

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DENISE FARINA	:	CIVIL ACTION NO. 3:09-cv-49
Plaintiff,	:	
	:	
v.	:	
	:	
BRANFORD BOARD OF EDUCATION,	:	
ANTHONY BUONO, and	:	
MONICA BRIGGS	:	
Defendant.	:	APRIL 3, 2009

PLAINTIFF’S AMENDED COMPLAINT

Jurisdiction and Venue

1. This action arises under the Age Discrimination in Employment Act (ADEA) of 1967, 29 U.S.C. §621 et seq., Americans with Disability Act codified as 42 U.S.C. 12101 *et seq.*, the Connecticut Fair Employment Practices Act and Conn. Gen. Stat. 46a-60 et seq.
2. The jurisdiction of this court is founded upon 28 U.S.C. sec. 1331 (federal question) and 28 U.S.C. sec. 1343.
3. Venue is proper in the District of Connecticut pursuant to 28 U.S.C. sec 1391(b) in that the claims arose in this district and Plaintiff resides in this district.
4. Supplemental jurisdiction over Plaintiff's supplemental state law claims are invoked pursuant to 28 U.S.C. sec. 1367 as the claims arise out of the same transaction and occurrences as Plaintiff's federal claims.
5. Costs, expert witness fees and attorney's fees are sought pursuant to 42 U.S.C. sec. 1988.
6. Plaintiff filed a timely claim with the Connecticut Commission on Human Rights and Opportunities.

7. Plaintiff filed a timely claim with the Equal Employment Opportunities Commission.
8. Plaintiff received a right to sue authorization from the Equal Employment Opportunity Commission on December 18, 2008.
9. Plaintiff received a request to sue authorization from the Connecticut Commission on Human rights on December 15, 2008.

The Plaintiff

10. Denise Farina (herein after referred to as the Plaintiff) at all times relevant is a 49 year old female that resides at 75 Foxbridge Village Road, Branford, Connecticut 06405.

The Defendant

11. Branford Board of Education (herein after referred to as the Defendant) is located at 1111 Main Street, Branford, Connecticut.
12. Anthony Buono is a Principal employed by the Branford Board of Education at its Mary T. Murphy Elementary School location.
13. Monica Briggs is an Assistant Principal employed by the Branford Board of Education at its Mary T. Murphy Elementary School location.

Preliminary Statement

14. Plaintiff seeks by this action to recover damages and other relief as a result of the Defendant's violation of the ADEA, ADA, CFEPFA and state law.

Facts

15. The Plaintiff was hired by the Defendant twenty-five (27) years ago as a teacher.

16. The Plaintiff consistently performed in a satisfactory manner throughout her employment with the Defendant until the appointment of Anthony Buono as Principal at the Mary T. Murphy Elementary School.
17. During the last eight (8) years Plaintiff began to suffer from several disabilities that included two back surgeries.
18. In May of 2005 Plaintiff was diagnosed with Thyroid Cancer and routinely is treated with radiation therapy.
19. Plaintiff suffers from a medically diagnosed disability of extreme fatigue and insomnia.
20. At all times, Defendant was aware and knowledgeable of the Plaintiff's disabilities.
21. Until the 2006-2007 school year, Plaintiff performed as a kindergarten teacher at Defendant's Mary T. Murphy Elementary School.
22. Plaintiff consistently received satisfactory performance evaluations and never had any problems on the job, no disciplinary action or poor evaluations.
23. During the 2006-2007 school year Plaintiff performed the position of fourth grade teacher.
24. Plaintiff had not taught a fourth grade level class previously and was assured by the Defendant that she would receive assistance, direction and help during the transition.
25. Defendant did not provide the Plaintiff with any of the promised assistance, direction or help.

26. The Plaintiff's fourth grade class was further required by the state to take the Connecticut Mastery Tests ("CMTs").
27. Plaintiff had never prepared students in the taking of the CMTs before and received no assistance, direction or help from the Defendant in carrying out this task.
28. All three of the Plaintiff's evaluations during the period of September 2006 to June of 2007 were positive and the Plaintiff was advised that she would continue on the current level of evaluation for the 2007 and 2008 school year.
29. Mary T. Murphy Elementary School was then assigned a new principal, Anthony Buono.
30. Plaintiff informed Mr. Buono of her upcoming scheduled surgery and provided a medical notification to Mr. Buono of her sleep disorder diagnosis at the end of the 2007 school year.
31. Two months later on August 31, 2007 during the summer recess, Plaintiff was notified by Mr. Buono that she was being placed on a Teacher Improvement Planning Phase without cause or reason.
32. Mr. Buono had never observed the Plaintiff in the classroom or performed any sort of evaluation on the Plaintiff prior to issuing the Improvement Plan.
33. Mr. Buono further announced that Mary T. Murphy's fourth graders as a whole received the lowest scores out of the other three elementary schools in the town of Branford.
34. Mary T. Murphy, the school where the Plaintiff was assigned to teach the fourth grade class had a total of five (5) fourth grade classes.

35. The Plaintiff was then singled out and treated with disparity when only the Plaintiff was placed on a performance improvement plan due to the low CMT scores.
36. All other experienced and trained fourth grade teachers who also had their fourth grade students score low on the CMTs were not placed on a performance improvement plan.
37. Plaintiff sought out assistance from her union and received no support.
38. Plaintiff was scheduled for surgery on November 29, 2007.
39. The Plaintiff became ill three days prior to her scheduled medical leave and was unable to report to the workplace.
40. Mr. Buono falsely accused the Plaintiff of not wanting to train the substitute teacher and provided the Plaintiff with a written warning for not having cleared her desk prior to her medical leave and falsely accused the Plaintiff of not having completed student report cards which were fully completed in the Defendant's grading program.
41. In December of 2007 while out on medical leave, Principal Buono notified Plaintiff that upon her return Plaintiff was being placed on an Intensive Improvement Plan even though Plaintiff had not yet completed the first improvement plan and had been out on medical leave.
42. Upon Plaintiff's return from her surgery, Plaintiff was consistently and routinely harassed, singled out and discriminated against by Principal Buono and Assistant Principal Monica Briggs.

43. Plaintiff made numerous attempts to speak with Mr. Bruno in regards to Plaintiff's thyroid cancer and extreme insomnia disabilities, but Mr. Buono refused to engage in an interactive process with the Plaintiff and only responded with "everyone has problems".
44. Mr. Buono refused to accommodate the Plaintiff in any manner and instead singled out the Plaintiff and made it mandatory that the Plaintiff sign a login sheet on a daily basis upon the Plaintiff's arrival to the workplace.
45. When Plaintiff objected to Mr. Buono's discrimination, Mr. Buono advised the Plaintiff that it was not his problem and that Plaintiff should seek out help for her problems.
46. Mr. Buono stated to the Plaintiff that her medical issues were a liability.
47. Mr. Buono singled out the Plaintiff and required that the Plaintiff meet with him on a weekly basis for 1.5 hours.
48. To Plaintiff's knowledge, no other teacher was required to meet with Mr. Buono on a weekly basis.
49. Plaintiff's work product, lesson plans and teaching skills suddenly were viewed as inferior.
50. Mr. Buono stated in a letter to the Plaintiff that she was incoherent and not able to answer questions.
51. Principal Buono intentionally began to create a paper trail of negativity against the Plaintiff portraying the Plaintiff as incoherent and incompetent.

52. Principal Buono continually issued Plaintiff written memorandums, letters, notes and written warnings accusing the Plaintiff of various deficiencies that were not true or accurate.
53. In April of 2008 the Branford Board of Education sent a letter to all teachers stating that the Board of Finance had reduced the Branford Board of Education budget by over one millions dollars.
54. The letter requested that all teachers who were planning on resigning were to submit a letter of resignation prior to May 15, 2008.
55. Plaintiff believes that she was being singled out and forced to resign her position intentionally by the Defendant due to her age, disabilities and tenure.
56. When Plaintiff brought her complaints of discrimination, harassment and retaliation to the Union, Plaintiff was advised that there was nothing the Union could do and that the Plaintiff should just resign.
57. Plaintiff refused to be forced into resignation and on April 22, 2008 the Defendant was notified of pending litigation by the Plaintiff's private counsel.
58. Immediately following the legal notification the Defendant took retaliatory actions against the Plaintiff that included:
 - a. Mr. Buono announced that it was his recommendation that the Plaintiff be terminated;
 - b. Plaintiff was advised by her union that she should just resign;
 - c. April 24, 2008 Mr. Buono advised the Plaintiff that he had decided to extend the Plaintiff's improvement plan even though the previous improvement plan had been completed and was no longer in effect;

- d. Plaintiff was demanded to continue to check in upon her arrival on a daily basis and required to continue to submit her weekly lesson plans;
 - e. Plaintiff began to be subjected to two to four observations in her classroom on a weekly basis;
 - f. May 8, 2008 Mr. Buono advised Plaintiff that refusal to arrive on time or check in upon arrival was insubordination and would result in disciplinary action.
59. Plaintiff notified Mr. Buono on May 8, 2008 that she was consulting with her cancer doctor as she was experiencing difficulties with her fatigue and insomnia disability.
60. On May 9, 2008 Mr. Buono advised Plaintiff that he had no knowledge of the Plaintiff's disabilities and was never provided with any documentation about Plaintiff's disabilities.
61. Mr. Buono further stated that he was concerned about the Plaintiff's ability to perform her job due to her disabilities.
62. Mr. Buono was not only provided with medical documentation regarding the Plaintiff's disabilities in May of 2007, but acknowledged in a written memorandum in March of 2006 that he had spoken to the Plaintiff in regards to tardiness and Plaintiff had informed him at that time that she was suffering from a sleep disorder.
63. The Plaintiff brought her complaints of disability discrimination, harassment and disparity to the Defendant's Superintendent of School, Dr. Halligan.

64. Dr. Halligan confirmed that medical documentation in regards to the Plaintiff's disabilities was present within the Plaintiff's employee records.
65. Dr. Halligan further indicated that the Plaintiff would not be recommended for termination.
66. Plaintiff could not have been recommended for termination regardless as Plaintiff was not served the termination recommendation prior to the April 15, 2008 deadline.
67. Dr. Halligan failed to take any other remedial actions to stop the discrimination that was occurring against the Plaintiff and notified Plaintiff that:
 - a. Mr. Buono would continue to supervise, monitor and evaluate the Plaintiff;
 - b. Plaintiff was being placed on probation until January of 2009 directly due to Plaintiff's tardiness issues;
 - c. Plaintiff's signed evaluations were missing from the Plaintiff's personnel records and if Plaintiff did not report to her office immediately to sign the missing evaluations Plaintiff would be written up for insubordination.
68. Plaintiff was not provided with explanation on how or why her previous evaluations had gone missing and was forced to sign after the fact evaluations without any way of confirming authenticity of those previous evaluations.
69. On May 12, 2008 Plaintiff received another memorandum from Dr. Halligan that stated:
 - a. Plaintiff was unable or unwilling to report to school at the contracted time;
 - b. Plaintiff's tardiness placed children at risk;

- c. Plaintiff was not in compliance with her performance improvement plan that set forth clear expectations that Plaintiff report to school on time;
 - d. Plaintiff was being placed on probation during the 2008-2009 school year.
- 70. Dr. Halligan refused to accommodate the Plaintiff even though Dr. Halligan had been:
 - a. Verbally notified by Plaintiff that Plaintiff required an accommodation;
 - b. Acknowledged medical notification of Plaintiff's disabilities;
 - c. Had been notified by way of legal letter of possible violations of the American's with Disability Act in regards to disability discrimination against the Plaintiff.
- 71. On May 20, 2008 Plaintiff provided Dr. Halligan with another medical notification regarding Plaintiff's disabilities and need for an accommodation.
- 72. Dr. Halligan once again did not engage in any interactive process with the Plaintiff or attempt to accommodate the Plaintiff and instead notified Plaintiff that she would need to speak directly with the Plaintiff's doctor in order to accommodate the Plaintiff.
- 73. On May 21, 2008 Plaintiff received a written warning stating that Plaintiff had not handed in her weekly lesson plans for a two week period when in fact Plaintiff had handed in the lesson plans to Mr. Buono via email.
- 74. Plaintiff continued to be observed in her classroom at least two to four times per week.

75. On May 22, 2008 Mr. Buono issued a written warning to the Plaintiff claiming that the Plaintiff did not provide instruction during Mr. Buono's observation of the Plaintiff.
76. Mr. Buono had observed the Plaintiff's class during a silent reading period.
77. On May 23, 2008 Plaintiff once again reported to Halligan and requested intervention in regards to Mr. Buono's harassment.
78. Plaintiff received no response from Dr. Halligan.
79. On May 28, 2008 Plaintiff received a written memorandum from Mr. Buono claiming Plaintiff's lessons plans which for several months were acceptable were now unacceptable.
80. Plaintiff once again filed a complaint with Dr. Halligan and received no response in regards to Plaintiff's complaints of discrimination and harassment and instead received notification from Dr. Halligan that Plaintiff was being reassigned to teach a second grade class during the 2008-2009 school year.
81. The reassignment was involuntary and against the union contract.
82. Plaintiff sought out assistance from her Union and was advised that she should just resign.
83. On June 2, 2008 the Plaintiff placed her HIPPA Release form and two letters in a sealed envelope to be brought to the main office secretary to be faxed to Dr. Halligan.
84. The student who was delivering the sealed envelope was stopped by Mr. Buono in the hallway wherein Mr. Buono opened and read the enclosures.
85. The letter to Dr. Halligan stated the following:

- a. Plaintiff is being physically and mentally worn down from the daily discrimination, harassment, disparity and retaliation that she is being forced to endure on a daily basis by Mr. Buono;
 - b. Plaintiff is in receipt of several unjustified and retaliatory memorandums and communications from Mr. Buono;
 - c. Plaintiff is continually objecting to false statements and accusations by Mr. Buono on a weekly, if not daily, basis;
 - d. No other teacher at Mary T. Murphy has to perform under such circumstances and she is being singled out and set-up to fail;
 - e. Being forced to spend too much time rebutting Mr. Buono's false negative memorandums, letters and notes on a daily basis;
 - f. Being forced to endure 2 to 3 class evaluations per week having everything scrutinized and analyzed;
 - g. The unethical behaviors were causing the Plaintiff further difficulties with her disability and causing extreme emotional and physical distress.
86. That afternoon Mr. Buono issued a memorandum that indicated that the Plaintiff had reported to work that morning upset and crying and that Mr. Buono had to console the Plaintiff, although none of those events ever occurred.
87. The following day, the Plaintiff called the workplace to inform the Defendant that her dog had gotten lost and she could not catch him and would be ten minutes late in her arrival.

88. Plaintiff arrived to the workplace approximately fifteen minutes later wherein Plaintiff was falsely accused of stating on her telephone call into work that she was going to kill herself.
89. The Plaintiff requested a telephone call to her attorney which was denied.
90. The Plaintiff was then brought into a meeting with Defendant Human Resources and the Assistant Superintendent who were mysteriously already at the school and waiting for the Plaintiff.
91. The Plaintiff was advised by Defendant that she was being removed by ambulance from the school and being taken to Yale Psychiatric Ward.
92. The Defendant did not allow the Plaintiff a telephone call to her attorney; denied the Plaintiff union representation and was forced from the school without cause; without any evaluation or assessment being performed and placed into a waiting ambulance in full view of students and staff.
93. The Plaintiff, a twenty-five (27) year tenured disabled teacher never in all of her years of teaching received a single reprimand or was ever cited for deficient work performance until:
 - a. The hire of Mr. Buono
 - b. Plaintiff's disclosure of her disabilities;
 - c. Defendant's Million Dollar Budget Cut.
94. The Plaintiff was released back to full duty that same day from Yale Psychiatric Ward.
95. Plaintiff notified Defendant of her release back to the workplace and her intentions of reporting to the workplace the following day.

96. Plaintiff was advised by Defendant Human Resources that Plaintiff, at the direction of Dr. Halligan, was not allowed to return to the workplace until Plaintiff was seen by another therapist or counselor.
97. Plaintiff was advised by Defendant Human Resources that until Plaintiff “stopped placing the blame on Anthony Buono” Plaintiff would have to go to counseling.
98. Plaintiff requested a copy of the policy, procedure or union contract that provided counseling as a prerequisite for the Plaintiff to return back to work, none was available.
99. Plaintiff notified the union of these actions and the Union refused to take any action.
100. The Plaintiff was banned from returning to her job and was further banned from all access to the school.
101. On June 19, 2008 Plaintiff attended a meeting with her union and Dr. Halligan.
102. Plaintiff was questioned extensively regarding her medical conditions, prescriptions, and treatments but not asked once about appropriate accommodations for the Plaintiff.
103. Plaintiff was falsely informed by Defendant Human Resources Paula Gladdys that Plaintiff’s doctor had stated that no disability existed.
104. Plaintiff provided Paula Gladdys a written letter directly from her doctor outlining Plaintiff’s disabilities.
105. Instead of accommodating the Plaintiff, the Defendant advised the Plaintiff of the following:

- a. Plaintiff must be undergoing treatment with a sleep specialist for her sleep disorder if she is to receive accommodations;
- b. Further documentation was required from a sleep specialist;
- c. Plaintiff must disclose her previous medical records, sleep studies and diagnosis;
- d. Plaintiff can not be accommodated because Plaintiff had not done anything to treat her sleep disorder;
- e. Plaintiff must provide the Defendant with a full release to speak with Plaintiff's primary physician.

106. Plaintiff provided the Defendant with full HIPPA release forms and provided medical documentation in regards to Plaintiff's sleep disorder and its association with Plaintiff's thyroid cancer.

107. Plaintiff's doctor notified Defendant that Plaintiff can not undergo any form of sleep disorder treatments or medicate for such disorder as it would directly interfere with the Plaintiff's treatments for her thyroid cancer.

108. Defendant to date has refused and failed to accommodate the Plaintiff.

109. Plaintiff's requests for family medical leave time were further denied.

110. Plaintiff repeatedly requested that the union file appropriate grievances in regards to all of the above events but those requests were ignored.

111. Plaintiff requested a reassignment to a position that would more easily accommodate the Plaintiff and Plaintiff was advised by the Union that the

Defendant Board of Education would not allow reassignment and Plaintiff should just resign.

112. All requested grievances by the Plaintiff with the exception of only one, were not filed by the Union.

113. The one grievance that was filed came after the Plaintiff was suspended for one day by Dr. Halligan for being unable to move heavy boxes out of her classroom due to Plaintiff's disability.

114. Plaintiff's classroom was in a neat and orderly fashion as compared to that of the classrooms surrounding the Plaintiff.

115. Plaintiff's classroom was further smaller with less storage space as compared to her previous assigned classroom and as compared to those classrooms surrounding the Plaintiff.

116. Plaintiff requested assistance from Principal Buono via email to provide her with assistance in having the boxes removed.

117. Instead of receiving assistance, Plaintiff was written-up for insubordination by Mr. Buono for not removing the boxes.

118. Mr. Buono and Ms. Briggs went into Plaintiff's classroom, went through the Plaintiff's personal belonging, teaching materials, boxes and cabinets and removed Plaintiff's teaching materials and personal items and placed them in boxes in the hallway.

119. Plaintiff later learned that Ms. Briggs placed Plaintiff's materials and supplies in the teachers lounge with a note that said "free".

120. Plaintiff was denied the right to produce evidence at the Step I grievance hearing wherein Dr. Halligan refused to allow Plaintiff to produce relevant photographs and emails.
121. Plaintiff's grievance was denied directly by Dr. Halligan herself at Step I of the grievance procedure.
122. The Plaintiff was further advised by Dr. Halligan that the Defendant Board of Education refused the Plaintiff her right to Step II or III of the grievance procedure.
123. Plaintiff's union took no action.
124. Plaintiff continues on a daily basis to be discriminated against, harassed and retaliated against.
125. Plaintiff was advised in October of 2008 that she was being assessed by an independent evaluator only to learn that the selected evaluator was not independent and a consultant for the Branford School Board.
126. Plaintiff is forced to attend weekly meetings with Principal Buono and Assistant Principal Briggs wherein the Plaintiff is harassed, belittled, humiliated, referred to as incompetent and screamed at.
127. Plaintiff's union although in attendance at these meetings has allowed the harassment and retaliation to occur.
128. The most recent meeting of December 16, 2008 resulted in the Union ending the meeting between Mr. Buono, Ms. Briggs and the Plaintiff due to the harassing behaviors of Mr. Buono and Mrs. Briggs against the Plaintiff.

129. Routinely the Plaintiff reports to the workplace to find harassing, retaliatory and defamatory memorandums, emails and written warnings from Mr. Buono and Ms. Briggs.

130. Plaintiff is singled out, treated differently, discriminated against, harassed and retaliated against on a daily basis by the Defendants.

COUNT ONE: AGE DISCRIMINATION IN VIOLATION OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA) AGAINST BRANFORD BOARD OF EDUCATION

1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

131. The Plaintiff is a 48-year-old female.

132. The Plaintiff is a 27 year tenured Teacher.

133. Plaintiff's performance was routinely viewed as favorable over the last twenty-five years until it was announced that the Branford Board of Education was facing a one-million dollar budget cut.

134. Plaintiff was suddenly targeted and set-up for forced resignation and/or termination due to her tenure and age.

135. Defendant requested voluntary resignation of all tenured teachers.

136. Plaintiff refused to resign her position.

137. Plaintiff was thereafter discriminated against, singled out, harassed and retaliated against due to her age and tenure.

138. Plaintiff was recommended for termination by Principal Buono due to Plaintiff's age and disabilities.
139. Recommendation for termination according to contract was to be issued prior to April 15, 2007.
140. Plaintiff's recommendation was delivered one week late and therefore was not valid.
141. Plaintiff according to contract therefore could only be terminated if proven incompetent.
142. Defendant thereafter partook in various acts of harassment, discrimination and retaliation in order to prove the Plaintiff incompetent to justify termination.
143. Plaintiff's repeated requests for assistance to Defendant Union disregarded wherein Plaintiff was advised that she should just resign.
144. Plaintiff's repeated requests for assistance to Dr. Halligan and the Branford Board of Education regarding Plaintiff's complaints of discrimination, harassment, retaliation and disparate treatment were disregarded, not investigated or ignored.
145. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.
146. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

**COUNT TWO: RETALIATION -VIOLATION OF THE AGE
DISCRIMINATION IN EMPLOYMENT ACT (ADEA)
AGAINST BRANFORD BOARD OF EDUCATION**

1-30. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

147. The Plaintiff is a 49-year-old female.

148. The Plaintiff is a 27 year tenured Teacher.

149. Plaintiff's performance was routinely viewed as favorable over the last twenty-five years until it was announced that the Branford Board of Education was facing a one-million dollar budget cut.

150. Plaintiff was suddenly targeted and set-up for forced resignation and/or termination due to her tenure and age.

151. Principal Buono prior to the beginning of the new school year, without reason or cause, notified Plaintiff that she was being placed upon a performance improvement plan.

152. While Plaintiff was out on medical leave, Plaintiff was notified by Principal Buono that she was being placed on an intensive improvement plan.

153. Plaintiff requested assistance from her union and Plaintiff was advised that she should just resign.

154. Defendant publicly requested voluntary resignation of all tenured teachers.

155. Plaintiff refused to resign her position.

156. Plaintiff was discriminated against, singled out, harassed and retaliated against due to Plaintiff's refusal to just resign.

157. Plaintiff was recommended for termination by Principal Buono due to Plaintiff's age and disabilities.

158. Recommendation for termination according to contract was to be issued prior to April 15, 2007.

159. Plaintiff's recommendation was delivered one week late and therefore was not valid.

160. Plaintiff according to contract therefore could only be terminated if proven incompetent.

161. Defendant thereafter partook in various acts of harassment, discrimination and retaliation in order to prove the Plaintiff incompetent to justify termination.

162. Plaintiff's repeated requests for assistance to Dr. Halligan and the Branford Board of Education regarding her complaints of discrimination, harassment, retaliation and disparate treatment were disregarded, not investigated or ignored.

163. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.

164. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

**COUNT THREE: VIOLATION OF ADA – DISABILITY DISCRIMINATION
AGAINST BRANFORD BOARD OF EDUCATION**

1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

165. During the relevant time period the Plaintiff suffered from a back disability; thyroid cancer/disease; and insomnia/sleep disorder.
166. Defendants' were aware at all times of Plaintiff's disabilities.
167. Plaintiff was able to perform the essential elements of her position as a teacher at all times.
168. Plaintiff's work history consistently demonstrated satisfactory performance up until her request for accommodations.
169. Plaintiff requested reasonable accommodations due to her disabilities in May of 2007.
170. Plaintiff's requests for reasonable accommodations were ignored, disregarded or denied.
171. Thereafter Plaintiff was discriminated against, harassed, singled out and retaliated against due to her disabilities.
172. Plaintiff was placed without cause or reason onto a performance improvement plan; was denied reasonable accommodations; subjected to repeated unjustified written warnings; recommended for termination; involuntarily sent to Yale Psychiatric Ward; suspended; advised to just resign; and faced continual daily harassment and retaliation.
173. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.
174. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

**COUNT FOUR: VIOLATION OF ADA – FAILURE TO ACCOMMODATE
AGAINST BRANFORD BOARD OF EDUCATION**

1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

175. During the relevant time period the Plaintiff suffered from a back disability; thyroid cancer/disease; and insomnia/sleep disorder.

176. Defendants' were aware at all times of Plaintiff's disabilities.

177. Plaintiff was able to perform the essential elements of her position as a teacher at all times.

178. Plaintiff's work history consistently demonstrated satisfactory performance up until her request for accommodations.

179. Beginning in May of 2007 Plaintiff requested reasonable accommodations on numerous occasions due to her disabilities.

180. Plaintiff's repeated requests for reasonable accommodations were ignored, disregarded or denied.

181. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.

182. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

**COUNT FIVE: VIOLATION OF ADA – RETALIATION - AGAINST
BRANFORD BOARD OF EDUCATION**

- 1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.
183. During the relevant time period the Plaintiff suffered from a back disability; thyroid cancer/disease; and insomnia/sleep disorder.
184. Defendants' were aware at all times of Plaintiff's disabilities.
185. Plaintiff was able to perform the essential elements of her position as a teacher at all times.
186. Plaintiff's work history consistently demonstrated satisfactory performance up until her request for accommodations.
187. Beginning in May of 2007, Plaintiff requested reasonable accommodations on numerous occasions due to her disabilities.
188. Plaintiff's repeated requests for reasonable accommodations were ignored, disregarded or denied.
189. Plaintiff's complaints to Superintendent Halligan regarding Principal Buono's discrimination, severe retaliation and harassment were not investigated, were ignored, disregarded or denied.
190. Plaintiff's grievance procedure rights were refused and/or denied by the Union, Superintendent Halligan and/or the Board of Education.
191. Plaintiff was placed without cause or reason onto a performance improvement plan; was denied reasonable accommodations; subjected to repeated unjustified written warnings; recommended for termination; suspended; advised to just resign; and faced continual daily harassment and retaliation.

192. Plaintiff's written complaint to Superintendent Halligan regarding disability discrimination, harassment and retaliation by Principal Buono were intercepted, opened and read by Principal Buono.
193. The following day, the Plaintiff was removed from the workplace without cause, reason or evaluation in full view of students and staff, placed into a waiting ambulance and forced to be evaluated at Yale Psychiatric Ward.
194. Plaintiff's requests to be evaluated by an independent evaluator were denied and Plaintiff was evaluated by Principal Buono, Assistant Principal Briggs or by a Branford Board of Education Consultant.
195. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.
196. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

COUNT SIX: CONN. GEN. STAT. § 46a-60(a)(1) AGE DISCRIMINATION
AGAINST BRANFORD BOARD OF EDUCATION

- 1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.
197. The Plaintiff is a 49-year-old female.
198. The Plaintiff is a 27 year tenured Teacher.

199. Plaintiff's performance was routinely viewed as favorable over the last twenty-five years until it was announced that the Branford Board of Education was facing a one-million dollar budget cut.
200. Plaintiff was suddenly targeted and set-up for forced resignation and/or termination due to her tenure and age.
201. Defendant requested voluntary resignation of all tenured teachers.
202. Plaintiff refused to resign her position.
203. Plaintiff was thereafter discriminated against, singled out, harassed and retaliated against due to her age and tenure.
204. Plaintiff was recommended for termination by Principal Buono due to Plaintiff's age and disabilities.
205. Recommendation for termination according to contract was to be issued prior to April 15, 2007.
206. Plaintiff's recommendation was delivered one week late and therefore was not valid.
207. Plaintiff according to contract therefore could only be terminated if proven incompetent.
208. Defendant thereafter partook in various acts of harassment, discrimination and retaliation in order to prove the Plaintiff incompetent to justify termination.
209. Plaintiff's repeated requests for assistance by Defendant Union were fruitless and Plaintiff was advised that she should just resign.
210. Plaintiff's repeated requests for assistance by Dr. Halligan and the Branford Board of Education regarding Plaintiff's complaints of discrimination,

harassment, retaliation and disparate treatment were disregarded, not investigated or ignored.

211. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.

212. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

COUNT SEVEN: CONN. GEN. STAT. § 46a-60(a)(4) RETALIATION

1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

213. Upon repeated requests for assistance by Defendant Board of Education, Plaintiff's complaints of discrimination, harassment, retaliation and disparate treatment were disregarded, not investigated or ignored.

214. Defendant was notified of pending litigation by the Plaintiff's private counsel on April 22, 2008.

215. Following notification of pending litigation Plaintiff faced retaliatory actions that included:

- a. Being recommended for termination;
- b. Advised by union to just resign;
- c. Denied any and all requests for accommodations;
- d. An extension of Plaintiff's improvement plan even though the previous plan had expired and was no longer in effect;

- e. Singled out and demanded to continue to check in upon arrival;
- f. Subjected to two to four classroom observations on a weekly basis;
- g. Being placed on probation by Superintendent Halligan until January of 2009;
- h. Being subjected to numerous false written warnings;
- i. Involuntarily and unwarranted removal from school grounds via ambulance and taken to Yale Psychiatric Ward;
- j. Banned from school grounds unless Plaintiff sought out a second opinion from another medical professional and until Plaintiff could stop placing the blame on Principal Buono.
- k. Refused a transfer of any kind;
- l. One day suspension;
- m. Involuntary removal of Plaintiff's personal and teaching supplies which were then placed in the teacher lobby with a sign reading "free";
- n. Denied ability to utilize grievance procedure at Step II and denied a hearing before the Board of Education;

216. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.

217. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

COUNT EIGHT: CONN. GEN. STAT. § 46a-60(a)(5) AIDING & ABETTING

1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

218. Plaintiff has been retaliated against and subjected to harassment, a hostile work environment and retaliation without cause as a result of her opposing Defendant's discriminatory employment practices.

219. On several occasions, Plaintiff complained to Superintendent Halligan regarding the aforementioned discriminatory conduct, but Defendant Halligan and the Board of Education failed to take corrective action to address, prevent or curtail the discriminatory conduct.

220. By failing to take corrective action to address, prevent or curtail the discriminatory conduct against the Plaintiff, Defendant, Buono and Briggs aided and abetted one another's discriminatory conduct in violation of Conn. Gen. Stat. Sec. 46a-60(a)(5).

221. As a result of the conduct described herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and emotional damages, physical and psychological distress, stress, anxiety and loss of the ability to enjoy life's pleasures and activities.

222. Plaintiff seeks compensatory and punitive damages as a result of Defendant's unlawful conduct.

COUNT NINE: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- 1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.
223. Defendants' conduct was extreme and outrageous.
224. Principal Buono and Assistant Principal Brigg's conduct was beyond the bounds of decency and is intolerable in the workplace.
225. Defendant had knowledge of Buono and Brigg's conduct, due to Plaintiff's written and verbal complaints to Superintendent Halligan.
226. Defendant knew that Buono and Brigg's conduct would likely result in the severe emotional distress of the Plaintiff.
227. Halligan's refusal to accommodate, investigate or intercede was extreme and outrageous conduct which Halligan should have reasonably known would result in severe emotional distress to the Plaintiff.
228. Defendants' action of having Plaintiff removed from school property via an ambulance in full view of students and staff and taken to the Yale Psychiatric Ward without evaluation or just cause was extreme and outrageous.
229. Defendant's action of banning Plaintiff from school grounds until Plaintiff received a second opinion and "stopped placing the blame on Anthony Buono", was extreme and outrageous.
230. As a result of the foregoing conduct, the Plaintiff has suffered and will continue to suffer severe emotional and psychological stress, distress and anxiety.
231. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and

loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.

232. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

**COUNT TEN: CONN. GEN. STAT. § 46a-60(a)(1) DISABILITY
DISCRIMINATION AGAINST BRANFORD BOARD OF
EDUCATION**

1-130. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

233. During the relevant time period the Plaintiff suffered from a back disability; thyroid cancer/disease; and insomnia/sleep disorder.

234. Defendants' were aware at all times of Plaintiff's disabilities.

235. Plaintiff was able to perform the essential elements of her position as a teacher at all times.

236. Plaintiff's work history consistently demonstrated satisfactory performance up until her request for accommodations.

237. Plaintiff requested reasonable accommodations due to her disabilities in May of 2007.

238. Plaintiff's requests for reasonable accommodations were ignored, disregarded or denied.

239. Thereafter Plaintiff was discriminated against, harassed, singled out and retaliated against due to her disabilities.

240. Plaintiff was placed without cause or reason onto a performance improvement plan; was denied reasonable accommodations; subjected to repeated unjustified

written warnings; recommended for termination; involuntarily sent to Yale Psychiatric Ward; suspended; advised to just resign; and faced continual daily harassment and retaliation.

241. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.

242. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

COUNT ELEVEN: ADA – PERCEIVED AS BASED ON MENTAL DISABILITY, RETALIATION AGAINST BRANFORD BOARD OF EDUCATION

1-131. The Plaintiff incorporates paragraphs One (1) through One Hundred and Thirty (130) as if more fully set forth herein.

243. Defendant perceived the Plaintiff as having a mental disability.

244. The Plaintiff was advised by Defendant that she was being removed by ambulance from the school and being taken to Yale Psychiatric Ward.

245. Defendant stated Plaintiff's mental stability was a liability and a risk to students.

246. The Defendant did not allow the Plaintiff a telephone call to her attorney.

247. Plaintiff was denied union representation and was forced from the school without cause.

248. Defendant did not perform any evaluation or assessment before removing Plaintiff from the workplace and placing Plaintiff into a waiting ambulance in full view of students and staff.

249. The Plaintiff was released back to full duty from Yale Psychiatric Ward.
250. Plaintiff notified Defendant of her release back to the workplace and her intentions of reporting to the workplace the following day.
251. Plaintiff was advised by Defendant Human Resources that Plaintiff, at the direction of Dr. Halligan, was not allowed to return to the workplace until Plaintiff was seen by another therapist or counselor.
252. Plaintiff was advised by Defendant Human Resources that until Plaintiff “stopped placing the blame on Anthony Buono” Plaintiff would have to go to counseling.
253. The Plaintiff was banned from returning to her job and was further banned from all access to the school.
254. Upon Plaintiff’s return to the workplace, Plaintiff faced various acts of discrimination and retaliation that included, but is not limited to:
- a. One day suspension for not being able to lift and carry heavy boxes from Plaintiff’s classroom;
 - b. Denial of grievance rights;
 - c. Daily harassing, retaliatory and defaming memorandums, emails and false written warnings questioning the Plaintiff’s teaching ability and competency.
 - d. Continuously being subjected to harassing and intimidating class room observations by Principal Buono and Assistant Principal Briggs followed by negative memorandums;

- e. Being consistently watched and monitored, including timing how long the Plaintiff takes to go to the ladies room and advising Plaintiff when it is appropriate to go the ladies room;

255. As a result of the foregoing unlawful conduct, the Plaintiff suffered and will continue to suffer damages including but not limited to economic damages and loss of benefits, emotional and psychological stress, distress, anxiety, and the ability to enjoy life's pleasures.

256. Plaintiff seeks damages as a result of Defendant's unlawful conduct.

Prayer for Relief

Wherefore Plaintiff claims the following:

1. Money damages;
2. Costs;
3. Punitive damages, attorneys fees and expert witness fees;
4. Prejudgment interest;
5. That this Court retain jurisdiction over this matter;
6. Trial by jury;
7. Such other relief as the Court deems just, fair and equitable.

The Plaintiff,
DENNISE FARINA

By: _____/s/_____
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