

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

MAY 05 2016

JAMES N. HARTEN, Clerk
By: [Signature]
Deputy Clerk

Gerald Lynn Bostock

(Print your full name)

Plaintiff *pro se*,

v.

Clayton County Board of Commissioners

(Print full name of each defendant; an
employer is usually the defendant)

Defendant(s).

CIVIL ACTION FILE NO.

1:16-CV-1460

(to be assigned by Clerk)

PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM

Claims and Jurisdiction

1. This employment discrimination lawsuit is brought under (check only those that apply):

X

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

NOTE: To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").

_____ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

NOTE: To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.

_____ Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

NOTE: To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.

X

_____ Other (describe) _____

Employment discrimination on the basis of

_____ of sexual orientation.

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

3. Plaintiff. Print your full name and mailing address below:

Name Gerald Lynn Bostock

Address 3818 Beya Way

Atlanta, Ga 30340

4. Defendant(s). Print below the name and address of each defendant listed on page 1 of this form:

Name Clayton County Board of Commissioners

Address 112 Smith Street

Jonesboro, Ga 30236

Name _____

Address _____

Name _____

Address _____

Location and Time

5. If the alleged discriminatory conduct occurred at a location different from the address provided for defendant(s), state where that discrimination occurred:

6. When did the alleged discrimination occur? (State date or time period)

June 03, 2013

Administrative Procedures

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? ☒ Yes ☐ No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

☒ Yes ☐ No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

February 05, 2016

9. If you are suing for **age discrimination**, check one of the following:

☐ 60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

☐ Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

☐ Yes ☐ No ☒ Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

☐ Yes ☐ No ☒ Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

Nature of the Case

12. The conduct complained about in this lawsuit involves (check only those that apply):

_____ failure to hire me
_____ failure to promote me
_____ demotion
_____ reduction in my wages
_____ working under terms and conditions of employment that differed from similarly situated employees
_____ harassment
☒ retaliation
☒ termination of my employment
_____ failure to accommodate my disability
_____ other (please specify) _____

13. I believe that I was discriminated against because of (check only those that apply):

_____ my race or color, which is _____
_____ my religion, which is _____
_____ my sex (gender), which is _____ male _____ female
_____ my national origin, which is _____
_____ my age (my date of birth is _____)
_____ my disability or perceived disability, which is: _____

_____ my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation

☒ other (please specify) Sexual Orientation

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

1. The defendant discriminated against Bostock because of his sexual orientation.

2. Bostock was employed by Defendant as the Child Welfare Services Coordinator assigned to the Juvenile Court of Clayton County. Bostock's employment with Defendant began on or about January 13, 2003. Bostock was charged with the primary responsibility of Clayton County CASA (Court Appointed Special Advocate).

3. During the over ten (10) years Bostock was employed by the Defendant, he received good performance evaluations and carried out his duties. Clayton County CASA was awarded the Established Program Award of Excellence by Georgia CASA in 2007, and Bostock was recognized by National CASA for program expansion and served on the National CASA Standards and Policy committee in or around 2011-2012.

4. Beginning in January 2013, Bostock became openly involved with a gay recreational softball league, Hotlanta Softball League. The Hotlanta Softball League is an active member of the Amateur Sports Alliance of North America ("ASANA") and the North American Gay Amateur Athletic Alliance ("NAGAAA"). Both ASANA and the NAGAAA are non-profit organizations dedicated to the promotion of amateur athletics with a special emphasis on the participation of

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

4. continued-

amateur athletics with a special emphasis on the participation of members from the LGBTQ Community. The Hotlanta Softball League ranks as one of the largest member cities within ASANA and NAGAAA.

5. Bostock actively promoted the Clayton County CASA organization to the softball league.

6. In the months after Bostock joined the Hotlanta Softball League, Bostock's participation in the league was openly criticized by at one or persons who had a major and significant influence and impact on the Defendant.

7. In or around April of 2013, Defendant advised Bostock that an Internal Audit was being conducted on program funds managed by Bostock. Bostock did not engage in any improper conduct with regard to any funds under his custody or control.

8. During those months Bostock's sexual orientation was also openly criticized by one or more persons who had a major and significant influence and impact on the Defendant.

9. In May 2013, during a meeting with the Friends of Clayton County CASA Advisory Board, where Bostock's termination was being discussed, comments about Bostock's sexual orientation were made multiple times.

10. Unexpectedly, and despite having received favorable evaluations in May 2013, Bostock was terminated on or about June 3, 2013.

11. Even after Bostock was terminated, comments about Bostock's participation in the Hotlanta Softball League continued to be a topic of discussion by at one or more persons with a major and significant influence on the Defendant, including comments made to Channel 2 ABC News.

12. Defendant conceded to pressures to terminate Bostock because of his sexual orientation and did in fact terminate him.

13. Defendant advised Bostock that he was being terminated for Conduct Unbecoming of a Clayton County Employee. That purported reason, however, was a pretense for discrimination.

14. Bostock applied for Unemployment Benefits during June 2013, which was approved by the Georgia Department of Labor ("GDOL"). Defendant appealed the GDOL's decision. In or around September 2013 the GDOL held a hearing and determined that the Defendant's termination was wrongful.

15. In or around September 2013, Bostock filed a complaint with the EEOC. On February 5, 2016, Bostock received a Right-to-Sue Letter.

16. As a direct and proximate cause of Defendant's wrongful conduct, Bostock has been injured and damaged, to wit: out of pocket expenses, loss of income and benefits, loss of employment;

16. continued-

to have to seek other employment and/or income; to forego compensation and benefits; to have his career significantly adversely impacted; to suffer termination; and to endure mental anguish, emotional distress, humiliation and shame.

15. Plaintiff still works for defendant(s)
 x no longer works for defendant(s) or was not hired
16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation? Yes No

If you checked "Yes," please explain: _____

17. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a jury trial? X Yes No

Request for Relief

As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

Defendant(s) be directed to _____

X _____ Money damages (list amounts) _____

X Costs and fees involved in litigating this case

X Such other relief as may be appropriate

PLEASE READ BEFORE SIGNING THIS COMPLAINT

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 5 day of May, 2016



(Signature of plaintiff *pro se*)

GERALD LYNN BOSTOCK

(Printed name of plaintiff *pro se*)

3818 BEYA WAY

(street address)

ATLANTA GA 30340

(City, State, and zip code)

gerbos11@yahoo.com

(email address)

404.938.3239

(telephone number)