

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FEMI BOGLE-ASSEGAI,
Plaintiff

v.

STATE OF CONNECTICUT,
COMMISSION ON HUMAN RIGHTS &
OPPORTUNITIES, JOSEPH
JORDANO, Individual and Official
Capacity,
Defendants.

Civil Action
No.

3:08cv564 (VLB)

April 16, 2008

COMPLAINT

I. JURISDICTION

1. This is an action for declaratory relief, injunctive relief, and damages and to secure protection of and to redress deprivation of rights secured by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article First of the Constitution of the State of Connecticut.

2. Jurisdiction of this court is invoked pursuant to 28 U.S. C. § 1331, 1343(3), 1367(a) and 2201(a) of Title 28 of the United States Code.

3. The unlawful employment practices alleged below were committed within the District of Connecticut.

II. PARTIES

4. Plaintiff, Femi Bogle-Assegai, is an African-American female. During all times mentioned in this action, the Plaintiff was, and still is, an adult citizen of the United States residing in the County of Hartford, State of Connecticut.

5. During all times material herein, Connecticut Commission on Human Rights & Opportunities (“CHRO”) was a state agency authorized to receive and investigate complaints of discrimination filed by members of the public at large.

6. During all times material herein Joseph Jordano, Assistant Attorney General, was legal counsel for CHRO on all matters regarding claims, lawsuits or other causes of action filed against CHRO by its employees. Further, at all times material herein Jordano provided advice and counsel to the CHRO regarding the existence and application of a work sharing agreement with the Equal Employment Opportunity Commission.

III. STATEMENT OF FACTS

7. On September 1, 2001 Plaintiff filed a complaint of discrimination by her then employer, CHRO, with the Equal Employment Opportunity Commission, Boston Area Office. Plaintiff was issued a Right to Sue letter on or about September 27, 2002.

8. After exhausting her administrative remedies Plaintiff filed a lawsuit in federal district court for the District of Connecticut on December 24, 2002. This suit was dismissed upon the grant of Defendants’ Motion for Summary Judgment on the basis that the administrative charge had not been timely filed.

9. A work-sharing agreement between the Equal Employment Opportunity Commission and the Commission on Human Rights & Opportunities provided for coordinated handling of complaints of discrimination.

10. By virtue of this work-sharing agreement, filings with the EEOC are deemed to be filings with the CHRO and vice versa.

11. Because of the work-sharing agreement, Connecticut is deemed to be a deferral state.

12. At all times prior to filing of Plaintiff's charge with EEOC, CHRO maintained the work-sharing agreement with EEOC.

13. Defendant CHRO forwarded all complaints filed with it to EEOC and utilized a form for this purpose that indicated that the charge was being forwarded to EEOC "pursuant to the work sharing agreement."

14. On or about April 2006 in response to an appeal filed with the Second Circuit Court of Appeals regarding a dismissal upon a motion for summary judgment of her claims, Defendants argued for the first time that the work sharing agreement was not in existence at the time of Plaintiff's filing of her charge with EEOC.

15. Defendants further argued before the Second Circuit Court of Appeals that the work sharing agreement had expired at the time of filing of Plaintiff's complaint with the EEOC.

16. Based on Defendants' affirmative statement that no work sharing agreement was in existence at the time of Plaintiff's filing of her EEOC complaint, the Second Circuit Court of Appeals denied Plaintiff's appeal of the grant of summary judgment.

17. On or about May 31, 2007, Plaintiff filed a Petition for Writ of Certiorari to the United States Supreme Court.

17. Defendants again asserted before the United States Supreme Court that no work sharing agreement was in existence at the time Plaintiff filed her complaint with the EEOC.

18. By virtue of a request under the Freedom of Information Act, Plaintiff learned for the first time on or about November 2007 that, notwithstanding claims that the work sharing agreement with EEOC had expired at the time Plaintiff filed her complaint with EEOC, Defendants continued to accept complaints and forward them to EEOC with the notation that their action was “pursuant to the work sharing agreement.”

19. By its refusal to deem Plaintiff’s complaint with the EEOC to have been filed pursuant to the work sharing agreement, Defendants have singled Plaintiff out for differential treatment.

20. Plaintiff was at all times material herein similarly situated to all other members of the public who sought to file complaints with the CHRO and EEOC.

21. Plaintiff has been intentionally treated differently from others similarly situated members of the public who filed complaints with the CHRO during the time period June 1, 2001 through December 31, 2001.

22. There was no rational basis for the difference in treatment of Plaintiff and other members of the public who filed complaints with the CHRO during the time period June 1, 2001 through December 31, 2001.

23. Defendants’ differential treatment of Plaintiff created a class of one and is in violation of Plaintiff’s right to equal protection of the laws.

**IV. COUNT ONE: VIOLATION UNDER EQUAL PROTECTION
CLAUSE OF THE FOURTEENTH AMENDMENT
TO THE U.S. CONSTITUTION (AS TO ALL
DEFENDANTS)**

1-23. Paragraphs 1-23 are hereby incorporated into and made paragraphs 1-23 of Count One.

24. The acts of Defendants alleged in paragraphs 1-23 violated Plaintiff's right to equal protection of the laws under the Fourteenth Amendment to the United States Constitution.

25. Plaintiff was damaged thereby.

**V. COUNT TWO: VIOLATION UNDER EQUAL PROTECTION
CLAUSE OF ARTICLE FIRST OF THE
CONNECTICUT CONSTITUTION (AS TO ALL
DEFENDANTS)**

1-23. Paragraphs 1-23 are hereby incorporated into and made paragraphs 1-23 of Count Two.

24. The acts of Defendants alleged in paragraphs 1-23 violated Plaintiff's right to equal protection of the laws under Article First of the Constitution of the State of Connecticut.

25. Plaintiff was damaged thereby.

**VI. COUNT THREE: 42 U.S.C. § 1983 (AS TO INDIVIDUAL
DEFENDANT IN HIS INDIVIDUAL
CAPACITY)**

1-23. Paragraphs 1-23 are hereby incorporated into and made paragraphs 1-23 of Count Three.

24. The acts of Defendants alleged in paragraphs 1-23 violated Plaintiff's right to equal protection of the laws under 42 U. S. C. § 1983.

25. Plaintiff was damaged thereby.

VII. PRAYER FOR RELIEF


WHEREFORE, the Plaintiff claims judgment against the Defendants State of Connecticut Commission on Human Rights & Opportunities, Attorney General Richard Blumenthal, and Assistant Attorney General Joseph Jordano as follows:

- A. Compensatory damages in an amount this court shall consider to be just, reasonable and fair;
- B. Attorney fees and the costs of this action;
- C. Punitive damages;
- D. Such other relief as this court shall consider to be fair and equitable.

CLAIM FOR TRIAL BY JURY

The Plaintiff claims trial by jury of the issues in this case.

FOR THE PLAINTIFF
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