one point, promised Plaintiff that she would talk to him about these lunches.

17. In or around March 2017, Jones moved Plaintiff from the clerk's Juvenile court office to her own office closer to the General Sessions court. Jones was equipping the office with all new equipment and asked Plaintiff to help him connect the wires. Jones instructed Plaintiff to crawl under the desk and plug certain wires into a modem. While under the desk, Jones told Plaintiff that he really liked the view of the top of her head; he then said he would like the view even better "from here," pointing to his crotch.

18. Later that same day Jones asked Plaintiff to meet him behind the Git-N-Go gas station after work. Plaintiff, of course, declined, telling Jones that she was meeting her children after work. Worried that Jones would follow her to confirm if this was true, Plaintiff even had her parents (who watch her children) bring the kids to meet her in the office parking lot.

19. This was not the only time Jones asked Plaintiff to meet him after hours.

20. Jones's wife owns a tanning bed salon, and Jones would regularly ask Plaintiff to meet him there.

21. In late-June/early-July 2017, Jones once again asked Plaintiff to meet him behind the Git-N-Go. This time Plaintiff flat-out told Jones "No!" A short time later, Jones retaliated against Plaintiff for rebuffing his advance and moved her to the clerk's Oak Ridge office. The clerk's office in Oak Ridge is widely known as the "clerk's graveyard." It is the place where Jones sends people he wants to get rid of. Jones sent Plaintiff to Oak Ridge to intimidate her and to send the message that she needed to comply with his advances.

22. Plaintiff only reported to the Oak Ridge office for a short while. In August 2017, Jones changed his mind and reassigned Plaintiff back to the Clinton office. It was at that time that Jones moved female co-worker Gail Harness to Oak Ridge, under similar circumstances for similarly rebuffing his advances.

23. Back in Clinton, Jones carried on as before. For example, in September 2017, Jones made Plaintiff look at pornographic pictures on his phone depicting an oral sex scene; he also made a comment to Plaintiff that is so inappropriate it need not be recited here.

24. On another occasion in September 2017 Jones asked Plaintiff to meet him in the file room. (Jones often asked Plaintiff to meet him in the file room alone). In the file room, Jones angrily demanded to know if Plaintiff had told anyone about his Snapchat messages. Plaintiff told him she had not. After so assuring himself, Jones grabbed Plaintiff's arm and forcefully hugged her, intentionally pressing his chest against her breasts.

25. Jones made it clear that he was "the boss," that he answered to no one, and he often bragged about his position of power and how he was above the law.

26. Additionally, the clerk's office has no written policy or protocol for reporting such abuses, let alone without fear of retaliation. In fact, in 2016, the Anderson County Government approved an anti-harassment and anti-retaliation policy, but Jones defiantly refused to implement these policies in the clerk's offices.

27. Further, according to documents produced by the County in response to a public records request, the mayor was on notice of Jones's offensive conduct towards female employees since May 2015, when then-HR Director Russell Bearden reported serious allegations of sexual harassment involving Jones and another female employee. Remarkably, at the time, the mayor told Bearden "I can't do anything about it, that's just the way it is in Local Government."

28. So like many of the women working under Jones, Plaintiff believed she had no recourse. Submission to Jones's offensive behavior became a condition of her employment, something she had to endure to remain employed.

29. Plaintiff continued to work in Jones toxic and hostile work place until November 2017, when she went on medical leave under the FMLA.

30. Plaintiff was unable to return to work before the expiration of her FMLA, which expired in February 2018, a couple weeks before she was released by her physicians to return to work.

31. At that time Plaintiff inquired of the County's HR department whether she could return to work. Plaintiff was told that, because her FMLA leave had expired, Jones would have to make the decision whether to restore Plaintiff to her position or an equivalent one.

32. Plaintiff contacted Jones and asked if she could return to work. By this point, one or more female employees in the clerk's office had reported allegations of sexual harassment, and those complaints had made their way to the county commission.

33. When Plaintiff asked Jones if she could return to work, Jones strongly implied that her job would be available if she would sign a statement falsely exonerating him of allegations of sexually harassment, not only of those that she would have, but also those lodged against Jones by other female employees. Plaintiff reasonably believed and knew if she refused to sign the statement Jones would not rehire or reinstate her. Jones was persistent about receiving the false statement, and at one point he even approached Plaintiff at an Arby's restaurant. Plaintiff, faced with such an intolerable condition on her return to work, reasonably felt compelled to resign and/or abandon her attempts to be rehired or reinstated.

Count I – Against William T. Jones  
Hostile Work Environment in Violation of the Equal Protection Clause of the  
Fourteenth Amendment to the U.S. Constitution

34. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–33 as if set forth fully herein.



35. By the acts and practices described above, William T. Jones, in his individual capacity and under color of law, discriminated against Plaintiff in the terms and conditions of her employment on the basis of her sex, including creating a hostile work environment based on sex, thus depriving Plaintiff of her rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, in violation of 42 U.S.C. § 1983.

36. As a direct and proximate result of Jones's violation of Plaintiff's rights secured by the Equal Protection Clause, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

37. Jones engaged in these practices with malice and with reckless indifference to Plaintiff's federally protected rights, thus entitling Plaintiff to punitive damages under applicable law.

38. Plaintiff is entitled to reasonable attorneys' fees and costs under 42 U.S.C. § 1983.

Count II – Against Anderson County  
Hostile Work Environment in Violation of the Equal Protection Clause of the  
Fourteenth Amendment to the U.S. Constitution

39. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–38 as if set forth fully herein.

40. As an elected office holder, Defendant William T. Jones has and at all relevant times had final policy making authority over all relevant aspects of the Anderson County Circuit Court Clerk's Office, including all decisions affecting personnel, the policies and practices of the workplace, and all decisions to hire, fire, promote, demote, and discipline employees working in the clerk's offices.

41. By the acts and practices described above, Plaintiff was subjected to a hostile work environment because of her sex in violation of the Equal Protection Clause.

42. The hostile work environment was the result of a policy or custom of Anderson County, Tennessee, in that William T. Jones, who created the hostile work environment in violation of Plaintiff's constitutional rights, wields final policy making authority over the County's employees working in the Anderson County Circuit Court Clerk's office.

43. Furthermore, at least as early as May 2015, Anderson County was on notice of the hostile work environment created by Jones, yet took no corrective action.

44. As a direct and proximate result of Anderson County's unconstitutional policies and customs, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

45. Plaintiff is entitled to reasonable attorneys' fees and costs under 42 U.S.C. § 1983.

Count III – Against Anderson County  
Hostile Work Environment in Violation of the THRA

46. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–45 as if set forth fully herein.

47. The sexually harassing conduct to which Plaintiff was subjected became sufficiently severe and pervasive so as to unreasonably interfere with Plaintiff's job, in violation of the THRA.

48. The sexually harassing conduct to which Plaintiff was subjected created an intimidating, hostile, abusive and offensive work environment.

49. Defendant failed to exercise reasonable care to prevent and correct promptly any sexually harassing behavior, in that Defendant does not maintain any policy, written or otherwise, against harassment in the clerk's office, nor does Defendant provide employees in the clerk's office with any reasonable method of reporting sexual harassment allegations.

50. Additionally, Defendant knew or should have known of the sexual harassment to which Plaintiff was subjected, and Defendant violated the THRA by failing to take prompt corrective action.

51. As a direct and proximate result of this violation of THRA by Defendant, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

52. Plaintiff is entitled to reasonable attorneys' fees and costs under the THRA.

Count IV – Against Both Defendants  
Failure to Hire/Restore/Constructive Discharge in Violation of the Equal Protection  
Clause of the Fourteenth Amendment to the U.S. Constitution

53. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–53 as if set forth fully herein.

54. As an elected office holder, Defendant William T. Jones has and at all relevant times had final policy making authority over all relevant aspects of the Anderson County Circuit Court Clerk's Office, including all decisions affecting personnel, the policies and practices of the workplace, and all decisions to hire, fire, promote, demote, and discipline employees working in the clerk's offices.

55. By conditioning her job restoration on her signing of a false statement, Defendants constructively discharged and/or failed to hire Plaintiff because of her sex in violation of the Equal Protection Clause.

56. Furthermore, at the time Plaintiff was denied hiring and/or job restoration, Anderson County had actual knowledge that there was a threat of such retaliation.

57. As a direct and proximate result of Defendants' unlawful discrimination in violation of the Equal Protection Clause, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

58. Plaintiff is entitled to reasonable attorneys' fees and costs under 42 U.S.C. § 1983.

Count V – Against Anderson County  
Failure to Hire/Restore/Constructive Discharge in Violation of the THRA

59. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–58 as if set forth fully herein.

60. By failing to hire and/or restore Plaintiff to her previous position on the basis that Plaintiff would not sign a false statement denying sexual harassment, Defendants constructively discharged and/or failed to hire or restore Plaintiff because of her sex in violation of the THRA.

61. Furthermore, at the time Plaintiff was denied hiring and/or job restoration, Anderson County had actual knowledge that there was a threat of such retaliation.

62. As a direct and proximate result of Defendants' unlawful discrimination in violation of the THRA, Plaintiff has suffered and will continue to suffer irreparable

injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

63. Plaintiff is entitled to reasonable attorneys' fees and costs under the THRA.

Count V – Against Both Defendants  
Unlawful Retaliation in Violation of the Equal Protection Clause of the Fourteenth  
Amendment to the U.S. Constitution

64. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–63 as if set forth fully herein.

65. Plaintiff engaged in protected activity under the Equal Protection Clause by opposing Jones's sexual advances and by refusing to falsely deny allegations of sexual harassment.

66. Defendants unlawfully retaliated against Plaintiff by refusing to rehire and/or restore Plaintiff to her position.

67. As a direct and proximate result of this violation of Equal Protection Clause, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

68. Plaintiff is entitled to reasonable attorneys' fees and costs under 42 U.S.C. § 1983.

Count VI – Against Anderson County  
Unlawful Retaliation in Violation of the THRA

69. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–68 as if set forth fully herein.

70. Plaintiff engaged in protected activity under the THRA by opposing Jones's sexual advances and by refusing to falsely deny allegations of sexual harassment.

71. Defendant unlawfully retaliated against Plaintiff by refusing to rehire and/or restore Plaintiff to her position.

72. As a direct and proximate result of this violation of THRA by Defendant, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

73. Plaintiff is entitled to reasonable attorneys' fees and costs under the THRA.

#### Prayer for Relief

WHEREFORE, Plaintiff Amy Ogle, respectfully prays for relief as follows:

1. That process issue and that Defendants be required to answer this Complaint within the time prescribed by the Federal Rules of Civil Procedure.
2. That this Court declare unlawful the acts and practices complained of herein;
3. That this Court permanently restrain Defendants from engaging in the unlawful acts and practices complained of herein;
4. That Defendants take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue;
5. That Plaintiff be awarded compensatory damages for mental anguish, emotional distress and humiliation;
6. That Plaintiff be awarded punitive damages against Defendants;
7. That Plaintiff be awarded pre- and post-judgment interest to the extent applicable;
8. That Plaintiff be awarded reasonable attorney's fees and the costs of this action;

9. That Plaintiff be awarded such other legal and equitable relief to which she may be entitled; and

10. Plaintiff further demands a Jury to try this cause.

Respectfully submitted,

/s/Richard E. Collins

Richard E. Collins (TN Bar No. 024368)

STANLEY, KURTZ & COLLINS, PLLC

422 S. Gay Street, Suite 301

Knoxville, TN 37902

(865) 522-9942

(865) 522-9945 fax

richard@knoxvilleattorney.com