

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**
Richmond Division

Tatiana Clark,

Plaintiff,

v.

Spotsylvania County, Virginia,

Ernest Hickson,

in his individual capacity, *and*

Melonie Barrow,

in her individual capacity.

Defendants.

Case No: 3:24-cv-617

JURY TRIAL REQUESTED

COMPLAINT

1. Plaintiff Tatiana Clark brings this complaint seeking equitable and monetary relief against Defendants for discrimination and retaliation in violation of federal law. Plaintiff asserts claims against Defendant Spotsylvania County for violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2, *et seq.* (“Title VII”), including race, color, sex, and religion-based discrimination, as well as retaliation for engaging in protected activities. Additionally, Plaintiff alleges that Spotsylvania County violated the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, *et seq.* (“ADA”), by erroneously regarding her as having a disability and subjecting her to discrimination and adverse employment actions because of that perception.

2. Further, this case asserts claims under 42 U.S.C. § 1983 (“Section 1983”) against Defendants Ernest Hickson and Melonie Barrow, in their individual capacities, for violations of

the Equal Protection Clause of the Fourteenth Amendment, including race, sex, and religious discrimination. The particulars of Plaintiff's claims are as follows:

PARTIES

3. Plaintiff Tatiana Clark is a multi-racial Virginia citizen who worked for Defendant Spotsylvania County, Virginia within its Department of Social Services ("DSS") as an IT/Security Supervisor from July 11, 2022 to August 29, 2022, when it dismissed her in violation of federal law. While employed by the County, Ms. Clark endured religious coercion and discrimination based on her color, race, sex, and on a disability that Defendants erroneously regarded her as having.

4. Defendant Spotsylvania County, Virginia is the Virginia County with a seat in Spotsylvania Courthouse. The County employed Ms. Clark as an IT/Security Supervisor within DSS from July 11, 2022 to August 29, 2022, as an IT/Security Supervisor until it dismissed her from employment in violation of federal law.

5. Defendant Ernest Hickson was, at all times relevant to this action, employed by the County as Division Director of Administrative Services, DSS, and was Ms. Clark's supervisor. Mr. Hickson subjected Ms. Clark to discrimination based upon her color, race, sex, and a disability that he erroneously regarded her as having. Mr. Hickson also retaliated against Ms. Clark because of her opposition to his unlawful conduct. Mr. Hickson is a black man whose skin tone is darker than Ms. Clark's.

6. Defendant Melonie Barrow was, at all times relevant to this action, the Deputy Director of DSS and was Mr. Hickson's supervisor. Ms. Barrow subjected Ms. Clark to

discrimination based on religion and reprisal, as well as a disability that she erroneously regarded Ms. Clark as having. Ms. Barrow is a black woman.

JURISDICTION AND VENUE

7. Venue and jurisdiction for Ms. Clark's Title VII and ADA claims is controlled by 42 U.S.C. § 2000e-5(f)(3) and is proper here because the unlawful employment practices complained of in this Complaint occurred within this district.

8. Venue is also proper in this district and division pursuant to 28 U.S.C. § 1391 because Defendant Spotsylvania County, Virginia is located within this district and a substantial part of the events and omissions giving rise to this action occurred within this division of the judicial district.

9. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 over the federal questions presented by Ms. Clark's Fourteenth Amendment claims which are brought pursuant to 42 U.S.C. § 1983.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Ms. Clark exhausted all required administrative remedies required to bring her Title VII and ADA claims when she brought a charge of discrimination before the EEOC and thereafter received a Notice of Right to Sue.

11. Ms. Clark signed and filed a perfected Charge of Discrimination with the EEOC on April 26, 2023.

12. The EEOC issued Ms. Clark a Notice of Right to Sue on July 16, 2024.

FACTS

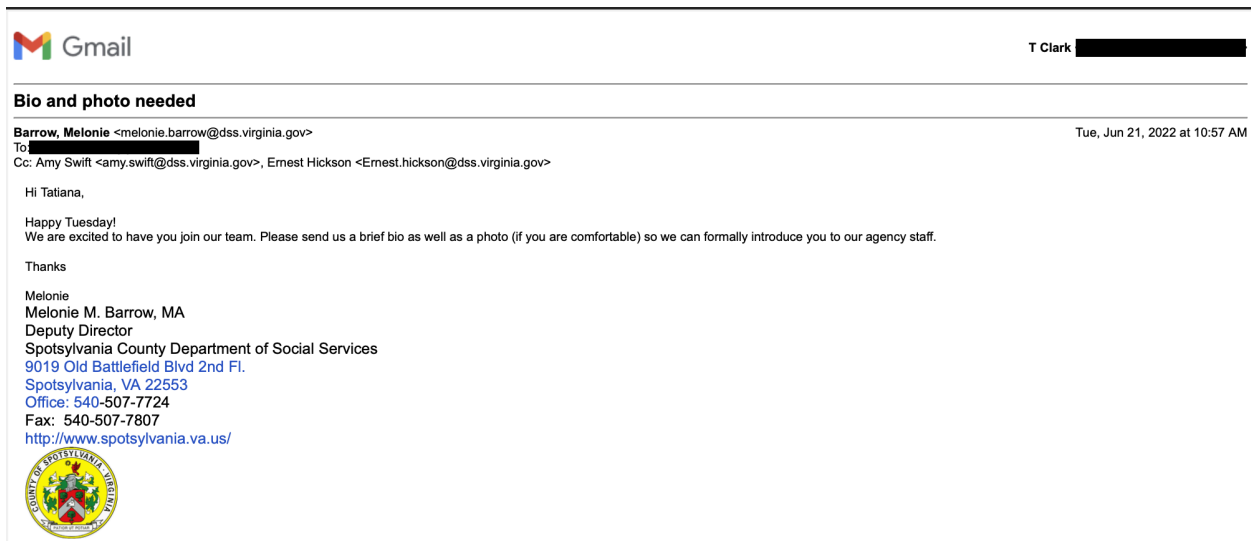
Ms. Clark's Interview and Hiring

13. On June 10th, 2022, Ms. Clark interviewed for the position of IT/Security Supervisor with DSS.

14. For DSS, Ms. Clark was interviewed by Director Amy Swift, Spotsylvania County Chief Information Officer Ed Dooley, and Deputy Director Barrow.

15. At that interview, Ms. Barrow and Ms. Swift spoke about the position, describing a need for the selectee to help secure the unprotected Personally Identifiable Information of every person that had received help from DSS.

16. On June 21, 2022, Ms. Clark received an email from Ms. Barrow welcoming Ms. Clark to the team and requesting a biography and, optionally, a photograph:



17. Ms. Clark was not comfortable sharing a photograph so she only submitted a biography.

18. But then at 2:15 pm the same day, Ms Clark received a second request for a photograph from Deputy Director Barrow.

19. Ms. Clark complied with the request.

20. The County distributed Ms. Clark's photograph to all DSS employees, including Mr. Hickson on June 24, 2022.

21. Ms. Clark received an offer letter from Administrative Assistant Hannah Guseman dated June 22, 2022 by email on June 27, 2022.

Mr. Hickson Asks Inappropriate Questions on Ms. Barrow's Behalf

22. Ms. Clark received another email from Deputy Director Barrow on June 30, 2022:



T Clark [REDACTED]

Contact

Barrow, Melonie <melonie.barrow@dss.virginia.gov>
To: T Clark [REDACTED]
Cc: Ernest Hickson <Ernest.hickson@dss.virginia.gov>

Thu, Jun 30, 2022 at 9:01 AM

Good Morning Tatiana,

We are working on getting additional documents completed for your new hire process. Ernest Hickson is your immediate supervisor and will be reaching out via phone to get that information. Please send your contact number, so he may reach out to you directly.

Also, did you receive your offer letter from HR yet?

Thanks

Melonie

Melonie M. Barrow, MA
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23. Then, Mr. Hickson called Ms. Clark later that day.

24. It sounded to Ms. Clark like he was speaking on a speakerphone.

25. Mr. Hickson asked Ms. Clark questions she felt uncomfortable answering, including questions about her racial background, her social security number, her marital status, and her age.

26. Ms. Clark had already supplied demographic information at the time of her application and while using the County's electronic system, NEOGOV, which is a Human Resources ("HR") management software suite.

27. Ms. Clark expressed her discomfort with disclosing this sensitive information that she'd already supplied to HR to Mr. Hickson over the phone.

28. But Mr. Hickson insisted, telling Ms. Clark that Deputy Director Barrow wanted him to collect the requested information from Ms. Clark over the phone.

29. Ms. Clark told Mr. Hickson that she was of mixed descent and that she was black, white, Native American, and Asian.

30. Mr. Hickson paused after she responded, and Ms. Clark felt the silence drag on awkwardly.

Mr. Hickson Stereotypes and Harasses Ms. Clark About Her Attire.

31. On July 11, 2022 after MS. Clark had completed orientation, Mr. Hickson called Ms. Clark into his office.

32. While there, he questioned her qualifications asking, "What makes you think that you can do this job?"

33. Ms. Clark started to respond, citing her experience and qualifications, but Mr. Hickson disregarded her.

34. She recalls him abruptly asking, *You do know about IT, right?*

35. He continued, saying: *We can't just hire somebody because they look good, we need people that know their stuff.*

36. Later that day Mr. Hickson told Ms. Clark to come back into his office.

37. When Ms. Clark arrived in Mr. Hickson's office, he started talking about her clothing.

38. Mr. Hickson made Ms. Clark feel uncomfortable.

39. Mr. Hickson told Ms. Clark that the outfit she'd worn that first day had "set the bar" for her future work.

40. Then Mr. Hickson told her she should wear high heels, and preferably "pumps," because flats would make people disrespect her and view her as a little girl.

41. He talked to her like this for about 20 minutes.

42. He also spoke in his office that day about Ms. Clark's new position.

43. Mr. Hickson called the IT/Security Supervisor position Ms. Clark had been selected for a "big title."

44. Mr. Hickson offered more thoughts on Ms. Clark's clothing, suggesting that *if she did not wear high heels* then she must not want to be a supervisor, or want to get away from "wires and pliers."

45. On that day, and every day during her employment, Ms. Clark had dressed professionally and in accordance with the Spotsylvania County DSS handbook dress code.

46. Ms. Clark was upset by Mr. Hickson's lengthy soliloquy about her clothing, footwear choices, and perceptions that she was a "little girl."

Disparate Treatment at Onboarding

47. On Ms. Clark's first day of her employment, the County did not provide to her the tools necessary to do her job.

48. Neither did the County provide Ms. Clark the proper equipment needed to perform her job.

49. And the County also did not provision her with the VPN and email access needed to perform her job.

50. Another new supervisor, Michelle Howard, began her first day with the proper equipment, tools, and provisioned services.

51. Ms. Howard is white.

Mr. Hickson does not let the women drive.

52. On July 12, 2022, Mr. Hickson sent both Ms. Clark and Ms Howard to the police station for mandatory fingerprinting.

53. DSS Agency vehicles were available to staff for business-related activity, and Ms. Clark was already familiar with the vehicle sign-out process.

54. But when Ms. Clark proposed taking an Agency vehicle to accomplish the fingerprinting, Mr. Hickson said no.

55. Mr. Hickson preferred that she ask a male employee, James Walton, to drive them.

56. Mr. Walton was the only male on the floor other than Mr. Hickson.

57. That day, Mr. Walton did not know how to check out an agency vehicle or where to get fingerprinted.

58. When Mr. Walton let Mr. Hickson know that, Hickson instructed Walton to take Mr. Walton's own vehicle.

Mr. Hickson's Toxic Diatribe

59. On July 13, 2022, Mr. Hickson began another conversation with Ms. Clark.

60. This time, Mr. Hickson discussed DSS's clients.

61. He said that he did not understand how someone "able-bodied" could ask DSS for assistance.

62. Then, he told Ms. Clark to walk around the second floor and to look at the people there.

63. He told Ms. Clark that benefit recipients were "mainly white people" getting food stamps, but "they" would have you think recipients were mostly black.

64. Ms. Clark recalls that, as he said it, he appeared angry, and as if he were disgusted.

65. Mr. Hickson continued his oratory, discussing the idea of reparations for black Americans.

66. Mr. Hickson asked Ms. Clark if she thought reparations would “work.”

67. He theorized about determining the distribution of reparations based on level of color.

68. He then brought up light-skinned multi-racial black people.

69. Mr. Hickson then told Ms. Clark that his own grandmother was half white and looked closer to a white person.

70. Then Mr. Hickson told Ms. Clark that when he was young, he would cry and scream when his mother left him with his grandmother because he thought she was leaving him with a “random white lady.”

71. Ms. Clark felt very uncomfortable at this point.

72. Hearing Mr. Hickson’s commentary about his grandmother’s fair skin, Ms. Clark’s own mother came to mind.

73. Ms. Clark thought of her mother’s fair skin and her mother’s features that might be labeled by some as european.

74. Ms. Clark also thought, hearing Mr. Hickson’s words, of her own skin tone, which is lighter than Mr. Hickson’s, as was obvious to the two of them as Mr. Hickson spoke.

75. Ms. Clark has, in the past, been mistaken for not being black because of her skin tone.

76. Ms. Clark also recalled the photograph that Ms. Barrow had solicited from her and which had been distributed to Mr. Hickson and all other DSS employees.

77. Ms. Clarke knew that, in that photograph, she had a skin tan and that she was now lighter skinned, as she sat there listening to Mr. Hickson discuss his skin-tone preferences.

78. Mr. Hickson also talked at Ms. Clark about what he called “so-called rape.”

79. Mr. Hickson also brought up desegregation.

80. He told Ms. Clark that he did not think “we” [Black Americans] should have been desegregated.

81. The conversation that Mr. Hickson foisted on Ms. Clark on July 13, 2022 took so long that, despite her best efforts to politely extricate herself, she ended up leaving work late.

82. Ms. Clark was shocked by the exchange.

83. Mr. Hickson had made it clear to her that he did not like people with her racial background and the skin color and physical appearance that she had.

84. On or around July 16, 2022, Ms. Clark finally received log in access to her state computer.

Mr. Hickson diverts Tatiana Clark from training to office decoration.

85. On July 19, 2022, Ms. Clark was participating in training with her subordinate, Ashley Cross, in Ms. Howard's office.

86. Mr. Hickson knew that Ms. Clark and Ms. Cross would be doing that training in Ms. Howard's office.

87. But Mr. Hickson interrupted the training by coming into Ms. Howard's office.

88. Mr. Hickson said "Hi, ladies." and told them he was bad at hanging pictures and decorating.

89. Mr. Hickson said he was not good with "all this live, laugh, love" stuff.

90. Mr. Hickson said he needed one of them to come into his office and help him decorate and hang pictures.

91. Ms. Howard offered to help hang the pictures for Mr. Hickson as Ms. Cross was teaching Ms. Clark about the process of new hire setup that is specific to the Spotsylvania DSS organization.

92. But Mr. Hickson said no. He insisted that Ms. Clark help him

93. On the way down the hallway back to his office he shared his thoughts on decorating, saying that he felt he had to come and get one of the women because men are not good decorators.

94. He said it needed "a woman's touch."

95. Mr. Hickson made Ms. Clark pick spots on his wall for his pictures, plaques, and a picture frame with marine garb in it.

96. This process took about an hour.

97. Mr. Hickson's requirement that Ms. Clark decorate his office with a woman's touch caused Ms Clark to lose out on a valuable training opportunity.

98. And this was not the only occasion Mr. Hickson interfered with Ms. Clark's ability to receive job specific training.

Mr. Hickson Discount's Ms. Clark's Opinion, Keeping PII at Risk.

99. During her interview, Ms. Clark learned that the department was working to remedy a security risk surrounding agency clients' personally identifiable information ("PII") being stored on an unsecured shared drive.

100. On July 21, 2022, Ms. Clark and Mr. Hickson attended a meeting with Jose Navarro.

101. This meeting was also attended by Diedre Nieprezecki, Head of IT Security at the Richmond Department of Social Services.

102. Ms. Nieprezecki talked about Microsoft SharePoint, which she said could be used to securely store PII.

103. Later that day, Ms. Clark advised Mr. Hickson that he should tell the Director and Deputy Director about the SharePoint solution.

104. Mr. Hickson refused, saying he wanted to call other people and see what they used.

Ms. Clark Raises Her Need for Her Job Description and Pay Disparities with Mr. Hickson.

105. On July 22, 2022, Ms. Clark met with Mr. Hickson to discuss her job description and an apparent disparity in pay with other supervisors.

106. Ms. Clark had heard from a colleague that she was on a lower pay scale than all the other supervisors and she wanted to understand this pay disparity.

107. From that conversation, she believed that all supervisors with the County started at G24 on the County pay scale.

108. But Ms. Clark had been hired at G19

109. Ms. Clark brought this discrepancy up to Mr. Hickson.

110. Ms. Clark had also not yet received a position description.

111. But she had seen a position description for her position online at Dice.com, and she recalled that it differed from the work she'd learned she would do in her interview.

112. Ms. Clark discussed having seen a position description for her position online with Mr. Hickson.

113. They discussed how the description she had seen advertised differed from the position she had been hired into.

114. Mr. Hickson told Ms. Clark that the County could face legal trouble if her position description differed from her job.

115. Ms. Clark mentioned that she thought she might have a screenshot of the position description.

116. Mr. Hickson asked Ms. Clark to provide him with any screenshot she had of the position description she had seen advertised.

117. On or around July 25, 2022, Ms. Clark finally received access to some software applications that she needed to perform her job.

118. Then, also on July 25, 2022, Mr. Hickson emailed Ms. Clark a three page document titled Overview of Job Expectations (“Job Expectations Sheet”).

119. The document was mis-dated as being sent on August 25, 2022.

120. He also sent her a copy of a position description for her position.

121. Major functions of the position description were left out of the Job Expectations Sheet.

122. And the document incorrectly said in a section with the bolded heading “Acknowledgments” that “These expectations are in line with the position description (IT/Security Supervisor (DSS) Pay Grade G19 established on the Spotsylvania County website.”

123. The document contained expectations Ms. Clark was unable to accomplish due to the County’s remaining failure to properly provision her access to necessary systems.

124. The Acknowledgements section had signature fields under the acknowledgments.

Mr. Hickson Tries to get Ms. Clark to sign a false acknowledgment.

125. Also on July 25, 2022, less than an hour after sending the job description document, Mr. Hickson called Ms. Clark into his office and tried to get her to sign the acknowledgements in a meeting that lasted an hour and a half.

126. Ms. Clark would not sign it because of the false acknowledgments.

127. During the meeting, Mr. Hickson pressured Ms. Clark to sign it, then and there, despite her concerns.

128. In particular, Ms. Clark remained concerned about her pay and recalled that the position description she had seen advertised did not say it would be paid at G19 on the County's pay scale.

129. She was thus unwilling to acknowledge in writing that her position had been advertised as a G19-paid position.

130. Mr. Hickson also said in the wide-ranging meeting that he was going to teach her that she did not want to be a "wires and pliers" person all her life.

131. Ms. Clark felt, in that moment, that Mr. Hickson was recalling his early statement that wearing high heels, preferably "pumps," was important if she wanted to be a supervisor.

132. Ms. Clark believed in that moment, and she believes today, that Mr. Hickson was retaliating against her because she had ignored his instruction that she wear high heels, or "pumps" to work.

133. Ms. Clark had not taken Mr. Hickson's advice to wear pumps to work and believed then, as she does today, that Mr. Hickson's reference to "wires and pliers" was meant to recall her attention to his earlier instruction, which they both could see she had been ignoring.

134. She felt uncomfortable and shocked as he told her there were things he was going to "force" her to do so that she would meet his expectations.

135. Later in the meeting Mr. Hickson complained to Ms. Clark about tasks he wanted her to perform, but Ms. Clark was still unable to perform those tasks without the tools and access the County continued to withhold.

Mr. Hickson commandeers Ms. Clark's work.

136. The next day, July 26, 2022, Mr. Hickson took it upon himself to do Ms. Clark's job by trying to arrange a phone call with Stafford DSS to inquire about what they are using for their "system security issue."

137. He then asked Ms. Clark if she wanted to be a part of that conversation.

Ms. Clark initiates a Business Discussion and Mr. Hickson Responds with Racist Rantings.

138. On July 27, 2022 Ms. Clark stopped at Mr. Hickson's office to discuss the implementation of an IT ticketing system.

139. Mr. Hickson responded by sharing his thoughts about people of East Asian heritage, apparently connecting Ms. Clark's idea of a ticketing system with a stereotype of dry cleaner operators.

140. When she brought up the idea of a ticketing system, he asked if she knew what that reminded him of.

141. Then, he squinted his eyes and said, with a mocking, fake asian accent, “No ticky, no cleany! No ticky, No cleany!”

142. He told her that during his time in the military he traveled throughout the Pacific and was in Okinawa.

143. He said that many people he encountered knew little English but they can “clean the hell out of some clothes.”

144. Ms. Clark sat there stunned as Mr. Hickson called Asian people “Orientals.”

145. Ms. Clark, herself partially Asian, was hurt.

146. Then, finally, Mr. Hickson addressed Ms. Clark’s proposal, telling her to write up a proposal for him to review.

Ms. Clark Complains to Ms. Barrow about Mr. Hickson’s Behavior.

147. Ms. Clark went to Ms. Barrow on July 28, 2022 to report the inappropriate sexist, racist, and retaliatory behavior and comments made by Mr. Hickson.

148. She also complained that she’d been denied necessary work equipment and services.

149. Ms. Clark reported how Mr. Hickson tried to force Ms. Clark to sign the Job Expectations Sheet.

150. She complained that Mr. Hickson had commented on her clothing and instructed her to wear heels.

151. Ms. Clark asked Ms. Barrow if the dress code required her to wear high heels.

152. She also told Ms. Barrow she did not think it was right for Mr. Hickson to say she did not want to be a supervisor because she did not wear high heels.

153. In response, Ms. Barrow said that while it was true that it was not in the dress code, and that they weren't for everyone, she personally wore them.

154. Ms. Clark also complained that Mr. Hickson created the Job Expectations Sheet to subject her to retaliatory increased scrutiny after she ignored his instruction to wear heels.

155. She reported that the Job Expectations Sheet also falsely stated that she saw the job advertised as a G19 pay grade.

156. She also reported Supervisor Hickson's interference with her job and her training.

157. Ms. Clark complained that, in reviewing her work, Mr. Hickson had revised her work and told her to remember that most of the people working at DSS are women and they are more emotional, so they must be talked to in a way that makes them feel good.

158. Ms. Clark reported her concern that Mr. Hickson's edits to Ms. Clark's work were presented with Ms. Clark's name and title on them, as if she had prepared it that way.

159. This particular document had been edited by Hickson with track changes turned off.

160. Mr. Hickson's edits to Ms. Clark's work had added grammatical errors, incomplete sentences, poor punctuation, and misspellings

161. The misspellings even included the misspelling of Ms. Clark's name.

162. And Mr. Hickson had added Ms. Clark's name, creating the impression that she had crafted the poor quality work.

163. Ms. Clark complained about this, telling Ms. Barrow that she thought Mr. Hickson was sabotaging her career.

164. Ms. Barrow's response was to tell Ms. Clark to listen to Mr. Hickson.

165. Ms. Barrow said, "Don't take it personally."

166. Ms. Barrow then accused Ms. Clark of gossiping.

167. Ms. Barrow said to Ms. Clark, "that is the kind of thing that will get you into a lot of trouble,"

168. She said that kind of thing would keep Ms. Clark from going far in her career.

169. She then challenged Ms. Clark: "So do you want to say anything else?"

170. Ms. Clark saw that Ms. Barrow was irritated and uninterested in addressing Ms. Clark's complaint.

171. As the meeting ended, Ms. Barrow said she would speak with Mr. Hickson.

172. Also, Ms. Barrow used the meeting to push on Ms. Clark a religious text and motto.

173. Ms. Barrow discussed her spiritual beliefs, based on the Toltec religion, specifically a book titled "The Four Agreements."

174. Ms. Barrow emphasized certain tenets from that book, particularly “Don’t Take Anything Personally” and “Don’t Make Assumptions,” as guiding principles that the Plaintiff should follow in the workplace.

175. Ms. Barrow explicitly instructed Ms. Clark to adhere to these tenets, implying that they should guide Ms. Clark’s responses and actions concerning the issues being discussed, including complaints about the conduct of Mr. Hickson.

176. Ms. Clark perceived Ms. Barrow’s religious or semi-religious entreaties as an unwelcome and inappropriate attempt to influence her workplace behavior and decision-making based on a religious doctrine.

177. The introduction of these religious concepts was not isolated; it marked the beginning of an ongoing pattern of religious coercion in the workplace by Ms. Barrow.

178. In making these complaints to Ms. Barrow on July 28, 2022, Ms. Clark engaged in protected activity.

Ms. Barrow calls a meeting with Ms. Clark and Mr. Hickson

179. Ms. Clark was required to meet with Ms. Barrow and Mr. Hickson on July 29, 2022.

180. Ms. Barrow said she called the meeting to make sure everyone was communicating on the same page.

181. Then she said that the meeting was to go through what was happening because Ms. Clark had used the term “uncomfortable” in an email.

182. Ms. Clark thought this meeting with Ms. Barrow and Mr. Hickson would address her complaints from the day before, including about Mr. Hickson's racist and sexist comments.

183. Ms. Barrow started the meeting, however, with a lengthy critique of Ms. Clark's proposal.

184. Ms. Clark had complained, the day before, about Mr. Hickson's proposed revisions to that proposal, including the gender-based instruction to remember she is writing for emotional women.

185. When Ms. Clark was finally given the floor, she used the opportunity to further complain that it appeared that Mr. Hickson was signing her name on poor work.

186. Then, Mr. Hickson began questioning and talking at Ms. Clark, with questions and statements in rapid succession, about what he had done, said, and asked her in their own discussions about the document.

187. Mr. Hickson's tirade included a confusing rationalization for why he had put Ms. Clark's name on the document: he said he put her name on it because he envisioned a final version of the document that would be sent as an email.

188. Then Ms. Barrow spoke up, telling Ms. Clark that it was important, when having conversations, to listen and understand and that Ms. Clark's facial expressions and body language were telling Ms. Barrow that Ms. Clark was not doing either.

189. She told Ms. Clark that Ms. Clark was "staring and glaring" and rolling her eyes.

190. She instructed Ms. Clark to listen "to understand," and to not listen "to respond."

191. As the meeting continued Ms. Barrow accused Ms. Clark of creating a story in her head about something that hadn't happened.

192. Ms. Barrow questioned Ms. Clark about Ms. Clark's concerns with the creation of a false record.

193. Ms. Barrow asked Ms. Clark about Ms. Clark's "anxiety" about the document without meeting with Mr. Hickson first.

194. As Barrow continued, she laid the blame for Hickson's bad behavior at Ms. Clark's feet, diagnosing the problem as Ms. Clark having a lot of emotion about her "name on a piece of paper."

195. Ms. Barrow said that Ms. Barrow could "feel" it.

196. And throughout the meeting, Ms. Barrow said that Ms. Clark had "anxiety" around "documents."

197. She also said she thought Ms. Clark's mind was atrophied.

198. During the meeting, Ms. Barrow also accused Ms. Clark of not listening and "creating additional things" that Ms. Barrow didn't say.

199. She told Ms. Clark that Ms. Clark did not know Mr. Hickson well enough to distrust him.

200. Half an hour into the meeting, Ms. Clark was crying while Mr. Hickson and Ms. Barrow continued to scold Ms. Clark and insist that she acquiesce and "understand."

201. Mr. Hickson told Ms. Clark that Ms. Clark was the only person making this a big thing.

202. He reminded her that she “drug the Deputy into it.”

203. Mr. Hickson accused Ms. Clark of presenting “half stories.”

204. Then he spoke at length about collaboration and half stories and made up hypothetical scenarios with examples of collaboration between workers.

205. After blaming Ms. Clark for wasting an hour of his time with this meeting, Mr. Hickson continued talking.

206. Continuing, Mr. Hickson told Ms. Clark “It’s just you and me.”

207. He warned Ms. Clark against reporting him again, telling her that if she continued reporting him, one of them didn’t need to be there.

208. He shouted, “Haha! One of us don’t need to be here!”

209. Ms. Clark felt that he was threatening her job for complaining to his supervisor, Ms. Barrow, about his racist and sexist tirades and sexist review of her work.

210. Hickson told Ms. Clark that she knew the options available to her.

211. He said that any time you’re getting paid, you know the options.

212. He said, it’s “not the military,” implying that Ms. Clark should leave the job if she objected to his behavior.

213. He told Ms. Clark that going to his supervisor was “airing dirty laundry.”

214. Deputy Director Barrow spoke up, speaking about “protocol.”

215. She discussed a hypothetical she appeared to make up just then as a mechanism to show Ms. Clark that Ms. Clark should be careful about reporting someone for misconduct.

216. Barrow then promised to send Ms. Clark the religious book *The Four Agreements* saying, “I’m gonna need you to read that book.”

217. The meeting continued on for almost an hour and fifteen minutes.

218. Much of Mr. Hickson’s remaining time in the meeting was spent alternately ranting, slamming items around, and pounding on the table.

219. The meeting finally ended with Mr. Hickson banging on the table and declaring that he would be “clear, very . . . [additional veries] . . . very clear” that they were not doing this again.

220. Hickson then, again, admonished Ms. Clark to listen.

221. Deputy Director Barrow told Ms. Clark to take some time and think about whether Mr. Hickson’s conduct was something Ms. Clark could let pass.

222. Deputy Director Barrow never addressed Ms. Clark’s complaints of inappropriate sexist, racist, retaliatory behavior and comments made by Mr. Hickson at the July 29, 2022 meeting or any time after that.

223. Ms. Clark felt intimidated by Ms. Barrow and Mr. Hickson’s behavior toward her in the July 29, 2022 meeting.

224. And Ms. Barrow and Mr. Hickson, in that meeting, subjected Ms. Clark to unwelcome conduct because of Ms. Clark's complaint to Ms. Barrow the prior day.

225. Ms. Barrow and Mr. Hickson's conduct, taken separately or together, was sufficiently severe and the impact this meeting had on Ms. Clark's employment was so pervasive that Ms. Clark's terms and conditions of employment were changed.

Ms. Clark Endured Continued Discrimination and Retaliation from Mr. Hickson.

226. Mr. Hickson increased his retaliation and discrimination against Ms. Clark after the July 29, 2022 meeting.

227. Mr. Hickson began to exclude Ms. Clark from meetings.

228. Mr. Hickson also withheld information from Ms. Clark, affecting her ability to perform her job.

229. Mr. Hickson removed Ms. Clark's supervisory responsibilities by assigning himself as the point of contact for IT Security issues.

230. After the July 29, 2022 meeting, Mr. Hickson began intimidating Ms. Clark with unsettling stories like one in which he painted a scenario of her death from a fall at work.

231. Mr. Hickson also talked to her about his gun and how he and a friend shot up a car like hers.

232. Mr. Hickson told Ms. Clark stories about how an unspecified man at one of his previous jobs kept detailed records of all of the interactions the man had with people, and when the job found that file they fired him for it.

233. Mr. Hickson asked Ms Clark if she knew he could look up her address online and find out where she lived because it is public record.

234. This was followed with a tale of a “guy” he knew with bay windows.

235. Ms. Clark’s house had bay windows.

236. This guy was, according to Mr. Hickson, in danger after he put people in jail.

237. The tale closed with a warning Ms. Clark recalls Mr. Hickson articulated: “you piss certain people off and they will wait years to get you.”

238. These stories were unwelcome, and they left Ms. Clark feeling fearful and threatened.

239. On August 1, 2022, Ms. Barrow circumvented Ms. Clark’s responsibilities when she sent an email to Patricia Ward who works in the finance section of DSS and asked Ms. Ward to pull IT security reports for the completed annual training audits and incomplete annual training audits.

240. Ms. Barrow did not send the email to Ms. Clark even though pulling security reports was a function of Ms. Clark’s job.

241. This task had nothing to do with Ms. Ward’s job.

242. On the week of August 1, 2022, Ms. Cross went on vacation.

243. Ms. Clark did not have access to Ms. Cross’s email inbox and thus would not be able to see any IT requests sent to Ms. Cross.

244. And because Ms. Cross was out of the office, Ms. Cross was unable to forward those requests to Ms. Clark.

245. Ms. Cross and Ms. Clark asked Mr. Hickson multiple times before Ms. Cross's vacation to send an agency-wide email to instruct staff to send all IT requests to a shared IT email address.

246. Mr. Hickson delayed in sending this email and when he did send it he misspelled the email address he instructed staff to use for IT requests.

247. Ms. Clark understands that multiple employees submitted IT requests to this incorrect email address which resulted in those IT requests never being received or fulfilled.

248. Ms. Clark did not know that Mr. Hickson had sent out the wrong email address to the entire agency until the end of the week.

249. On or around August 1, 2022, Ms. Clark finally received access to the inbox of the shared IT email address that would be used to supervise, track, prioritize, and analyze the functionality of the IT help desk, which was an important part of Ms. Clark's job.

250. On or around August 4, 2022, Mr. Hickson instructed Ms. Clark to call County HR and ask for the doctor's referral note of an employee.

251. A few days later Mr. Hickson told Ms. Clark, that County HR had said something to the Directors about Ms. Clark's call (which had been at his direction).

252. Mr. Hickson said that Ms. Clark was not supposed to do that.

253. On August 9, 2022, Mr. Hickson told Ms. Clark about an IT infrastructure meeting that had taken place.

254. When Ms. Clark inquired about the topics discussed, he responded with a dismissive tone, indicating that the conversation had covered general IT matters, such as the agency's approach to shared and full support, but assured her that these were future concerns that *did not involve her*.

255. On August 12, 2022, Mr. Hickson called a meeting in his office around 8:00 am.

256. The attendants were Mr. Walton, Ms. Ward, Dawn Griffin, and Ms. Cross who was an IT employee that Ms. Clark supervised.

257. Ms. Clark was not invited.

258. Ms. Cross told Ms. Clark, after the meeting, that Ms. Cross was included in the meeting because certain parts of the meeting were about the IT infrastructure of the agency.

259. He chose to have an IT employee in a meeting about the IT infrastructure of the agency instead of IT/Security Supervisor Clark.

260. In early August of 2022, DSS had two separate incidents of irate people making threats at the entrance of DSS.

261. Ms. Clark's office was located above the entrance and visible from the elevator on her floor.

262. On August 16, 2022 Mr. Hickson agreed with and approved Ms. Clark's request to keep her office door closed as a safety precaution.

263. But on August 17, 2022, he admonished Ms. Clark for keeping her door closed saying people wanted to see her.

264. He told her that “perception is everything” and words to the effect of “You don’t want people to think you are...” but trailed off while making a face Ms. Tatiana recalls as unpleasant.

265. Ms. Clark offered, “What, standoffish?”

266. Mr. Hickson replied, “Yes, exactly.”

267. When Ms. Clark expressed surprise and objected, Mr. Hickson smirked at her and told her it was “something to think about.”

268. It was not County policy to keep doors open.

269. Many other employees were permitted to keep their doors closed.

The County Dismisses Ms. Clark in a Meeting with Mr. Hickson

270. On August 29, 2022, Ms. Clark was called into a meeting with Mr. Hickson, and Laurie Newman, the Chief Human Resources Officer for Spotsylvania County.

271. During this meeting, Mr. Hickson and Ms. Newman informed Ms. Clark that she was being terminated for “performance issues.”

272. Ms. Clark questioned the basis for her termination during this meeting, noting that she had received positive feedback from Mr. Hickson regarding her work, particularly on securing the W-Drive.

273. Despite her inquiries, Mr. Hickson repeatedly refused to discuss the reasons for her termination, stating only that “the decision has already been made.”

274. Following the termination meeting, Mr. Hickson escorted Ms. Clark out of the building.

275. During the elevator ride to the lobby, Ms. Clark asked Mr. Hickson for clarification on the reasons for her termination.

276. Mr. Hickson refused to provide any specific reasons, instead advising Ms. Clark to “look for some IT jobs, but not supervisor” positions, and commented that she needed to “learn how to supervise.”

277. As he escorted her from the building, Mr. Hickson continued his dismissive and rude harassment of Ms. Clark.

COUNT I: HOSTILE WORK ENVIRONMENT

*Against The County for Violations of Title VII and the ADA &
Against Mr. Hickson and Ms. Barrow for Violations of the Fourteenth Amendment*

278. Ms. Clark incorporates all prior allegations within Count I.

279. During her employment, the County’s employees Ms. Barrow and Mr. Hickson subjected Ms. Clark to unwelcome conduct, as described above, based upon her race, color, sex, and because of Ms. Barrow’s effort to pressure Ms. Clark to follow a spiritual book based on the toltec religion.

280. In addition, Ms. Clark was subjected to unwelcome conduct based upon a disability that Defendants erroneously perceived her as having.

281. In particular, Ms. Barrow made multiple comments accusing Ms. Clark of suffering from anxiety and of having mental health problems like an atrophied mind.

282. And, as described above, Mr. Hickson's and Ms. Barrow's conduct was sufficiently severe or pervasive to alter the terms of Ms. Clark's employment and render the working environment hostile.

283. The hostile work environment continued until the August 29, 2022 meeting where Mr. Hickson terminated Ms. Clark, and the conversations he had with Ms. Clark while he walked her out of the building.

284. As a result of this harassment, Ms. Clark suffered damages.

285. Ms. Clark asks the Court to treat Ms. Clark's claim that the County subjected her to a hostile work environment based on her race, color, and/or sex in violation of Title VII as *Count I-A*.

286. Ms. Clark asks the Court to treat Ms. Clark's claim that the County subjected her to a hostile work environment based on a disability that it erroneously perceived her as having in violation of the ADA as *Count I-B*.

287. Ms. Clark asks the Court to treat Ms. Clark's claim that the County subjected her to a hostile work environment in reprisal for her objection to unlawful conduct and her complaints in violation of both Title VII and the ADA as *Count I-C*.

288. Ms. Clark asks the Court to treat Ms. Clark's claim that Mr. Hickson and/or Ms. Barrow subjected her to a hostile work environment based on her race, skin color, sex, and reprisal in violation of the Equal Protection Clause of the Fourteenth Amendment as *Count I-D*.

COUNT II: WRONGFUL TERMINATION

*Against The County for Violations of Title VII and the ADA &
Against Mr. Hickson and Ms. Barrow for Violations of the Fourteenth Amendment*

289. Ms. Clark incorporates all prior allegations within this Count II.

290. On August 29, 2022, the County dismissed Ms. Clark.

291. But for Ms. Clark's race, color, sex, religion, Ms. Clark's opposition to unlawful conduct, or some combination thereof, the County would not have dismissed Ms. Clark.

292. In addition, or in the alternative, Ms. Clark's race, color, sex, religion, and prior protected activity were motivating factors in Defendants' decision to dismiss Ms. Clark.

293. As a result of the County's dismissal of Ms. Clark, Ms. Clark suffered damages.

294. Ms. Clark asks the Court to treat Ms. Clark's claim that the County dismissed her based on her race, color, and/or sex in violation of Title VII as *Count II-A*.

295. Ms. Clark asks the Court to treat Ms. Clark's claim that the County dismissed her based on a disability that it erroneously perceived her as having in violation of the ADA as *Count II-B*.

296. Ms. Clark asks the Court to treat Ms. Clark's claim that the County dismissed her in reprisal for her objection to unlawful conduct and her complaints in violation of both Title VII and the ADA as *Count II-C*.

297. Ms. Clark asks the Court to treat Ms. Clark's claim that Ms. Barrow and Mr. Hickson, acting in their individual capacities, caused her dismissal from the County in violation of the Equal Protection Clause of the Fourteenth Amendment as *Count II-D*.

COUNT III: DISCRIMINATION IN EMPLOYMENT

Against The County for Violations of Title VII

298. Ms. Clark incorporates all prior allegations within this Count III.

299. When the County hired Ms. Clark, and as it provisioned services and equipment to her, it subjected Ms. Clark to discrimination in the terms and conditions of her employment based upon her sex, race, and color.

300. Comparator employees like Ms. Howard, who do not share Ms. Clark's skin color and race, were given more favorable terms and conditions despite being similarly situated.

301. And Mr. Hickson made his distrust of women and unwillingness to treat Ms. Clark as a peer because of her gender clear when he required a male employee to chauffeur her and Ms. Howard, and in the statements and behavior he exhibited and which is alleged above.

302. And Ms. Clark remains concerned that the County reduced the pay scale that it assigned to her upon hiring below what it pays other supervisors because of her skin color, race, and/or sex.

303. Thus, the County discriminated against Ms. Clark in the terms and conditions of her employment because of Ms. Clark's race, color, and sex.

304. In addition, after Ms. Clark opposed unlawful conduct and complained about Mr. Hickson's racist and sexist behavior, the County further discriminated against her in the terms and conditions of her employment.

305. As a result, Ms. Clark suffered damages.

306. Ms. Clark asks the Court to treat Ms. Clark's claim that the County discriminated against Ms. Clark in the terms and conditions of employment based on her race, color, and/or sex in violation of Title VII as *Count III-A*.

307. Ms. Clark asks the Court to treat Ms. Clark's claim that the County discriminated against Ms. Clark in the terms and conditions of employment in reprisal for her objection to unlawful conduct and her complaints in violation of Title VII as *Count III-A*.

COUNT IV: CIVIL CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS

*Against Mr. Hickson and Ms. Barrow
for Violations of the Fourteenth Amendment Under 42 U.S.C. § 1985*

308. Plaintiff incorporates all prior allegations within this Count IV.

309. Mr. Hickson and Ms. Barrow, acting under color of state law, conspired together to deprive Ms. Clark of her rights secured by the Equal Protection Clause of the Fourteenth Amendment, in violation of 42 U.S.C. § 1985(3).

310. Mr. Hickson and Ms. Barrow reached an agreement, either explicit or implicit, to engage in conduct that discriminated against Ms. Clark on the basis of her race, color, sex, and perceived disability, and to retaliate against her for opposing unlawful conduct.

311. In furtherance of this conspiracy, Mr. Hickson and Ms. Barrow engaged in a series of overt acts, including but not limited to:

- a. Discriminating against Ms. Clark by subjecting her to a hostile work environment based on her race, color, and sex, including derogatory comments, harassment regarding her attire, and unequal treatment compared to similarly situated employees.

- b. Manipulating and altering Ms. Clark's work, imposing unreasonable and retaliatory job expectations, and creating a false record intended to undermine her credibility and professional standing.
- c. Coordinating to dismiss Ms. Clark from her employment under the pretext of "performance issues," despite her qualifications and the positive feedback she had received, as a retaliatory measure for her complaints about unlawful conduct.
- d. Withholding necessary resources, information, and support from Ms. Clark, thereby impeding her ability to perform her job duties and creating a hostile work environment.

312. The coordinated actions of Mr. Hickson and Ms. Barrow, taken together, were intended to and did deprive Ms. Clark of her constitutional rights under the Equal Protection Clause of the Fourteenth Amendment.

313. As a direct and proximate result of the conspiracy between Mr. Hickson and Ms. Barrow, Ms. Clark suffered damages, including but not limited to emotional distress, loss of employment, loss of income, and damage to her professional reputation.

314. Ms. Clark asks the Court to treat her claim that Mr. Hickson and Ms. Barrow conspired to deprive her of her constitutional rights under the Equal Protection Clause of the Fourteenth Amendment in violation of 42 U.S.C. § 1985(3) as Count IV.

DEMAND FOR RELIEF

315. Ms. Clark demands trial by jury on all of her claims.

316. Ms. Clark demands reinstatement to her prior position or to a position of equivalent pay and for which she is qualified.

317. Ms. Clark demands that, following that reinstatement, the Court order that the County must protect her from further discrimination by Mr. Hickson and Ms. Barrow.

318. But if the facts and circumstances establish that reinstatement is not feasible, Ms. Clark demands front pay.

319. Ms. Clark demands compensation for her lost wages following her termination, which continue to accrue.

320. Ms. Clark demands compensation for her non-economic harms, including pain and suffering, emotional distress, annoyance, and finance-related stress.

321. Ms. Clark demands compensation for her economic harms, which include lost profits based on Ms. Clark's forced sale of assets in order to support herself following her termination.

322. Ms. Clark demands punitive damages against Mr. Hickson and Ms. Barrow based upon their malicious harassment and dismissal of her based upon her race, color, and sex.

323. Ms. Clark demands all injunctive relief necessary to ensure that Defendants do not continue to discriminate against her or retaliate against her for her prior protected activity or this action.

324. Ms. Clark demands damages in an amount to be determined by a jury at trial, but in no event less than one dollar.

MS. CLARK DEMANDS TRIAL BY JURY ON ALL OF HER CLAIMS

Dated: August 29, 2024

Respectfully Submitted,

/s/ Jacob M. Small

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