MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

October 11, 2012

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*French, Jacqueline v. Erie County Board of Elections*
Document Received:	Summons and Complaint
Name of Claimant:	Jacqueline French 297 Lexington Avenue Buffalo, New York 14222
Claimant's attorney:	Claimant is *pro se*.

Should you have any questions, please call.

Very truly yours,

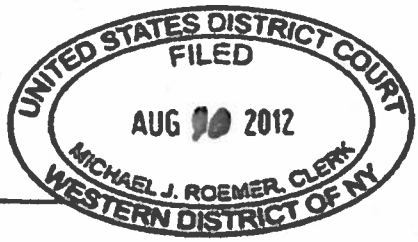
MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enclosure

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



Jacqueline French

Plaintiff,

Vs.

Erie County Board of Election

Defendant,

12 CV 0756 A

COMPLAINT

Civil No. _____

Jury Trail Demanded

INTRODUTION

1. This is an action brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 (e) et seq., (the Equal Pay Act of 1963, 29 U.S.C. 206 et seq.) and 42 U.S.C. §1981, §1981a, alleging that the plaintiff was intentionally, unlawfully, and/or willfully discriminated and retaliated against and subjected to harassment because of her race and sex and that she was intentionally, unlawfully and/or willfully denied equal rights and protection under the law because of her race and sex. This action is also brought under New York State Executive Law §296 and New York Labor Law §194 pursuant to this Court's pendant jurisdiction.

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WESTERN NEW YORK
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JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331 and §1343, 42 U.S.C. §216 and this Court's pendant jurisdiction.

3. Venue is proper pursuant to 28 U.S.C. §1391.

4. Plaintiff has filed charges of discrimination with the United States Equal Employment Opportunity Commission (EEOC) alleging that she was discriminated against and retaliated against because of her race. Right to Sue notices have been provided to the plaintiff by the EEOC and less than 90 days have elapsed since plaintiff's receipt of the aforesaid notices.

PARTIES

5. Plaintiff, Jacqueline French, is an African-American female, who, at all times hereinafter mentioned, was employed by Defendant, Erie County Board of Elections. Et al, as an Election Clerk, making $35,000.00.

6. Upon information and belief, The Erie County Board of Elections, et al, is a municipal corporation organized and existing under the laws of New York, with its principal offices in Buffalo, New York, including the Western District of New York.

7. The Defendant is an employer for purposes of application of Title VII of the Civil Rights Act of 1964 (and the Equal Pay Act) and is also an employer for purposes of application of New York State Executive Law §296 and New York State Labor Law §194.

AS AND FOR A FIRST CAUSE OF ACTION

8. On or about the 26 day of October, 2006, plaintiff was hired as Junior Election Clerk at the Erie County board of Elections operated by Defendant at the Buffalo, New York, County of Erie, State of New York in the Western District of New York.

9. At the time plaintiff was hired by Defendant she was advised that she would receive equal training or job training opportunity for training as other skilled workers would receive.

10. That from the commencement of Plaintiff's employment with Defendant, she has not received equal job training or job training opportunity.

11. That upon information and belief, plaintiff is the only African-American (black) Election Clerk employed by Defendant in its Absentee Ballot Department location and one of only 5 African-American (blacks) employed

in total at Defendant's Republican Elections Clerks. All other Election Clerks at the Downtown location are white males or females with less seniority and two of the aforesaid Election Clerks with less seniority were selected and received training which enhanced their job performance, evaluations and promotional opportunities.

12. That the failure of the Defendant to select plaintiff for the same training as white employees with less seniority duties are willful and/or intentional violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 (e)-2.

13. That the intentional and/or willful acts of discrimination perpetrated against the Plaintiff by the Defendant cause him emotion pain, suffering, inconvenience, and mental anguish.

AS AND FOR A SECOND CAUSE OF ACTION

14. The Plaintiff repeats and realleges paragraphs "1" through "13" with the same force and effect as if set forth more fully herein.

15. That on several occasions, Plaintiff complained to responsible agents, servants and employees of Defendant about the disparate and discriminatory treatment he was subjected to in connection with training.

16. During the period of time that the Plaintiff made the aforesaid complaints, she received notices of Discipline related to tardiness with the proposed penalty of termination. The aforesaid supervisor failed to discipline fellow white workers for same or similar tardiness.

17. That the action of Defendant in placing Plaintiff on Notice of Discipline was based on his complaints of disparate and discriminatory treatment with respect to her training were retaliatory and were willful and/or intentional violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 (e) -2.

18. That the conduct of the Defendant as aforesaid caused the Plaintiff emotional pain, suffering, inconvenience and mental anguish.

AS AND FOR A THIRD CAUSE OF ACTION

19. The Plaintiff repeats and realleges paragraphs "1" through "18" with the same force and effect as if set forth more fully herein.

20. That on or about the 18th day of January, 2012, Plaintiff filed a complaint with the US Equal Employment Opportunity Commission against the Defendant, alleging that the Defendant engaged in unlawful discriminatory

practices relating to employment.

21. Upon information and belief, Defendant and/or its agents, servants and employees terminated Plaintiff from her employment because of her Complaint related to training, moving of location and change of lunch hour.

22. That the action of the Defendant and/or its agents, servants and employees as aforesaid have been taken against the Plaintiff as retaliation for her filing a Complaint against Defendant and are accordingly willful and/or intentional Violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 (e)-2.

23. That the conduct of the Defendant and its agents, servants and employees as aforesaid caused the Plaintiff emotional pain, suffering, inconvenience, loss of employment and mental anguish.

AS AND FOR A FOUTH CAUSE OF ACTION

24. The Plaintiff repeats and realleges paragraphs "1" through "23" with the same force and effect as if set forth more fully herein.

25. The conduct of the Defendant, its agents, servants and employees constitute unlawful discriminatory practices in violation of §296 of the

Executive Law of the State of New York (Human Rights Law).

AS AND FOR A FIFTH CAUSE OF ACTION

26. The Plaintiff repeats and realleges paragraphs "1" through "25" with the same force and effect as if set forth more fully herein.

27. On October 26 2006, At the time Defendant made its written and verbal representations regarding employment to Plaintiff of a commitment to and investment in employment at the Erie County Board of Elections and job security for 8 years, Defendant in actuality did not intend to make such a long-term commitment and investment but, rather, Defendant secretly determined to make only a very limited investment on a short-term basis. Defendant deceitfully did not communicate such intent to Plaintiff but rather deliberately and maliciously concealed its true intent.

28. Such aforesaid conduct constitutes fraud and was carried out in a malicious manner with reckless disregard for the rights of Plaintiff.

29. As a proximate result of Defendant's fraud and breach of agreement, Plaintiff has suffered post and future loss of income and fringe benefits, and emotional distress.

WHERFORE, the Plaintiff respectfully prays for a judgment as follows:

A. As To The First Cause of Action:

(1) Back pay and full wages and benefits lost to Plaintiff;

(2) An award of compensatory damages in the amount of Three Hundred Thousand ($300,000.00) Dollars;

(3) Punitive damages in the amount of One Million ($1,000,000.00) Dollars;

(4) Attorney fees; and

(5) For such other and further relief as the Court may deem just and proper.

B. As To The Second Cause of Action:

(1) An Award of compensatory damages in the amount of Three Hundred Thousand ($300,000.00) Dollars;

(2) Punitive damages in the amount of One Million ($1,000,000.00) Dollars;

(3) Attorney's fees; and

(4) For such other and further relief as the Court may deem just and proper.

C. As To The Third Cause of Action:

(1) An Award of compensatory damages in the amount of Three Hundred Thousand ($300,000.00) Dollars;

(2) Punitive damages in the amount of One Million ($1,000,000.00) Dollars;

(3) Attorney's fees; and

(4) For such other and further relief as the Court may deem just and proper.

D. As To The Fourth Cause of Action:

(1) An award of unpaid wages;

(2) An award of liquidated damages in the amount equal to unpaid wages;

(3) Attorney's fees; and

(4) For such other and further relief as the Court may deem just and proper.

E. As To The Fifth Cause of Action:

(1) An award of unpaid wages;

(2) An award of compensatory damages in the amount of Five Hundred Thousand ($500,000.00) Dollars;

(3) Attorney's fees; and

(4) For such other and further relief as the court may deem just and proper

Jacqueline French
Pro Se Plaintiff
297 Lexington Avenue
Buffalo, New York 14222

Dated: Buffalo, New York
August 9, 2012