

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CHRISTINA MELLETT

(b) County of Residence of First Listed Plaintiff Philadelphia (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) CAREN N. GURMANKIN, ESQ. CONSOLE MATTIACCI LAW, 1525 LOCUST ST., 9TH FL. PHILADELPHIA, PA 19102 (215) 545-7676

DEFENDANTS

CITY OF PHILADELPHIA

County of Residence of First Listed Defendant Philadelphia (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. §2000, et seq. ("Title VII"); 42 U.S.C. §1983 ("Section 1983")
Brief description of cause: Plaintiff is alleging discrimination and retaliation in violation of Title VII of the Rights Act of 1964

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ in excess of \$75,000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 03/26/2020 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Philadelphia, PA 19128

Address of Defendant: 1401 John F. Kennedy Boulevard, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: 1401 John F. Kennedy Boulevard, Philadelphia, PA 19102

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/26/2020 _____ Caren Gurmankin _____ 205900
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Caren N. Gurmankin, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: 03/26/2020 _____ Caren Gurmankin _____ 205900
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

CHRISTINA MELLETT

v.

CITY OF PHILADLEPHIA

:
:
:
:
:
:
:

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

3/26/2020

Date

215-545-7676

Telephone



Attorney-at-law

215-545-2853

FAX Number

Plaintiff, Christina Mellett

Attorney for

gurmankin@consolelaw.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTINA MELLETT	:	
Philadelphia, PA 19128	:	
Plaintiff,	:	CIVIL ACTION NO.
	:	
v.	:	
	:	
CITY OF PHILADELPHIA	:	
1401 John F. Kennedy Boulevard	:	
Philadelphia, PA 19102	:	
	:	JURY TRIAL DEMANDED
Defendant	:	
	:	

COMPLAINT

I. INTRODUCTION

Plaintiff, Christina Mellett, brings this action against her employer, the City of Philadelphia (“Defendant”). Plaintiff, a thirteen (13) year, highly regarded veteran with Defendant’s Police Department, reported a male Lieutenant’s sex discriminatory conduct, including sexually harassing female employees. Defendant responded by retaliating and discriminating against her by falsely and maliciously writing her up with a disciplinary action based on her complaints; repeatedly failing to promote her (while promoting less qualified male employees); and, subjecting her to a retaliatory and sex-based hostile work environment.

Defendant has discriminated, and continues to discriminate, against Plaintiff based on her sex, and has retaliated, and continues to retaliate, against her based on her complaints about the same, in violation of Title VII of the Civil Rights Act of 1964, as

amended, 42 U.S.C. §2000e, *et seq.* (“Title VII”); the Pennsylvania Human Relations Act, as amended, 43 P.S. §951, *et seq.* (“PHRA”); and the Philadelphia Fair Practices Ordinance, as amended, Phila. Code §9-1101, *et seq.* (“PFPO”). Defendant’s conduct has also deprived Plaintiff of her constitutional rights of the Equal Protection Clause of the Constitution in violation of 42 U.S.C. §1983 (“Section 1983”).

II. PARTIES

1. Plaintiff, Christina Mellett, is an individual and a citizen of the Commonwealth of Pennsylvania.
2. Plaintiff is female.
3. Defendant, the City of Philadelphia, is a political subdivision of the Commonwealth of Pennsylvania, with its principal office located at 1401 John F. Kennedy Boulevard, Philadelphia, PA 19102.
4. Defendant is engaged in an industry affecting interstate commerce and regularly do business in the Commonwealth of Pennsylvania.
5. At all times material hereto, Defendant employed more than fifteen (15) employees.
6. At all times material hereto, Defendant’s policies, customs, and practices in its Police Department were discriminatory towards females.
7. At all times material hereto, Defendant instituted, acquiesced in, ratified and/or took action against Plaintiff and other females.
8. At all times material hereto, Defendant acted by and through its authorized agents, servants, workmen, and/or employees acting within the course and scope of their employment with Defendant and in furtherance of Defendant’s business.

9. At all times material hereto, Defendant acted as an employer within the meanings of Title VII, the PHRA, and the PFPO.

10. At all times material hereto, Plaintiff was an employee of Defendant within the meanings of Title VII, the PHRA, and the PFPO.

11. At all times material hereto, Defendant acted under color of state law.

III. JURISDICTION AND VENUE

12. The causes of action which form the basis of this matter arise under Title VII, Section 1983, the PHRA, and the PFPO.

13. The District Court has jurisdiction over Count I (Title VII) pursuant to 42 U.S.C. §2000e-5 and 28 U.S.C. §1331.

14. The District Court has jurisdiction over Count II (Section 1983) pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1333.

15. The District Court has supplemental jurisdiction over Count III (PHRA) pursuant to 28 U.S.C. §1367.

16. The District Court has supplemental jurisdiction over Count IV (PFPO) pursuant to 28 U.S.C. §1367.

17. Venue is proper in the District Court under 28 U.S.C. §1391(b) and 42 U.S.C. §2000(e)-5(f).

18. On or about September 4, 2018, Plaintiff filed a Complaint of Discrimination with the Pennsylvania Human Relations Commission (“PHRC”), complaining of acts of discrimination and retaliation alleged herein. This Charge was cross-filed with the Equal Employment Opportunity Commission (“EEOC”). Attached hereto, incorporated herein and marked as Exhibit “1” is a true and correct copy of the

PHRC Complaint of Discrimination (with personal identifying information redacted).

19. On or about November 27, 2018, Plaintiff filed a Second Complaint of Discrimination with the PHRC, complaining of acts of discrimination and retaliation alleged herein. This Charge was cross-filed with the EEOC. Attached hereto, incorporated herein and marked as Exhibit “2” is a true and correct copy of Plaintiff’s Amended PHRC Complaint (with personal identifying information redacted).

20. On or about August 12, 2019, Plaintiff filed a Third Complaint of Discrimination with the PHRC, complaining of acts of discrimination and retaliation alleged herein. This Charge was cross-filed with the EEOC. Attached hereto, incorporated herein and marked as Exhibit “3” is a true and correct copy of the Third Complaint of Discrimination (with personal identifying information redacted).

21. On or about January 10, 2020, the Department of Justice issued to Plaintiff a Notice of Right to Sue for her Complaints of Discrimination. Attached hereto, incorporated herein and marked as Exhibit “4” is a true and correct copy of the notice.

22. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

23. Plaintiff joined Defendant’s Police Academy in around February 2007.

24. Prior to joining the Academy, Plaintiff had been honorably discharged from her service with the U.S. Army, in which she had served with distinction during her two (2) year enlistment period, including, but not limited to, being named as her Advanced Individual Training class’ Honor Graduate.

25. Plaintiff ranked fifteenth overall out of over five hundred people who took

the test to join the Police Academy.

26. Plaintiff became employed by Defendant's Police Department after she graduated from the Academy in around September 2007. When Plaintiff joined the Police Department, she was assigned to the Department's 19th District in West Philadelphia.

27. Within just about fourteen (14) months, and based on her performance as an officer, Plaintiff was selected as a member of one of the Department's elite tactical squads. In that capacity, she worked as a member of a tactical team, on bicycle patrol and she was also a plainclothes officer in the unit's Narcotics Enforcement Team.

28. In or around January 2014, Plaintiff was promoted to the rank of Sergeant and reassigned to the Department's 14th District in Philadelphia's Germantown neighborhood. For approximately one year, she worked the midnight shift.

29. In or around 2016, Plaintiff was promoted into the position of Administrative Sergeant, working directly with the Captain in the 14th District.

30. The Administrative Sergeant position into which Defendant promoted Plaintiff was a prestigious one with more responsibility than a Sergeant role, including interactions with department heads, high-level employees at Defendant, and politicians with whom non-administrative employees did not generally interact.

31. At all times material hereto, Plaintiff performed her duties in a highly competent manner, including that which is set forth below.

32. Plaintiff has never received an unsatisfactory performance rating during the entire time that she has been employed with Defendant. Comments on her performance reviews included that,

- (a) In May 2015, “You are one of the future leaders of our department. You have great potential for future promotion.”
- (b) In June 2016, “As the Administrative Sergeant you perform your duties exceptionally well and are an asset to this office and the 14th District. You have been tasked with multiple duties and have responded with a professional attitude and leadership ability. You have great potential for future promotion.”
- (c) In June 2017, “To date, Sgt. Mellett performs her duties in an outstanding manner and assists this Command in fulfilling and running the daily operations of all administrative duties. She is articulate, conscientious, and dedicated to performing her duties.”; and,
- (d) In June 2018, “You do an excellent job of supervising the officers that are assigned to you, even as they have a wide variety of tasks. Another large part of your duties is to coordinate the Field Development Program and supervise the rookie footbeats assigned to the districts. This is a very time consuming task that includes taking calls from new officers with all manner of questions at all times of the day, including when you are off duty. The time you take training and guiding these officers will pay dividends across the department as they all progress in their careers. It is no surprise that you scored well in your promotional exam with all of the hard work you put in...”

33. In January 2019, Plaintiff received the Community Angel Award for Public Safety. The letter from State Representative Isabella Fitzgerald included that, “Your dedication to assuring the neighbors in the surrounding community remain active and informed builds a stronger community.”

34. In or around March 2020, Plaintiff received an award for which she was submitted in 2017 for her persistence in catching a burglar after a rooftop to rooftop chase. Defendant did not give Plaintiff any explanation for why it did not give her the

award for which she was submitted in 2017 until 2020.

35. In or around early 2020, Defendant approved Plaintiff's selection by the Wilmington, Delaware Police Department to serve on its promotional board. In order for Defendant to approve Plaintiff's selection, it had to confirm that she was in good standing with Defendant.

36. During Plaintiff's employment, Defendant engaged in policies, practices, and/or customs to treat males more favorably than similarly situated female employees. Evidence of the same is set forth here, and includes, but is not limited to, engaging in sexually harassing conduct towards female employees, subjecting female employees to a hostile work environment, retaliating against females who bring forward complaints of sex discrimination and sexual harassment, and failing to take remedial and/or corrective action regarding sex discriminatory conduct, including sexual harassment and a hostile work environment.

37. Throughout Plaintiff's employment, and as set forth below, Defendant has discriminated against Plaintiff, and other female employees, based on sex.

38. From in or around March 2017 through in or around September 2017, Plaintiff reported directly to Lieutenant Richard Frank (male). Frank reported to Captain John Hearn (male), who, in turn, reported to Inspector Anthony Washington (male).

39. Starting in around September 2017, Plaintiff reported to Lieutenant William Schmid (male). Schmid reported to Captain Hearn, who reported to Inspector Washington.

40. In or around March 2017, female employees complained to Plaintiff that Lt. Frank had engaged in inappropriate sexually harassing conduct. The conduct about

which employees complained to Plaintiff included that Lt. Frank touched his genitals while speaking to female subordinate employees.

41. On that same day, Plaintiff complained to Captain Hearn about Lt. Frank's sexually harassing conduct towards female subordinate employees. Hearn's response to Plaintiff's complaints was to laugh when she told him that female employees complained that Lt. Frank touched his genitals while speaking to them.

42. To the best of Plaintiff's knowledge, Defendant did not take any action in connection with Plaintiff's complaints about Lt. Frank's sexually harassing conduct.

43. Around this time, Plaintiff became aware that Lt. Frank had a reputation for discriminating against female employees, including sexually harassing them and retaliating against them when they complained about his sex discriminatory conduct. By way of example only and to the best of Plaintiff's knowledge:

(a) When Lt. Frank was a Sergeant, he pushed a female officer up against the wall at work, and tried to sexually assault her, but the officer jammed her knee into his groin and managed to get away from him;

(b) Lt. Frank told a female police officer, in front of her partner and civilians at a store, that he remembered where he must have known her from, the stripper pole at Delilah's, a well-known strip club in Philadelphia;

(c) Lt. Frank frequently leered at female subordinate employees and looked them up and down in a sexual manner;

(d) Lt. Frank sent text messages to female subordinate employees about matters of a sexual and personal nature;

(e) Lt. Frank made comments to female employees suggesting that he

wanted to have sex with them, and then laughed about it;

(f) Lt. Frank made comments to female employees about their appearance; and,

(g) Lt. Frank bragged that he is “untouchable,” and that nothing would happen to him if female employees complained about him.

44. In or around late June 2017, another employee reported to Plaintiff that Lt. Frank continued to engage in sex discriminatory conduct. The same included the following:

(a) Lt. Frank referred to a female officer as a “dyke”;

(b) Lt. Frank said that the female officer to whom he referred as a “dyke” was a “dyke” because she refused to have sex with him;

(c) Lt. Frank told a female police officer that she could ride with him while they were on duty but that he “better get a blow job”; and,

(d) After returning from a ride with that female police officer, Lt. Frank said, in front of other employees, “Can you believe I didn’t get a blow job...I didn’t even get a handy [hand job] from her”.

45. Plaintiff also witnessed Lt. Frank engage in sex discriminatory conduct, including, but not limited to:

(a) Walking up to female subordinate employees at their desks so that his genital area was at their eye level and engaging in conversation with them while scratching and/or adjusting his genitals; and,

(b) Telling Plaintiff that women always want to have sex with him;

(c) Telling Plaintiff about a female officer who contacted him on

Facebook after they worked together who said that she wanted to have sex with him; and,

(d) Leering at female subordinate employees and looking them up and down in a sexual manner.

46. Plaintiff complained, again, to Captain Hearn about Lt. Frank's continued sexually harassing conduct.

47. Captain Hearn told Plaintiff that he would speak with Lt. Frank about the same. Captain Hearn also told Plaintiff to let him know if any of the female employees whom Lt. Frank sexually harassed wanted to make a "formal" complaint.

48. When Captain Hearn told Plaintiff that he spoke with Lt. Frank about her complaints, he said that Lt. Frank was angry and needed some time to cool off.

49. Plaintiff was told by multiple employees that Lt. Frank questioned them to find out the identity of the person who complained about him.

50. Plaintiff shared with other employees that she had complained about Lt. Frank's inappropriate and harassing conduct towards female employees.

51. Based on Lt. Frank's conduct, including that which is set forth below, and the fact that she shared with others at Defendant that she had complained about him, to the best of Plaintiff's knowledge, Lt. Frank became aware that she had complained about his inappropriate and harassing conduct.

52. Shortly after Plaintiff had complained, again, to Captain Hearn about Lt. Frank's conduct, Plaintiff was in her office at work when Lt. Frank kicked the door open and began screaming and ranting at Plaintiff.

53. A couple of days later, Lt. Frank again stormed into Plaintiff's office space, pointed to a seat and screamed at Plaintiff to sit down. He then proceeded to

scream at her about work-related issues, and continued to scream at her about the same even after she explained that she had received her instructions about the particular issues from their Captain and their Inspector, both of whom outranked Plaintiff and Lt. Frank.

54. Lt. Frank then instructed Plaintiff to remove all of her belongings from her office space. He said that he was taking over the office and that Plaintiff was allowed to use it only when he was not at work.

55. Lt. Frank's instructions to Plaintiff regarding her use of her office space contradicted Captain Hearn's previous instructions to Plaintiff that she was to use that office in her capacity as Administrative Sergeant.

56. Plaintiff complained to Captain Hearn about the fact that Lt. Frank was retaliating against her based on her complaints about Lt. Frank's inappropriate and harassing conduct.

57. Captain Hearn's response to Plaintiff was that she should not worry about Lt. Frank, that she could continue to use the office space from which Lt. Frank had evicted her, and that he would meet with both Plaintiff and Lt. Frank to better explain responsibilities and roles for better coordination.

58. Plaintiff was told by another employee of Defendant that Lt. Frank threatened to sue her and other female employees if they complained to Defendant's Internal Affairs office about him.

59. Plaintiff was also told by other employees of Defendant that Lt. Frank made life worse for those who complain about his comments and conduct.

60. Lt. Frank continued to act in a hostile and inappropriate manner towards Plaintiff based on her complaints about his sex discriminatory conduct. His conduct

included, but was not limited to, the following:

- (a) Telling other employees, including a higher-level employee, that Plaintiff was on his “hit list for ratting him out”;
- (b) Being dismissive of Plaintiff; and,
- (c) Falsely telling another employee that Plaintiff talked about that employee in a derogatory manner behind her back.

61. A female employee told Plaintiff that Lt. Frank pressured her to lie for him in connection with any investigation into his conduct.

62. That same female employee also told Plaintiff that she wanted to report Lt. Frank’s comments to Captain Hearn, but that she did not want to deal with Lt. Frank more than she had to, and that she did not feel as though Captain Hearn was taking the complaints about Lt. Frank’s conduct seriously.

63. Plaintiff continued to complain to Captain Hearn about Lt. Frank’s sex discriminatory and retaliatory conduct.

64. Captain Hearn’s response was to threaten Plaintiff’s job, including saying that she was his administrative supervisor “for now”.

65. To the best of Plaintiff’s knowledge, Defendant failed to take action regarding Plaintiff’s complaints of sex discriminatory conduct, including sexual harassment.

66. Employees of Defendant told Plaintiff that Captain Hearn told them that he did not believe that Lt. Frank’s conduct, as reported to him by Plaintiff, violated Defendant’s Equal Employment Opportunity policies.

67. On or about July 13, 2017, Captain Hearn brought Plaintiff and Lt. Frank

into his office and asked what the “problem” was. Lt. Frank said that he did not like Plaintiff.

68. Plaintiff told Captain Hearn that she felt as though she was being targeted by Lt. Frank because she complained about his sex discriminatory conduct.

69. Captain Hearn told Plaintiff that he gave her a nice office and that all she had to do was worry about studying for her upcoming examination for her promotion to Lieutenant.

70. When Lt. Frank briefly left the meeting, Captain Hearn directed Plaintiff to tell Lt. Frank that she only complained about his inappropriate conduct so that Lt. Frank would be protected.

71. Plaintiff understood that Captain Hearn wanted Plaintiff to make Lt. Frank think that she was trying to protect him by reporting his conduct to Captain Hearn rather than going to the Department’s Internal Affairs Division to complain about the same.

72. Plaintiff refused to follow Captain Hearn’s instructions.

73. When Lt. Frank returned to the meeting, Captain Hearn pointedly asked Plaintiff if she had anything that she wanted to say to Lt. Frank, and she said that she did not.

74. Captain Hearn was clearly upset with Plaintiff in connection with her refusal to follow his instructions to make Lt. Frank think that she was trying to protect him by complaining to Captain Hearn.

75. Captain Hearn told both Plaintiff and Lt. Frank to “call a truce” and to keep their behavior professional going forward.

76. Captain Hearn said to Plaintiff, in front of Lt. Frank, that Lt. Frank was a

Lieutenant, and that Plaintiff was a Sergeant and that there was no gray area, that Plaintiff reported to Lt. Frank.

77. Plaintiff told Captain Hearn that she would be filing an internal EEO complaint in connection with Defendant's sex discriminatory and retaliatory conduct.

78. Captain Hearn tried to discourage Plaintiff from filing the EEO complaint.

79. Captain Hearn also told Plaintiff that two women had made false EEO complaints against him in one of his prior assignments with the Department, and that it was clear to him that his (female) accusers were overreacting in connection with their complaints.

80. After the meeting with Lt. Frank, Captain Hearn also told Plaintiff that she should just sit back and watch because these situations had a way of working themselves out and that Lt. Frank would bury himself sooner or later.

81. On or about July 21, 2017, Plaintiff filed an internal complaint with Defendant's Internal Affairs office, in which she complained about Defendant's sex discriminatory and retaliatory conduct.

82. Plaintiff's internal complaint was comprised of approximately seven (7) single-spaced pages in which she included details of Lt. Frank's inappropriate and sexually harassing conduct, his retaliatory conduct after Plaintiff complained about the same, and Captain Hearn's failure to take appropriate action regarding her complaints of sex discrimination and retaliation.

83. After Plaintiff filed her internal complaint, she learned that a (male) Deputy Commissioner, who had read her complaint, called a (male) Sergeant and said about the same that, "We need to make sure that this doesn't end up on the front page of

the Daily News.”

84. Defendant interviewed Plaintiff in connection with her complaints in or around August 2017.

85. In or around September 2017, Defendant transferred Lt. Frank to a Lieutenant position in another district. Plaintiff was not given any explanation as to why Lt. Frank was transferred.

86. Even after Defendant transferred Lt. Frank, he continued to supervise the 14th District (where Plaintiff worked) two days per week when the 14th District Lieutenant was on his scheduled days off.

87. At some point the following year, Plaintiff became aware that Lt. Frank engaged in similar sexually harassing conduct with female subordinate employees in the district to which he was transferred around September 2017.

88. Plaintiff also became aware that female subordinate employees in the district into which Lt. Frank was transferred filed complaints against him in connection with his inappropriate and harassing conduct, but that Defendant failed to take action against Lt. Frank at that time.

89. For months, Defendant allowed Lt. Frank to continue in a supervisory position, including having authority over female employees who had complained regarding his inappropriate, discriminatory, and harassing conduct, despite knowing that those female employees had filed complaints regarding his conduct.

90. To the best of Plaintiff’s knowledge, Lt. Frank had his disciplinary hearing in connection with Plaintiff’s complaints about his conduct in around mid- October 2018. Defendant allowed him to take a deal which resulted in a ten (10) day suspension and a

demotion after thirty (30) days.

91. Also to the best of Plaintiff's knowledge, Defendant permitted Lt. Frank to retire with his full pension, one (1) day before his demotion would become effective, in late 2018.

92. Lt. Frank was replaced by Lt. Schmid (male) in around September 2017. At that time, Plaintiff started reporting directly to Lt. Schmid.

93. On or about August 15, 2018, Defendant issued to Plaintiff a disciplinary charge accusing her of Neglect of Duty, specifically, "Failure to comply with any Police Commissioner's orders, directives, memorandums, or regulations; or any oral or written orders of superiors."

94. The disciplinary charge included that

Internal Affairs EEO Case #17-0027 determined that you violated Departmental policy according to Directive 8.7, EMPLOYMENT DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY (EEO) – RESPONSIBILITIES AND HOW TO FILE A COMPLAINT, when you failed to properly investigate EEO related misconduct with reference to rumors that Lieutenant Frank #233 referred to P/O [], as a "lesbian or dyke" based upon her tattoos. You made no attempt to dispel and/or confirm the legitimacy of this rumor by questioning P/O [] who was the officer that allegedly heard the statement directly from Lieutenant Frank #233.

95. Plaintiff understood that Defendant was charging her with discipline based on her complaints about Lt. Frank's inappropriate, discriminatory, and/or harassing conduct.

96. On or about September 4, 2018, Plaintiff filed her first Complaint with the PHRC in connection with Defendant's sex discriminatory and retaliatory conduct.

97. On that same day, Plaintiff advised Defendant, including Captain Hearn and Lt. Schmid, that she had filed a complaint of sex discrimination and retaliation with

the PHRC.

98. On or about September 13, 2018, Defendant instructed Plaintiff to plead guilty to the disciplinary charges that it issued to her in connection with her complaints of sex discriminatory and retaliatory conduct.

99. Defendant further told Plaintiff that she needed to plead guilty if she wanted to be promoted to Lieutenant.

100. As Plaintiff had followed Defendant's policies and procedures in connection with her complaints regarding Defendant's sex discriminatory and retaliatory conduct, she refused to plead guilty to the disciplinary charge.

101. After Plaintiff filed her first PHRC Complaint, Inspector Washington treated her in a hostile and dismissive manner, including that set forth below.

102. On or about September 18, 2018, Plaintiff was told that Inspector Washington assigned her to work with the foot patrol Police Officers.

103. Inspector Washington's assignment would have required Plaintiff to actually patrol, on foot, with the officers whom she supervised for approximately three (3) hours per day. Plaintiff was unaware of any other Administrative Sergeant who was required to do foot patrol with his or her officers.

104. The assignment would have set up Plaintiff to fail in her job as Administrative Sergeant, as she would have had substantially less time to do her work and would have had trouble keeping up with the same.

105. When Plaintiff complained that Inspector Washington's assignment was retaliatory based on her complaints of sex discrimination, including sexual harassment of female employees, Defendant rescinded the assignment.

106. Captain Frank Palumbo (male) told Plaintiff that Inspector Washington had expressed anger towards Plaintiff in connection with her complaints, including questioning Captain Palumbo as to whether she had filed any other complaints with either Defendant or with an outside agency.

107. Plaintiff was also told that Inspector Washington said that he would be checking up on Plaintiff's work and that he had better not see even a hair out of place on any of the police officers under her supervision.

108. Plaintiff was further advised that Inspector Washington said that he would do whatever it took to prevent her from getting promoted to Lieutenant, and that he would give her the least desirable assignments.

109. Captain Palumbo also told Plaintiff that Inspector Washington had instructed him to change her performance evaluation rating from satisfactory to unsatisfactory (the only two (2) ratings available).

110. Captain Palumbo advised Plaintiff that Inspector Washington made it clear to him that Inspector Washington had an ax to grind with Plaintiff in connection with her complaints.

111. Captain Palumbo also told Plaintiff that he believed that Inspector Washington disliked female supervisors.

112. Plaintiff was aware that Inspector Washington had previously been accused of sexually harassing multiple female police officers, that Defendant had spent just under \$200,000 to settle claims of sexual harassment against him between 2011 and 2014, and that he had been promoted to oversee the Department's Special Victims Unit even after those accusations and settlements.

113. On or about September 20, 2018, Defendant again instructed Plaintiff to plead guilty to the disciplinary charge that it had issued to her.

114. Plaintiff was told that she would be allowed to testify against Lt. Frank in connection with his inappropriate and harassing conduct only if she pled guilty.

115. As Plaintiff understood that she was being charged only in connection with her complaining about sex discrimination and retaliation, she again refused to plead guilty to the disciplinary charge.

116. Defendant did not hold Plaintiff's disciplinary hearing until April 3, 2019.

117. In or around early May 2019, Defendant notified Plaintiff that it concluded that she was not guilty of the disciplinary charge that had been brought against her approximately nine (9) months earlier.

118. On or about October 22, 2018, Defendant instructed Plaintiff that, effective January 2019, she would officially be demoted from her Administrative Sergeant position and reassigned to the line squad.

119. When Plaintiff asked Lt. Schmid why she was being removed from her Administrative Sergeant position, he said that it was because Inspector Washington "trashed" her.

120. In late October 2018, Plaintiff was interviewed for a promotion to Lieutenant. All of her three interviewers were male.

121. On or about November 12, 2018, Chief Inspector Carl Holmes (male) and Captain Hearn informed Plaintiff that Defendant had failed to select her for promotion to Lieutenant.

122. Plaintiff was aware, from reading newspaper articles and on-line blogs

about police misconduct, that Chief Inspector Holmes had been previously accused of sexually assaulting and harassing multiple female subordinate employees in the Department.

123. Plaintiff was also aware from those sources that three (3) female subordinate employees alleged, among other sexually harassing conduct, that Chief Inspector Holmes forced his finger into their vaginas and that Defendant paid \$1.25 million to settle one of the cases that a female subordinate employee had filed against Chief Inspector Holmes.

124. Despite the accusations and settlement against Chief Inspector Holmes, when Defendant held training on its sexual harassment policies and procedures in around November 2018, it had Chief Inspector Holmes teach part of the training.

125. Plaintiff had ranked number four (4) out of the two hundred ninety-seven (297) applicants for the Lieutenant position, meaning that she received the fourth highest score out of the two hundred ninety-seven (297) applicants who took the Lieutenant exam.

126. To the best of Plaintiff's knowledge, thirty-two (32) out of the forty-one (41) employees promoted to the rank of Lieutenant were male.

127. Defendant failed to give Plaintiff an explanation as to why it did not promote her to Lieutenant.

128. Defendant's failure to promote Plaintiff to Lieutenant in 2018 meant that Plaintiff was not eligible to take the next test for promotion to Captain, scheduled for March 2020. As a result, any further promotions for Plaintiff were delayed by at least two (2) years.

129. In or about January 2019, Plaintiff's demotion became effective.

130. Because Plaintiff was attending classes to get her Master's Degree in Criminal Justice at Temple University, she was unable to work "regular shift", meaning a cycle of two weeks of day shift and then two weeks of night shift. As such, Plaintiff had to work the midnight shift.

131. In or around June 2019, Plaintiff was told that a male Lieutenant was being promoted to Captain which would leave vacant a Lieutenant position.

132. Plaintiff subsequently learned that Defendant had failed to select her for the open Lieutenant position.

133. Defendant failed to provide Plaintiff with an explanation as to why it did not select her for the open Lieutenant position.

134. To the best of Plaintiff's knowledge, multiple male employees were promoted at around that time, including male employees with disciplinary issues.

135. To the best of Plaintiff's knowledge, the male Sergeant who was subsequently promoted into the open Lieutenant position ranked lower than Plaintiff on the Lieutenant exam.

136. Plaintiff was told that when her name came up in discussions about promotions, comments from Defendant's male supervisory-level employees involved in those discussions were along the lines of, "Fuck her, we're not promoting her."

137. In or around early December 2019, when Defendant again did a round of promotions, Plaintiff was again denied promotion to Lieutenant.

138. Plaintiff was told that she was not promoted because she was removed from the eligibility list for promotions.

139. When Plaintiff followed up with Defendant regarding her removal from the eligibility list, she was told that she was still on the list and eligible for promotions.

140. Plaintiff was not given any explanation as to why she was not promoted into a Lieutenant position around this time.

141. Plaintiff has repeatedly asked for explanations as to Defendant's failure to promote her into a Lieutenant position. Defendant has repeatedly failed to provide Plaintiff with explanations as to its failure to promote her.

142. Plaintiff did not receive any update as to Defendant's investigation into her 2017 internal complaint until August 2019. At that time, Defendant sent her a letter stating only that the investigation had been "sustained."

143. To date, Defendant has not provided Plaintiff with any information as to any remedial and/or corrective actions that it has taken in connection with her complaints or its investigation regarding the same.

144. Plaintiff's sex was a motivating and/or determinative factor in Defendant's discriminatory treatment of Plaintiff, including the hostile work environment to which Plaintiff was subjected, Defendant's demotion of Plaintiff, Defendant's failure to promote Plaintiff, and Defendant issuing Plaintiff a disciplinary notice.

145. Plaintiff's complaining of sex discrimination was a motivating and/or determinative factor in Defendants' retaliatory treatment of Plaintiff, including the hostile work environment to which Plaintiff was subjected, Defendant's demotion of Plaintiff, Defendant's failure to promote Plaintiff, and Defendant issuing Plaintiff a disciplinary notice.

146. Defendant failed to prevent or address the discriminatory and retaliatory

conduct referred to herein and further failed to take corrective and remedial measures to make the workplace free of discriminatory and retaliatory conduct.

147. Defendant's actions referred to herein have established a policy and pattern of acceptance and tolerance of discrimination and harassment against women.

148. The retaliatory actions taken against Plaintiff after she complained of discriminatory conduct would have discouraged a reasonable employee from complaining of discrimination.

149. The discriminatory and retaliatory conduct of Defendant, as alleged herein, was severe and/or pervasive enough to make a reasonable person believe that the conditions of employment had been altered and that a hostile work environment existed, and made Plaintiff believe that the conditions of employment had been altered and that a hostile work environment existed.

150. As a direct and proximate result of the discriminatory and retaliatory conduct of Defendant, Plaintiff has in the past incurred, and may in the future incur, a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and loss of life's pleasures, the full extent of which is not known at this time.

151. Defendant acted with malice, reckless indifference, and/or deliberate indifference to Plaintiff's protected rights.

COUNT I - Title VII

152. Plaintiff incorporates herein by reference paragraphs 1 through 151 above, as if set forth herein in their entirety.

153. By committing the foregoing acts of discrimination and retaliation against Plaintiff, Defendant has violated Title VII.

154. As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.

155. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory and retaliatory acts unless and until this Court grants the relief requested herein.

156. No previous application has been made for the relief requested herein.

COUNT II – Section 1983

157. Plaintiff incorporates herein by reference paragraphs 1 through 156 above, as if set forth herein in their entirety.

158. Defendant's discriminatory and retaliatory conduct, as set forth herein, deprived Plaintiff of equal protection under the law as guaranteed by the Fourteenth Amendment of the United States Constitution.

159. Defendant's violation of the constitution included policies, practices, and/or customs to treat female employees in Defendant's Police Department less favorably than male employees, which was committed, directed, implemented, and/or ratified by officials of Defendant in supervisory capacities with policymaking and decision-making authority.

160. As a direct and proximate result of Defendant's acts and conduct which caused and continue to cause Plaintiff to be denied equal protection under the law,

Plaintiff has suffered and will suffer those injuries, damages, and losses alleged herein and has incurred and will incur attorneys' fees.

161. The wrongful acts and conduct of Defendant were done with deliberate indifference to the statutory and constitutional rights of Plaintiff.

COUNT III - PHRA

162. Plaintiff incorporates herein by reference paragraphs 1 through 161 above, as if set forth herein in their entirety.

163. Defendant, by the above improper and discriminatory and retaliatory acts, has violated the PHRA.

164. Said violations were intentional and willful.

165. As a direct and proximate result of Defendant's violation of the PHRA, Plaintiff has sustained the injuries, damages, and losses set forth herein and has incurred attorney's fees and costs.

166. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendant's discriminatory and retaliatory acts unless and until the Court grants the relief requested herein.

167. No previous application has been made for the relief requested herein.

COUNT IV - PFPO

168. Plaintiff incorporates herein by reference paragraphs 1 through 167 above, as if set forth herein in their entirety.

169. Defendant, by the above improper and discriminatory and retaliatory acts, has violated the PFPO.

170. Said violations were intentional and willful.

171. As a direct and proximate result of Defendant's violation of the PFPO, Plaintiff has sustained the injuries, damages, and losses set forth herein and has incurred attorney's fees and costs.

172. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendant's discriminatory and retaliatory acts unless and until the Court grants the relief requested herein.

173. No previous application has been made for the relief requested herein.

RELIEF

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendant's improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

- (a) declaring the acts and practices complained of herein to be in violation of Title VII;
- (b) declaring the acts and practices complained of herein to be in violation of Section 1983;
- (c) declaring the acts and practices complained of herein to be in violation of the PHRA;
- (d) declaring the acts and practices complained of herein to be in violation of the PFPO;
- (e) enjoining and permanently restraining the violations alleged herein;
- (f) entering judgment against Defendant and in favor of the Plaintiff in an amount to be determined;

(g) awarding compensatory damages to make the Plaintiff whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiff has suffered or may suffer as a result of Defendants' improper conduct;

(h) awarding compensatory damages to Plaintiff for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasures, which Plaintiff has suffered or may suffer as a result of Defendant's improper conduct;

(i) awarding Plaintiff such other damages as are appropriate under Title VII, Section 1983, the PHRA and the PFPO;

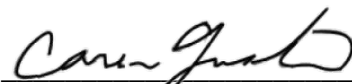
(j) awarding Plaintiff the costs of suit, expert fees and other disbursements, and reasonable attorney's fees; and,

(k) granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

CONSOLE LAW OFFICES LLC

Dated: March 26, 2020

BY:



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Laura C. Mattiacci (89643)
Caren N. Gurmankin (205900)
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Attorneys for Plaintiff,
Christina Mellett

Exhibit “1”

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

COMPLAINT

COMPLAINANT:

CHRISTINA MELLETT

v.

RESPONDENTS:

THE PHILADELPHIA POLICE
DEPARTMENT

and

THE CITY OF PHILADELPHIA

and

RICHARD FRANK, aider and abettor

Docket No.

1. The Complainant herein is:

Name: Christina Mellett

Address:

redacted

2. The Respondents herein are:

Names: The Philadelphia Police Department; The City of Philadelphia
("Respondent Entities"); Richard Frank, aider and abettor

Address: 750 Race Street
Philadelphia, PA 19106

3. I, Christina Mellett, the Complainant herein, allege that I was subjected to unlawful discrimination because of my sex (female), and unlawful retaliation because of my complaints of unlawful sex discrimination, as set forth below:

Discrimination and Retaliation

A. I specifically allege:

[1] I was hired by Respondent Entities on February 12, 2007. I am a current employee of Respondent Entities. I consistently perform my job duties in a highly competent manner and receive positive feedback.

[2] I hold the position of Sergeant.

[3] From March 6, 2017 to September 5, 2017, I reported to Lieutenant Richard Frank (male). Frank reported to Captain John Hearn (male), who reports to Inspector Anthony Washington (male).

[4] Since September 5, 2017, I report to Lieutenant William Schmid (male). Schmid reports to Hearn, who reports to Washington.

[5] Frank has a reputation at Respondent Entities for sexually harassing, and being condescending toward, female employees, and retaliating against female employees who complain of his sex discriminatory comments and conduct. Despite Frank's known reputation, Frank remains employed at Respondent Entities.

[6] I found Frank's comments and conduct, including but not limited to the examples set forth herein, to be based on sex and/or sex discrimination complaints, offensive, and creating a hostile work environment.

[7] In or about late March 2017, several female employees complained to me that Frank touched his genitals frequently while speaking to them and other female employees, and it made the female employees uncomfortable.

[8] In or about late March 2017, the same day that the female employees complained to me of Frank's conduct of a sexual nature, I complained to Hearn of the same. Hearn responded to my complaint by laughing.

[9] On or about June 21, 2017, I was told that Frank called [redacted] (female), Police Officer, who reports to me, a "dyke."

[10] On or about June 22, 2017, I was told that Frank commented to [redacted] [redacted] (female), Police Officer, that she could ride with him during her tour of duty, but he "better get a blow job."

[11] On or about June 22, 2017, I was told that, when Frank returned from the tour of duty with [redacted] he stated, in front of operations room personnel: "Can you believe I didn't get a blow job? I didn't even get a handy."

[12] On or about June 22, 2017, I complained to Hearn of Frank's sex discriminatory comments and conduct.

[13] After Frank learned of my complaints about him, he treated me worse, and in a more hostile and dismissive manner, than he treated male and/or noncomplaining employees.

[14] On or about June 26, 2017, Frank kicked open the door to the supervisors' office, where I was working, yelled at me, was hostile and aggressive toward me, and unjustly criticized my performance.

[15] On or about June 29, 2017, Frank spoke to me in a hostile and aggressive manner, and instructed me to clear my things out of the administrative office and move to another office. Hearn had previously told me that I was to use the administrative office.

[16] On or about June 29, 2017, I sent an email to Hearn, complaining of Frank's retaliatory comments and conduct toward me.

[17] Frank told me that he does not like me because I have complained about him.

[18] I was told by other employees of Respondent Entities that Frank threatened to sue me if I made an EEO complaint against him.

[19] I was told by other employees of Respondent Entities that Frank makes life worse for those who complain about his comments and conduct.

[20] Frank bragged about how he believes that he "eat[s] good pussy."

[21] Frank frequently stared at female employees and looked them up and down in a sexual manner.

[22] Frank sent text messages to female employees about matters of a sexual and personal nature.

[23] Frank made comments to female employees that implied that he wanted to have sex with them, and laughed about it.

[24] Frank made comments to female employees about their appearance.

[25] Frank bragged that he is "untouchable," and that nothing would happen to him if female employees complained about him to Respondent Entities' EEO office.

[26] Frank continued to treat me in a hostile and aggressive manner.

[27] I again complained to Hearn of Frank's sex retaliatory comments and conduct toward me.

[28] I was told by another employee of Respondent Entities that Hearn told her that he did not believe that Frank engaged in any EEO misconduct.

[29] In or about mid-July 2017, I informed Hearn that I would be filing an internal EEO complaint against Frank, based on his comments and conduct of a sexual nature and his retaliation against me for complaining to Hearn about him. Hearn tried to discourage me from filing the EEO complaint.

[30] On or about July 21, 2017, I filed an internal complaint with Respondent Entities' EEO office, alleging sex discrimination and retaliation. My internal complaint contained many of the allegations included in this Complaint.

[31] In or about August 2017, I was interviewed in connection with my complaints of sex discrimination and retaliation. I met with Sergeant Stephanie Williams (female), Internal Affairs Division, for approximately six (6) hours regarding my sex discrimination and retaliation complaint.

[32] I have learned that other complaints have been made against Frank by female employees.

[33] On August 15, 2018, Respondent Entities issued to me unjustified disciplinary charges in connection with Respondent Entities' investigation into my sex discrimination and retaliation complaints. Respondent Entities charged me with Neglect of Duty. The written disciplinary charge stated the following: "Internal Affairs EEO . . . determined that you violated Departmental policy . . . when you failed to properly investigate EEO related misconduct with reference to rumors that Lieutenant Frank #233 referred to P/O

redacted as a “lesbian or dyke” based upon her tattoos. You made no attempt to dispel and/or confirm the legitimacy of this rumor by questioning P/O redacted who was the officer that alleged heard the statement directly from Lieutenant Frank #233.” The witness listed on the written charge is Williams.

[34] I followed Respondent Entities’ policy and procedure by complaining of the sex discriminatory comments and conduct to my supervisor after they had been brought to my attention. I then filed an EEO complaint so that Respondent Entities would conduct an investigation and address the sex discriminatory and retaliatory comments and conduct.

[35] Respondent Entities punished me for complaining of sex discrimination and retaliation.

[36] Respondent Entities issued disciplinary charges to me because of my sex and/or my complaints of sex discrimination and retaliation.

[37] Respondent Entities failed to provide any explanation for keeping Frank employed with Respondent Entities, and transferring him to another District to supervise female employees, after Respondent Entities were aware that Frank sexually harassed other female employees.

[38] Respondents failed to provide any explanation for subjecting me to a hostile work environment because of my sex and/or my complaints of sex discrimination.

[39] Respondents’ comments and conduct evidence a bias against female employees and/or employees who engage in protected activity.

[40] Respondents’ sex discriminatory and retaliatory conduct toward me has caused me emotional distress.

[41] I bring this Complaint as a class and pattern and practice Complaint on behalf of myself and any and all current or former similarly situated employees of Respondent Entities who are female, and have been discriminated against based on sex, in connection with being subjected to a hostile work environment, and on behalf of myself and any and all current or former similarly situated employees of Respondent Entities who have been retaliated against in connection with complaints of violation of Respondent Entities' sexual harassment policy.

B. Based on the aforementioned, I allege that Respondents have discriminated against me because of my sex (female), and have retaliated against me for complaining of sex discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII"), the Pennsylvania Human Relations Act, as amended, 43 P.S. § 951, *et seq.* ("PHRA"), and the Philadelphia Fair Practices Ordinance, Phila. Code § 9-1101, *et seq.* ("PFPO").

4. The allegations in Paragraph 3 hereof constitute unlawful discriminatory practices in violation of:

X Pennsylvania Human Relations Act (Act of October 27, 1955, P.L.

744, as amended) Section 5 Subsection(s): (a); (d); (e)

_____ Section 5.1 Subsection(s) _____

_____ Section 5.2 Subsection(s) _____

_____ Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961, P.L. 766, as amended) Section 4 Subsection(s) _____

5. Other action based upon the aforesaid allegations has been instituted by the Complainant in any court or before any other commission within the Commonwealth of Pennsylvania as follows:

X This charge will be referred to the EEOC for the purpose of dual filing.

6. The Complainant prays that Respondents be required to:
- (a) Make the Complainant whole.
 - (b) Eliminate all unlawful discriminatory practice(s) and procedure(s).
 - (c) Remedy the discriminatory effect of past practice(s) and procedure(s).
 - (d) Take further affirmative action necessary and appropriate to remedy the violation complained of herein.
 - (e) Provide such further relief as the Commission deems necessary and appropriate.

VERIFICATION

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 P.A.C.A. Section 4904, relating to unsworn falsification to authorities.

8-31-18
(Date Signed)

Christina Mellett
(Signature) Christina Mellett
redacted

Exhibit “2”

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

AMENDED SECOND COMPLAINT

COMPLAINANT:

CHRISTINA MELLETT

Docket No. 201800799

v.

RESPONDENTS:

**THE PHILADELPHIA POLICE
DEPARTMENT**

and

THE CITY OF PHILADELPHIA

and

RICHARD FRANK, aider and abettor

and

ANTHONY WASHINGTON, aider and abettor

1. The Complainant herein is:

Name: Christina Mellett

Address: redacted

2. The Respondents herein are:

Names: The Philadelphia Police Department; The City of Philadelphia
("Respondent Entities"); Richard Frank, aider and abettor; Anthony
Washington, aider and abettor

Address: 750 Race Street
Philadelphia, PA 19106

3. I, Christina Mellett, the Complainant herein, allege that I was subjected to unlawful discrimination because of my sex (female), and unlawful retaliation because of my complaints of unlawful sex discrimination, as set forth below:

Discrimination and Retaliation

A. I specifically allege, in addition to that set forth in my first Complaint, including, but not limited to, the following, all of which has occurred since filing my first Complaint:

[1] On September 4, 2018, I informed Respondent Entities, including Captain John Hearn (male), Captain Frank Palumbo (male), Lieutenant William Schmid (male), and Human Resources, that I filed a Complaint with the PHRC.

[2] On September 13, 2018, Respondent Entities instructed me to plead guilty to the unjustified disciplinary charges that I was issued in connection with Respondent Entities' investigation into my sex discrimination and retaliation complaints. I am not guilty of the charges. I followed Respondent Entities' policy and procedure by complaining of the sex discriminatory comments and conduct to my supervisor after they had been brought to my attention. I then filed an EEO complaint so that Respondent Entities would conduct an investigation and address the sex discriminatory and retaliatory comments and conduct. Respondent Entities punished me for complaining of sex discrimination and retaliation, and issued disciplinary charges to me because of my sex and/or my complaints of sex discrimination and retaliation. Respondent Entities told me to plead guilty if I wanted to be promoted to Lieutenant. I refused to plead guilty to the charges.

[3] On or about September 14, 2018, I was told to be prepared for discipline in connection with conduct by a Police Officer, who is not my direct report, in which I had no knowledge or involvement, and which occurred in 2016.

[4] Since filing my first PHRC Complaint, Inspector Anthony Washington (male), to whom Hearn and Palumbo report, has treated me in a hostile and dismissive manner, differently and worse than how he treats male and/or noncomplaining employees, including prohibiting me from taking coffee breaks with Schmid, which had not been an issue before I filed my PHRC Complaint.

[5] On September 18, 2018, Washington sent an email to Palumbo, instructing that I will work with the foot patrol Police Officers, which was an undesirable and unnecessary assignment for me.

[6] On September 18, 2018, following the assignment from Washington, I sent an email to Palumbo and Schmid, complaining of retaliation because I filed a Complaint with the PHRC.

[7] On September 19, 2018, Palumbo told me that Washington, in an angry tone, asked if I had filed another complaint. Washington then stated that he will be checking on me to make sure that I am doing my assigned work with the foot patrol Police Officers, and that he better not even see a hair out of place on one of my Police Officers. Palumbo also told me that Washington will do whatever it takes to prevent me from getting promoted to Lieutenant, and that he will give me the least desirable assignments. Palumbo told me that Washington instructed Palumbo to change my performance evaluation from a good evaluation to a poor evaluation. Palumbo said that Washington made it clear to him that Washington has an ax to grind with me. Palumbo told me that he believes Washington dislikes female supervisors.

[8] Washington has previously been accused of sex discrimination at Respondent Entities, and he remains employed with Respondent Entities.

[9] On September 20, 2018, Respondent Entities again instructed me to plead guilty to the unjustified disciplinary charges that I was issued in connection with Respondent Entities' investigation into my sex discrimination and retaliation complaints. I am not guilty of the charges. I was told that I would only be allowed to testify against Lieutenant Richard Frank (male) if I pled guilty. I was told that my testimony was critical. I refused to plead guilty to the charges.

[10] On October 22, 2018, I was notified that, effective January 2019, I will be removed from my position of Administrative Sergeant and reassigned to the line squad. The line squad is a less desirable and less prestigious position than my Administrative Sergeant position, and entails less desirable hours and shifts.

[11] I received no explanation, including the criteria, as to why I was told that I will be removed from my Administrative Sergeant position and reassigned to the line squad.

[12] Respondent Entities removed me from my Administrative Sergeant position and reassigned to the line squad because of my sex and/or my complaints of sex discrimination and retaliation.

[13] On October 31, 2018, I attended a pre-promotional interview, with Inspector Kevin Hall (male), Captain Thomas McClane (male), and Captain Frank Mililo (male). My interview went well.

[14] On November 12, 2018, Respondent Entities failed to promote me to Lieutenant. I was informed that Respondent Entities failed to promote me in a meeting with Chief Inspector Carl Holmes (male) and Hearn. I was fully qualified for the position. I was

ranked number four (4) out of the two hundred ninety-seven (297) applicants, meaning that I received the fourth highest score out of the two hundred ninety-seven (297) applicants who took the Lieutenant exam. Thirty-two (32) out of the forty-one (41) employees promoted to Lieutenant were male. The letter I received that day stated that, “after review by the Executive Team, you have been denied promotion to the rank of Lieutenant.” The letter also stated: “No questions or inquiries will be addressed.”

[15] On November 24, 2018, I received a letter dated November 12, 2018, and signed by Richard J. Ross, Jr. (male), Police Commissioner, stating that I will not be promoted to Lieutenant on November 30, 2018. The letter falsely stated that, in comparison to the other eligible candidates, ranked before and after me on the list, “they were better candidates for promotion at this time.”

[16] I received no explanation, including the selection criteria, as to why I was denied the promotion to Lieutenant.

[17] Respondent Entities failed to promote me to Lieutenant because of my sex and/or my complaints of sex discrimination and retaliation.

[18] As a result of Respondent Entities failing to promote me to Lieutenant this year, I will not be eligible to take the next Captain test, scheduled for March 2020, delaying any further promotions by at least two (2) years.

[19] Respondent Entities failed to provide any explanation, including the selection criteria, as to why I was not promoted and the male and/or noncomplaining employees were promoted.

[20] Respondent Entities failed to provide any explanation for subjecting me to a hostile work environment because of my sex and/or my complaints of sex discrimination.

[21] Respondent Entities' comments and conduct evidence a bias against female employees and/or employees who engage in protected activity.

[22] Respondent Entities' sex discriminatory and retaliatory conduct toward me has caused me emotional distress.

[23] **I bring this Complaint as a class and pattern and practice Complaint on behalf of myself and any and all current or former similarly situated employees of Respondent Entities who are female, and have been discriminated against based on sex, in connection with being subjected to a hostile work environment and/or failure to be promoted, and on behalf of myself and any and all current or former similarly situated employees of Respondent Entities who have been retaliated against in connection with complaints of violation of Respondent Entities' sexual harassment policy.**

B. Based on the aforementioned, I allege that Respondents have discriminated against me because of my sex (female), and have retaliated against me for complaining of sex discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII"), the Pennsylvania Human Relations Act, as amended, 43 P.S. § 951, *et seq.* ("PHRA"), and the Philadelphia Fair Practices Ordinance, Phila. Code § 9-1101, *et seq.* ("PFPO").

4. The allegations in Paragraph 3 hereof constitute unlawful discriminatory practices in violation of:

 X **Pennsylvania Human Relations Act (Act of October 27, 1955, P.L.**

744, as amended) Section 5 Subsection(s): (a); (d); (e)

 Section 5.1 Subsection(s) _____

 Section 5.2 Subsection(s) _____

_____ Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961,
P.L. 766, as amended) Section 4 Subsection(s) _____

5. Other action based upon the aforesaid allegations has been instituted by the Complainant in any court or before any other commission within the Commonwealth of Pennsylvania as follows:

 X **This charge will be referred to the EEOC for the purpose of dual filing.**

6. The Complainant prays that Respondents be required to:
- (a) Make the Complainant whole.
 - (b) Eliminate all unlawful discriminatory practice(s) and procedure(s).
 - (c) Remedy the discriminatory effect of past practice(s) and procedure(s).
 - (d) Take further affirmative action necessary and appropriate to remedy the violation complained of herein.
 - (e) Provide such further relief as the Commission deems necessary and appropriate.
-

VERIFICATION

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 P.A.C.A. Section 4904, relating to unsworn falsification to authorities.

11-26-18
(Date Signed)

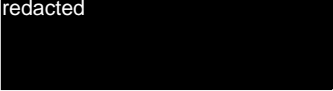
Christina Mellett
(Signature) Christina Mellett
redacted


Exhibit “3”

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR’S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

THIRD COMPLAINT

COMPLAINANT:

CHRISTINA MELLETT

Docket No.

v.

RESPONDENTS:

**THE PHILADELPHIA POLICE
DEPARTMENT**

and

THE CITY OF PHILADELPHIA

and

RICHARD FRANK, aider and abettor

and

ANTHONY WASHINGTON, aider and abettor

1. The Complainant herein is:

Name: Christina Mellett
Address: redacted

2. The Respondents herein are:

Names: The Philadelphia Police Department; The City of Philadelphia (“Respondent Entities”); Richard Frank, aider and abettor; Anthony Washington, aider and abettor

Address: 750 Race Street
Philadelphia, PA 19106

3. I, Christina Mellett, the Complainant herein, allege that I was, and continue to be, subjected to unlawful discrimination because of my sex (female), and unlawful retaliation because of my complaints of unlawful sex discrimination, as set forth below:

Discrimination and Retaliation

A. I specifically allege, in addition to that set forth in my previous Complaints, I have been subjected to continued sex discriminatory and retaliatory conduct, including, but not limited to, the following:

[1] In or around June 2019, my direct supervisor told me that she expected that I would be promoted to Lieutenant. A male Lieutenant was being promoted to Captain, the next organizational level, which would leave open a vacant Lieutenant position for which I was eligible and qualified.

[2] I subsequently learned that, in fact, I had not been promoted into the open Lieutenant position.

[3] Respondents did not give me a reason as to why they failed to promote me into the open Lieutenant position.

[4] I became aware that multiple male employees were promoted at that time, including one male employee who, to the best of my knowledge, had previously been arrested and terminated, and who had a history of complaints against him.

[5] I was told that, when my name came up in discussions about promotions, the comment (from the male supervisory-level employees) was along the lines of, "Fuck her, we're not promoting her."

[6] On or around July 30, 2019, I learned that Respondent had promoted a male Sergeant into the position of Lieutenant. To the best of my knowledge, the open Lieutenant

position into which the male Sergeant was promoted was the position that had opened up in around June, referenced above.

[7] To the best of my knowledge, the male Sergeant who was promoted over me into the open Lieutenant position was ranked below me on the eligibility list. Respondent skipped over me and selected a lower-ranked male Sergeant to be promoted into the open Lieutenant position.

[8] Respondents did not give me a reason as to why they failed to promote me into the position of Lieutenant in or around July 2019.

[9] Respondents continue to subject me to sex discriminatory and retaliatory conduct.

[10] Respondents failed to provide any explanation, including the selection criteria, as to why I was not promoted and the male and/or noncomplaining employees were promoted.

[11] Respondents failed to provide any explanation for subjecting me to a hostile work environment because of my sex and/or my complaints of sex discrimination.

[12] Respondents' comments and conduct evidence a bias against female employees and/or employees who engage in protected activity.

[13] Respondents' sex discriminatory and retaliatory conduct toward me has caused me emotional distress.

[14] **I bring this Complaint as a class and pattern and practice Complaint on behalf of myself and any and all current or former similarly situated employees of Respondents who are female, and have been discriminated against based on sex, in connection with being subjected to a hostile work environment and/or failure to be**

promoted, and on behalf of myself and any and all current or former similarly situated employees of Respondents who have been retaliated against in connection with complaints of violation of Respondents' sexual harassment policy.

B. Based on the aforementioned, I allege that Respondents have discriminated against me because of my sex (female), and have retaliated against me for complaining of sex discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII"), the Pennsylvania Human Relations Act, as amended, 43 P.S. § 951, *et seq.* ("PHRA"), and the Philadelphia Fair Practices Ordinance, Phila. Code § 9-1101, *et seq.* ("PFPO").

4. The allegations in Paragraph 3 hereof constitute unlawful discriminatory practices in violation of:

 X **Pennsylvania Human Relations Act (Act of October 27, 1955, P.L. 744, as amended) Section 5 Subsection(s): (a); (d); (e)**

 Section 5.1 Subsection(s) _____

 Section 5.2 Subsection(s) _____

 Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961, P.L. 766, as amended) Section 4 Subsection(s) _____

5. Other action based upon the aforesaid allegations has been instituted by the Complainant in any court or before any other commission within the Commonwealth of Pennsylvania as follows:

 X **This charge will be referred to the EEOC for the purpose of dual filing.**

6. The Complainant prays that Respondents be required to:

- (a) Make the Complainant whole.
- (b) Eliminate all unlawful discriminatory practice(s) and procedure(s).
- (c) Remedy the discriminatory effect of past practice(s) and procedure(s).
- (d) Take further affirmative action necessary and appropriate to remedy the violation complained of herein.
- (e) Provide such further relief as the Commission deems necessary and appropriate.

VERIFICATION

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 P.A.C.A. Section 4904, relating to unsworn falsification to authorities.

8-10-19
(Date Signed)

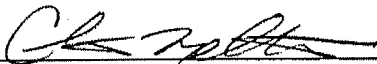
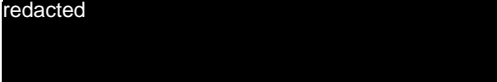

(Signature) Christina Mellett
redacted


Exhibit “4”



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL
7018 1830 0000 1244 8164

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4701
Washington, DC 20530

January 10, 2020

Ms. Christina Mellett
c/o Caren N. Gurmankin, Esquire
Console Mattiacci Law
1525 Locust Street
Philadelphia, PA 19102

Re: EEOC Charge Against City of Philadelphia, Police Dept., et al.
No. 17F201960139

Dear Ms. Mellett:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

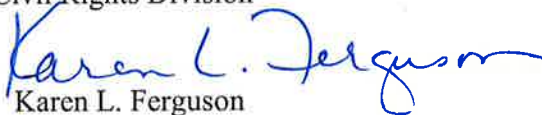
If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Philadelphia District Office, Philadelphia, PA.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

by 
Karen L. Ferguson

Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Philadelphia District Office, EEOC
City of Philadelphia, Police Dept., et al.