

**IN THE CIRCUIT COURT  
FOR MONTGOMERY COUNTY, MARYLAND**

**DONNA JACKSON,  
210 Main Avenue, S.W.  
Glen Burnie, MD 21061,**

**Plaintiff,**

**v.**

**EDGEWOOD MANAGEMENT CORPORATION,  
20316 Seneca Meadows Parkway  
Germantown, MD 20876,**

**Serve Registered Agent:**

**Dennis A. Koubek  
20316 Seneca Meadows Parkway  
Germantown, MD 20876,**

**Defendant.**

Civil Action No. 337495

**RECEIVED**

**SEP - 3 2010**

Clerk of the Circuit Court  
Montgomery County, Md.

**CIVIL COMPLAINT**

Plaintiff Donna Jackson hereby moves the Court for judgment against the Defendant Edgewood Management Corporation ("Edgewood") upon the grounds hereinafter set forth:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant Md. Code, State Government, § 20-1202(c)(1). Further, this court has jurisdiction over Defendant since it is headquartered in Montgomery County, Maryland.
2. Venue in this district is appropriate because the decision to discriminate was implemented at Edgewood's headquarters, which is located in Montgomery County, Maryland.

## **PARTIES**

3. Plaintiff Donna Jackson is resident of the State of Maryland. Jackson is a “person” as the term is defined in the Montgomery Co. Code § 27-6.

4. Defendant is a Maryland corporation with its principal place of business in Montgomery County, Maryland. Edgewood’s number of employees is unknown, but exceeds fifty employees.

## **ADMINISTRATIVE PREREQUISITE**

5. On June 17, 2010, Jackson timely filed a charge of retaliation against Edgewood with the Montgomery County Human Relations Commission. Jackson has exhausted her administrative remedies.

## **FACTUAL ALLEGATIONS**

6. Jackson is a fifty-two year old female, and lives in Anne Arundel County, Maryland. Edgewood hired Jackson on or about June 15, 1979.

7. In or about February of 1990, Jackson was promoted to community manager of Glenview Garden Apartments (“Glenview Garden”) in Anne Arundel County, Maryland.

8. As community manager at Glenview Garden, Jackson’s job duties were very broad, and included managing and supervising all aspects of the day-to-day operations of the Glenview Garden community, preparing an annual budget, as well as other various tasks and responsibilities.

9. On or about October 2009, Art Reyes became Edgewood’s Regional Property Manager and Jackson’s direct supervisor.

10. On or about December 6, 2009, Edgewood Vice President Larry Davis contacted Jackson’s subordinate, Drema Wagner.

11. Davis told Wagner that Reyes had informed him that she was available to transfer to another position with a salary of \$40,000 per year.

12. Wagner was confused because no one had told her that she was available to transfer, and so Wagner told Davis that she was confused but she would meet with him on December 8, 2009, as he requested.

13. On or about December 8, 2009, Wagner declined the transfer position during her meeting with Davis.

14. On or about December 10, 2009, Reyes informed Jackson that a resident, Mary Barnes, accused her of racism. This was only the second time that Jackson had spoken to Reyes in person.

15. Jackson responded that she had previously experienced problems with Barnes, including drug activity, loitering complaints, engaging in lewd behavior, and keeping pit bulls in public areas on the property.

16. Most recently, the police arrested Barnes's adult daughter because she was selling drugs on the property, and Jackson informed Barnes that her daughter may not visit the property anymore.

17. Jackson further warned Barnes that if her daughter returned, she would officially ban her from the property.

18. In response Barnes complained to Reyes that Jackson never gave her any upgrades in her apartment and that Edgewood never completed her maintenance requests.

19. Jackson responded by reporting to Reyes the upgrades she gave to Barnes and by showing Reyes that Barnes had no outstanding maintenance requests.

20. Jackson started to look for Barnes's file so she could show Reyes all of the

problems that she had experienced with Barnes in the past, but Reyes told Jackson that it was not necessary.

21. Reyes then had a closed-door meeting in Jackson's office with a male employee, and in this meeting Reyes told the employee that Edgewood was eliminating his position.

22. After the meeting with the male employee, Reyes sat at Wagner's desk, which was located in an open area where she was in the process of providing service to applicants and residents. Other colleagues were in the room.

23. Reyes asked Wagner why she had declined the transfer position, and Wagner explained that she did not want a longer commute and that she would have concerns for her safety in the area surrounding the location of the new position.

24. In response Reyes informed Wagner that he was cutting her salary from \$18.00 per hour to \$13.00 per hour.

25. Throughout Reyes's public conversation with Wagner, Jackson witnessed Wagner repeatedly asking Reyes to stop discussing this personal matter in such a public area.

26. In response Jackson offered to let Reyes and Wagner use Jackson's office, but Reyes did not respond even though Wagner was clearly embarrassed.

27. On or about December 11, 2009, Wagner gave Jackson a grievance letter concerning Reyes's actions and complaining that Reyes had discriminated against her based on her gender. Wagner was particularly upset that Reyes met with the male employee in private, but had not given her the same courtesy.

28. Jackson informed Wagner that she would contact Reyes's immediate supervisor, Norman Azougha because Jackson believed that Wagner had a valid complaint and that Reyes's lack of discretion had been inappropriate.

29. Jackson consulted Edgewood's personnel policy manual, and it contained the following instructions for managers:

All employees, including supervisors and managers, must promptly report any discriminatory or harassing conduct, whether they are a witness to or a victim of this conduct... If you receive a complaint of discrimination or harassment, you should inform your Regional Property Manager or the Main Office supervisor.

30. On or about December 15, 2009, as per the forgoing instructions in Edgewood's personnel policy manual, Jackson contacted Azougha, Reyes's direct supervisor and Regional Vice President.

31. Jackson reported to Azougha that Wagner had made a gender discrimination complaint against Reyes. In response Azougha told Jackson to put Wagner's letter in her file and he took no further action.

32. During the same conversation, Jackson told Azougha about Barnes's complaint, and Azougha responded that she should "just get along with Reyes" until some construction in the units was complete and "things would go back to normal."

33. On or about January 25, 2010, Reyes and Azougha came to Jackson's office with a written reprimand for Jackson.

34. On or about January 28, 2010, Jackson sent Reyes, Azougha, George Caruso, Edgewood's Executive Vice President and Scott Jones, Edgewood's President and Chief Executive Officer, a lengthy response letter, arguing that the accusations in written reprimand were untrue. Jackson requested that Edgewood remove the disciplinary action from her personnel file.

35. During the February 2010 snow storms, Edgewood rewarded employees who made efforts to "ensure the safety of [its] customers as well as protect the investment of [its]

owners.” Although the company was aware that Jackson worked during the snow storms, Edgewood did not compensate her with the day of paid vacation that it gave to the other employees.

36. On or about February 24, 2010, Reyes and Azougha returned to the property with another letter for Jackson, informing her that they had reviewed her letter but that the disciplinary action would stand. They then demoted Jackson, reduced her annual compensation and transferred her to a new location approximately 84 miles from her home (Glenview Garden is approximately two miles from Jackson’s home).

37. Jackson reported to Reyes that he was retaliating against Jackson for forwarding Wagner’s gender discrimination complaint.

38. In response, Azougha told Jackson that she must take the transfer “or else.”

39. On or about February 25, 2010, both Jackson and Wagner resigned.

40. On or about February 29, 2010, Azougha wrote to Wagner, denying any knowledge of her complaint against Reyes:

This is in response to your letter of resignation dated February 25, 2010. In the letter you reference to a complaint made to Norman Azougha. Be advised that I was never aware nor I have received any complaint referencing your allegations that Art Reyes met with you in the front office. Moreover, I have no knowledge of such letter written or otherwise. In reference to you resignation, Art Reyes and I accept your resignation and will get back with you with the details.

41. Azougha’s denial of knowledge was shocking to Jackson, as she had personally informed Azougha of Wagner’s complaint against Reyes on or about December 15, 2009.

42. Jackson’s last day at Edgewood was on March 25, 2010.

43. Since that time, Edgewood has engaged in behavior to demean and impugn Jackson’s professional reputation.

44. As the result of Edgewood’s termination of Jackson’s employment, Jackson has

sustained monetary damages, as well as mental anguish.

**COUNT I**

**Retaliation**

**MONTGOMERY COUNTY CODE § 27-19(c)**

**Private Cause of Action Through Maryland Code, State Government, § 20-1202(c)(1)**

45. Jackson hereby incorporates the allegations set forth in paragraphs 1 through 41 as though fully alleged herein.

46. The Montgomery County Code § 27-19(c) provides that a person must not retaliate against any person for lawfully opposing a discriminatory practice.

47. Plaintiff is a “person” and Defendant is an “employer” as those terms are defined at the Montgomery County Code § 27-6.

48. The Maryland Code, State Government, § 20-1202(c)(1) provides that an individual subjected to a prohibited act of retaliation may bring and maintain a civil action against the person who committed the alleged discriminatory act for damages, injunctive relief, or other civil relief.

49. Defendant unlawfully retaliated against Plaintiff with respect to her compensation, location, terms, conditions and privileges of employment on account of her reporting discriminatory conduct.

50. As a direct and proximate result of the Defendant’s unlawful and retaliatory conduct, Plaintiff has been damaged in an amount to be determined at trial, including, but not limited to, the following: costs of litigation, attorney’s fees, emotional distress, and all other forms of economic, compensatory and punitive damages.

51. Jackson sustained substantial monetary and non-monetary damages as a direct and proximate result of the Defendants’ unlawful discrimination.

52. For violations of Md. Code, State Government, § 20-1202(c)(1), Plaintiff is entitled to reparations, including, but not limited to, the following:

- a. injunctive relief;
- b. compensatory damages;
- c. actual expenses;
- d. any other relief that this Court deems just and equitable, to include damages, redress of injury, or injunctive relief, pursuant to §2-200; and
- e. reasonable attorney's fees, expert witness fees, and costs, pursuant to Md. Code, State Government, § 20-1202(c)(1).

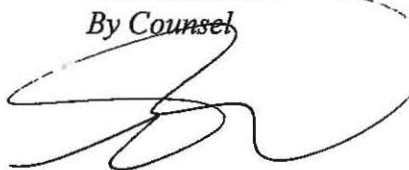
### **RELIEF**

WHEREFORE, Plaintiff prays this Honorable Court for Judgment against Defendant, in the amount of economic damages, compensatory damages, and punitive damages to be determined at trial, plus attorneys' fees, costs of this action, reinstatement of employment, and any other relief this Honorable Court deems just and proper to award.

### **JURY DEMAND**

Plaintiff demands a jury for all issues proper to be so tried.

Respectfully Submitted,  
Donna Jackson  
*By Counsel*



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Nicholas W. Woodfield  
R. Scott Oswald  
The Employment Law Group, PC  
888 17th Street, N.W., Suite 900  
Washington, DC 20006  
(202) 261-2812  
(202) 261-2835 (facsimile)  
nwoodfield@employmentlawgroup.com  
soswald@employmentlawgroup.com  
Counsel for Plaintiff



Circuit Court for Montgomery County

City or County

**CIVIL - NON-DOMESTIC CASE INFORMATION REPORT**

**DIRECTIONS:**

*Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.*

*Defendant: You must file an Information Report as required by Rule 2-323(h).*

***THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.***

FORM FILED BY: ☒ PLAINTIFF ☐ DEFENDANT CASE NUMBER \_\_\_\_\_

(Clerk to insert)

CASE NAME: Donna Jackson vs. Edgewood Management Corporation

Plaintiff

Defendant

JURY DEMAND: ☒ Yes ☐ No Anticipated length of trial: \_\_\_\_\_ hours or 5-7 days

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known: \_\_\_\_\_

Special Requirements? ☐ Interpreter (Please attach Form CC-DC 41)

☐ ADA accommodation (Please attach Form CC-DC 49)

**NATURE OF ACTION  
(CHECK ONE BOX)**

**DAMAGES/RELIEF**

**TORTS**

- ☐ Motor Tort
- ☐ Premises Liability
- ☐ Assault & Battery
- ☐ Product Liability
- ☐ Professional Malpractice
- ☐ Wrongful Death
- ☐ Business & Commercial
- ☐ Libel & Slander
- ☐ False Arrest/Imprisonment
- ☐ Nuisance
- ☐ Toxic Torts
- ☐ Fraud
- ☐ Malicious Prosecution
- ☐ Lead Paint
- ☐ Asbestos
- ☐ Other \_\_\_\_\_

**LABOR**

- ☐ Workers' Comp.
- ☐ Wrongful Discharge
- ☐ EEO
- ☐ Other \_\_\_\_\_

**CONTRACTS**

- ☐ Insurance
- ☐ Confessed Judgment
- ☐ Other \_\_\_\_\_

**REAL PROPERTY**

- ☐ Judicial Sale
- ☐ Condemnation
- ☐ Landlord Tenant
- ☐ Other \_\_\_\_\_

**OTHER**

- ☒ Civil Rights
- ☐ Environmental
- ☐ ADA
- ☐ Other \_\_\_\_\_

**A. TORTS**

**Actual Damages**

- ☐ Under \$7,500
- ☐ \$7,500 - \$50,000
- ☐ \$50,000 - \$100,000
- ☒ Over \$100,000

☐ Medical Bills

\$ \_\_\_\_\_

☐ Property Damages

\$ \_\_\_\_\_

☐ Wage Loss

\$ \_\_\_\_\_

**B. CONTRACTS**

- ☐ Under \$10,000
- ☐ \$10,000 - \$20,000
- ☐ Over \$20,000

**C. NONMONETARY**

- ☐ Declaratory Judgment
- ☐ Injunction
- ☐ Other \_\_\_\_\_

**ALTERNATIVE DISPUTE RESOLUTION INFORMATION**

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☐ Yes ☐ No

C. Settlement Conference ☐ Yes ☐ No

B. Arbitration ☐ Yes ☐ No

D. Neutral Evaluation ☐ Yes ☐ No

**TRACK REQUEST**

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL.

**THIS CASE WILL THEN BE TRACKED ACCORDINGLY.**

☐ 1/2 day of trial or less

☐ 3 days of trial time

☐ 1 day of trial time

☒ More than 3 days of trial time

☐ 2 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY.

Date

Sept 2, 2010

Signature

[Signature]

RECEIVED

SEP - 3 2010

Clerk of the Circuit Court  
Montgomery County, Md.

### BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

*For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.*

☐ **Expedited**  
Trial within 7 months  
of Filing

☐ **Standard**  
Trial within 18 months  
of Filing

☐ EMERGENCY RELIEF REQUESTED \_\_\_\_\_

Signature

Date

### COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR)

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202.  
Please check the applicable box below and attach a duplicate copy of your complaint.*

☐ Expedited - Trial within 7 months of Filing

☐ Standard - Trial within 18 months of Filing

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.**

#### CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)

- ☐ Expedited Trial 60 to 120 days from notice. Non-jury matters.
- ☐ Standard-Short Trial 210 days.
- ☐ Standard Trial 360 days.
- ☐ Lead Paint Fill in: Birth Date of youngest plaintiff \_\_\_\_\_.
- ☐ Asbestos Events and deadlines set by individual judge.
- ☐ Protracted Cases Complex cases designated by the Administrative Judge.

#### CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.

- ☐ Liability is conceded.
- ☐ Liability is not conceded, but is not seriously in dispute.
- ☐ Liability is seriously in dispute.

### CIRCUIT COURT FOR BALTIMORE COUNTY

- |   |   |
|---|---|
| <input type="checkbox"/> Expedited<br>(Trial Date-90 days)          | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.   |
| <input type="checkbox"/> Standard<br>(Trial Date-240 days)          | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.   |
| <input type="checkbox"/> Extended Standard<br>(Trial Date-345 days) | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex<br>(Trial Date-450 days)           | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.   |

# THE EMPLOYMENT LAW GROUP, PC OPERATING ACCOUNT

20294

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
10171	Filing Fee/D.Jackson	09/01/2010	135.00	0.00	135.00
CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT	
09/01/2010	20294	Clerk of the Court	.	\$135.00	

Circuit Court for  
MONTGOMERY COUNTY  
Clerk of the Court,  
LORETTA E. KNIGHT  
COUNTY JUDICIAL CENTER  
50 MARYLAND AVENUE  
ROCKVILLE, MD 20850-2393  
(240) 777-9400

Transaction Block: 75  
Case Number: 337495  
NEW CASE AMOUNT  
CV CLERK FEE-A 80.00  
MD LEGAL SERV (MLSC) 55.00  
SUBTOTAL: 135.00  
TOTAL CHARGES: 135.00  
PAYMENTS  
CHECK 135.00  
TOTAL TENDERED: 135.00

Cashier: MLW Reg # M001  
Rcpt # 49403  
Date: Sep 03, 2010 Time: 03:43 pm