

IN THE SUPREME COURT OF FLORIDA

Supreme Court Case No.: SC19-1545

CATHERINE ELIZABETH CZYZ,

Respondent/Appellant,

vs.

THE FLORIDA BAR ASSOCIATION,

Complainant/Appellee.

APPENDIX (PART IV) TO RESPONDENT'S/APPELLANT'S
AMENDED MOTION TO VACATE FINAL JUDGMENT
OF JANUARY 6, 2022

Catherine E. Czyz

PRO SE

931 Village Boulevard, Suite 905-242

West Palm Beach, FL 33409

CatherineXLIV@gmail.com

561-502-1542- direct

RECEIVED, 01/30/2023 03:42:24 PM, Clerk, Supreme Court

APPENDIX (PART IV)

1. EXHIBIT "I", COMPLAINT, *TFB V, CATHERINE ELIZABETH CZYZ.*

2. EXHIBIT "J", COMPLAINT AND AMENDED COMPLAINT OF *ERIN BETH NEITZELT V. RAHEL GOULD ET AL.*

3. EXHIBIT "L", DEPOSITS BY ERIN NEITZELT INTO CHASE ACCOUNT AND TWO CREDITS.

RESPECTFULLY SUBMITTED,

/s/ Catherine E. Czyz

Catherine E. Czyz

Pro Se

USPS Mailing Address:

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-courts on January 30, 2023

to:

Shanee L. Hinson, Esq. and

Tiffany Roddenberry, Esq. and

Kevin Cox, Esq. and/or the attorneys listed as counsel of
record at this time.

By: ___/s/ *Catherine E. Czyz*_____

Catherine E. Czyz

Pro Se

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IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CATHERINE ELIZABETH CZYZ,

Respondent.

Supreme Court Case No.
SC-

The Florida Bar File No.
2017-00,628(2A)

COMPLAINT

The Florida Bar, complainant, files this Complaint against Catherine Elizabeth Czyz, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, admitted on April 18, 1997 and is subject to the jurisdiction of the Supreme Court of Florida.
2. At the time The Florida Bar opened its investigation, Respondent's record Bar address was in Bloomingdale, New Jersey with an alternate mailing address in St. Clairesville, Ohio. At some point during the proceedings, Respondent updated her address to West Palm Beach, Florida. The underlying civil case which is the subject of this matter was filed by respondent in Florida.
3. The Second Judicial Circuit Grievance Committee A found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The

Florida Bar, and this complaint has been approved by the presiding member of that committee.

4. Erin Neitzelt (“Neitzelt”) hired respondent on or about March 28, 2016 to represent her in an employment discrimination action against Lee County School District.

5. Respondent assured Neitzelt that she was experienced in employment discrimination cases, including Title VII.

6. Neitzelt paid respondent a \$6,000 retainer fee and a \$1,500 cost advance.

7. Respondent agreed to bill Neitzelt at \$375 per hour instead of \$500 per hour, which she claimed was her usual fee.

8. Based on respondent’s representation that Neitzelt’s case had merit, Neitzelt continued to pay for respondent’s services.

9. The fact that Respondent billed Neitzelt for over 34 hours of research belies her claim of expertise in this area of law.

10. As part of her research, on May 6, 2016, respondent charged Neitzelt 2 hours (\$700) to research F.S. 1012.355, K-20 Education Code, Contracts with instructional personnel hired on or after July 1, 2011, a 2-page statute. Statute 1012.335(1)(c) clearly states, “Probationary contract means an employment contract for a period of 1 school year awarded to instructional personnel upon

initial employment in a school district. Probationary contract employees may be dismissed without cause or may resign without breach of contract.”

11. At this point, respondent knew Neitzelt was an at-will employee, a fact that would greatly limit the scope of Neitzelt’s claim. However, Respondent neglected to inform her client of this circumstance.

12. On or about May 20, 2016, respondent drafted a Charge of Discrimination Letter on behalf of Neitzelt, which Neitzelt filed with the federal Equal Employment Opportunity Commission (“EEOC”). Neitzelt’s contact information was listed c/o respondent at respondent’s address.

13. The allegation in the EEOC filing was sex/gender discrimination, based on “the type of woman that I am.” Later in the letter, Neitzelt described her type as “a good-looking, blonde, white woman with a stellar education...and a certain amount of wealth from hard work.”

14. Respondent failed to include a charge of national origin discrimination in that Charge of Discrimination, waiving that charge, barring it from being raised in any future complaint based on that EEOC filing.

15. On July 1, 2016, Neitzelt and respondent amended their fee agreement. Respondent’s reduced her hourly rate to \$175.00, but she would also be entitled to an additional contingency fee of at least 25% from any recovery.

Respondent also required a \$3,000 monthly retainer for attorney fees and \$750 for costs.

16. On September 28, 2016, the EEOC issued a Right to Sue Notice to Neitzelt.

17. During October 2016, respondent billed Neitzelt for approximately 60 hours to draft the Complaint. At her hourly rate of \$175, that equaled \$10,500.00 in fees billed in the course of one month just to draft the complaint.

18. The total billed for the month of October was \$14,700.

19. On November 23, 2016, respondent filed a complaint on behalf of Neitzelt in the Circuit Court of Lee County against the school district and the supervisor. The complaint alleged sex discrimination, national origin discrimination (the claim waived by its omission from the EEOC filing), and retaliation under both federal and state law.

20. By the end of November, respondent had charged Neitzelt more than \$43,435.00 in fees.

21. On or about November 28, 2016, respondent agreed to change the fee agreement to a full contingency agreement with a minimum percentage fee of 33.3 percent. However, the new agreement did not give Neitzelt credit for fees already billed and paid.

22. On December 20, 2016, the school district removed the action to federal court, due to the Title VII claim.

23. Respondent was not admitted to the United States District Court for Middle District of Florida where the case was removed and never sought to become admitted during the representation. Respondent responded to the removal by informing the school district attorneys that the removal was improper because respondent was not admitted to the Middle District of Florida.

24. On December 28, 2016, the school district filed a motion to dismiss with the Middle District of Florida.

25. On January 9, 2017, respondent billed Neitzelt 3.0 hours to review the motion to dismiss, and on January 10, 2017, billed an additional 6.0 hours to “research and download and review case law from Motion to Dismiss.” It is important to note that this motion was filed in a court where respondent was not admitted to practice.

26. On January 11, 2017, Neitzelt filed a pro se emergency Motion for Appearance of Counsel, Motion to Transfer the Case, and Motion for Sanctions, requesting that respondent be allowed to appear while awaiting admission to the Middle District, requesting that the case be transferred back to circuit court and requesting that the District Court sanction the defendants by striking their

pleadings and awarding plaintiff attorney's fees under 57.105. This motion was drafted by respondent.

27. Respondent billed Neitzelt 3 hours, at \$500 per hour, to research case law in preparation for drafting the emergency motion, despite their amended agreement.

28. On January 18, 2017, the court denied the motion in its entirety, stating:

“[Czyz’s] request for sanctions is without basis. Defendants do not have to wait for opposing counsel to complete her application to practice in the Middle District of Florida prior to filing for removal or continue litigating their case. Defendants’ removal and subsequent motions are properly filed; therefore, sanctions are not appropriate.”

29. On February 2, 2017, Neitzelt filed a pro se Motion to Stay, again drafted by respondent, requesting an additional 60 days for respondent to be admitted to the District Court or, in the alternative, for Neitzelt to obtain new counsel.

30. On February 9, 2017, respondent represented to [the school district] that she no longer represented Neitzelt. Based on this representation, the court deemed Neitzelt to be proceeding pro se.

31. On February 9, 2017, Neitzelt emailed respondent and asked for, at least, a partial refund of fees she had previously paid. Respondent refused.

32. On February 13, 2017, the court entered an order allowing Neitzelt up to and including March 15, 2017 to retain counsel who is admitted to practice in the Middle District of Florida.

33. On February 28, 2017, Jason Gunter entered a notice of appearance on behalf of Neitzelt. On that same date, the parties entered a Joint Stipulation for Dismissal with Prejudice, with each party to bear their own respective costs and attorneys' fees.

34. On March 8, 2017, Judgment was entered dismissing the case with prejudice.

35. On April 30, 2017, respondent sent Neitzelt an invoice for "quantum meruit services from November 28, 2016 through February 13, 2017 per the contingency fee agreement" in the amount of \$25,745.81. Respondent billed Neitzelt at a rate of \$500 per hour.

36. On the April 2017 invoice alone, 18.7 hours were charged for sending or receiving texts and emails totaling \$9,350.

37. Most, if not all of the work billed on the April invoice, occurred after the case was removed to federal court where respondent was not licensed to practice. This included 27 entries after respondent stated she was no longer representing Neitzel.

38. For example, on February 12, 2017, three days after respondent told opposing counsel that she no longer represented Neitzelt, she billed one hour (\$500) for “re-review of file for complaint and amended complaint and the exhibit of Dr. Valesky's letter and the scans of the originals.”

39. Between April 2016 and November 2016, respondent billed Neitzelt approximately \$43,435 in fees and \$2,442.00 in costs. Costs included over \$1,800 in copying and scanning costs, as well as charges for file folders, legal pads, and the purchase of a hole punch.

40. Although respondent acknowledged the advance fees and costs paid, she did not apply them to the April 2016 invoice and listed an Amount Due on the invoice of the total fees and costs of \$4,169.55.

41. Beginning with the May 2016 invoice, respondent listed both fees and costs as “past due” and charged Neitzelt interest.

42. Respondent failed to deposit the \$1,500 cost advance into a trust account, but instead deposited it into her operating account, in violation of Rule 5-1.1(a)(1).

43. The Florida Bar Auditor contacted The Florida Bar Foundation and discovered that respondent did not have a trust account in 2015, 2016, or 2017.

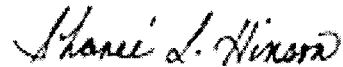
44. Respondent, however, certified in her 2015-2016, 2016-2017 and 2017-2018 Annual Membership Fee Statements that she was in compliance with the trust account and property safekeeping rules.

45. Those statements are in violation of Rule 4-8.4(c), conduct involving dishonesty, fraud, deceit, or misrepresentation.

46. In addition, respondent was unable to provide any trust accounting records whatsoever, in direct violation of Rules 5-1.2(b) Minimum Trust Accounting Records and 5-1.2(d) Minimum Trust Accounting Procedures.

47. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 3-4.3 Misconduct and Minor Misconduct; 4-1.1 Competence; 4-1.2 Objective and Scope of Representation; 4-1.3 Diligence; 4-1.5 Fees and Costs for Legal Services: (a) Illegal, Prohibited, or Clearly Excessive Fees and Costs; 4-3.1 Meritorious Claims and Contentions; 4-3.4 Fairness to Opposing Party and Counsel; 4-3.5 Impartiality and Decorum of the Tribunal; 4-8.4(c) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice; 5-1.1(a)(1) Nature of Money or Property Entrusted to Attorney, Trust Account Required: Commingling Prohibited; 5-1.2(b) Trust Account Records; and 5-1.2(d) Minimum Trust Accounting Procedures.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



Shaneé L. Hinson, Bar Counsel
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Patricia Ann Toro Savitz
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(850) 561-5600
Florida Bar No. 559547
psavitz@floridabar.org

CERTIFICATE OF SERVICE

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to David Rothman, Respondent's Counsel, at dbr@rothmanlawyers.com; and that a copy has been furnished by United States Mail via certified mail No. 70013 2630 0000 1612 3427, return receipt requested to Respondent's Counsel, whose record bar address is 200 S. Biscayne Blvd., Ste. 2770, Miami, FL 33131-5300 and via email to Shaneé L. Hinson, Bar Counsel, shinson@floridabar.org, on this 12th day of September, 2019.



PATRICIA ANN TORO SAVITZ
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Shaneé L. Hinson, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5845 and shinson@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.

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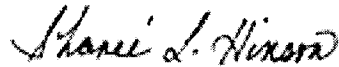
44. Respondent, however, certified in her 2015-2016, 2016-2017 and 2017-2018 Annual Membership Fee Statements that she was in compliance with the trust account and property safekeeping rules.

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46. In addition, respondent was unable to provide any trust accounting records whatsoever, in direct violation of Rules 5-1.2(b) Minimum Trust Accounting Records and 5-1.2(d) Minimum Trust Accounting Procedures.

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WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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CERTIFICATE OF SERVICE

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to David Rothman, Respondent's Counsel, at dbr@rothmanlawyers.com; and that a copy has been furnished by United States Mail via certified mail No. 70013 2630 0000 1612 3427, return receipt requested to Respondent's Counsel, whose record bar address is 200 S. Biscayne Blvd., Ste. 2770, Miami, FL 33131-5300 and via email to Shaneé L. Hinson, Bar Counsel, shinson@floridabar.org, on this 12th day of September, 2019.



PATRICIA ANN TORO SAVITZ
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Shaneé L. Hinson, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5845 and shinson@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.

IN THE CIRCUIT COURT OF THE 20TH
JUDICIAL CIRCUIT, IN
AND FOR LEE COUNTY,
FLORIDA.

CASE NO:

ERIN NEITZELT,

Plaintiff,

vs.

RACHEL GOULD,

and

THE SCHOOL DISTRICT OF LEE COUNTY,

Defendants.

COMPLAINT

COMES NOW, the Plaintiff, Erin Neitzelt, by and through her undersigned attorney, sues the Defendants, Rachel Gould and The School District of Lee County, and in support thereof, alleges:

GENERAL ALLEGATIONS

1. That this is an action in excess of the minimal Jurisdiction requirements, to wit: more than Fifteen Thousand Dollars (\$15,000.00).

2. Plaintiff is an individual woman who at all times relevant herein was a resident of the County of Lee, State of Florida.

3. Plaintiff is informed and believes, and based thereon alleges, that the Defendant, The School District of Lee County, is a school district in Lee County, and government entity of the state of Florida.

4. Plaintiff is informed and believes, and based thereon alleges, that Rachel Gould (hereinafter "Gould") and the employees of Mariner Middle School under her supervision, at all times relevant herein, are and were employees and/or agents of the Defendant, The School District of Lee County, and were acting within the course, scope, purpose, consent, knowledge, ratification, and authorization of such agency and/or employment, as to the allegations alleged herein, therefore, Defendant, The School District of Lee County is liable for their acts and omissions via the doctrine of respondeat superior.

5. Plaintiff was hired in or about July, 2015, by the Defendant, Lee County Schools, and began work at the Mariner Middle School in Ft. Myers, Florida as a 7th grade English teacher teaching only gifted (the children with the highest test scores in the school). Defendant, Gould, interviewed and hired Plaintiff via the telephone, without actually meeting the Plaintiff. Plaintiff began working for Mariner Middle School in or about August, 2015, and although Plaintiff was hired to only teach gifted 7th grade English students, Gould also assigned regular English students to Plaintiff and some were even special education students and/or students with educational learning disabilities. Plaintiff is/was not licensed to

teach children with learning disabilities and Gould knew this, but assigned her these children anyway. Gould mislead Plaintiff to believe that she would only be teaching gifted 7th grade English students, in order to make her accept the position. Gould originally hired Plaintiff knowing she had been a school principal in Ohio and West Virginia for many years, but Gould was especially interested in Plaintiff as a 7th grade teacher because Plaintiff had a "gifted student licensure" which is uncommon. To entice Plaintiff to teach at Mariner Middle School, instead of working for a better rated school in Lee County, Gould misrepresented the quality of Mariner Middle School to Plaintiff. Plaintiff accepted the position as a teacher only due to a requirement of the Lee County School District that a person must work for the School District of Lee County for one (1) year prior to attaining a position as a principal. It was always Plaintiff's intent to become a principal in Lee County, the occupation she had had for many years already.

6. Plaintiff was harassed, as well as intimidated, belittled and discriminated against because of her gender and/or national origin by Gould, her supervisor, on several occasions during her employment with the Defendant, the School District of Lee County. This created a hostile work environment.

7. Gould asked Plaintiff many personal questions, when she was first employed. Gould inquired into where she lived and what kind of car she drove, as well as where she was planning on finishing her doctorate, and who was in charge of her application

for the doctorate of education program at Florida Gulf Coast University's College of Education.

8. Within the first couple months of employment, Gould, made Plaintiff feel very uncomfortable and unwelcome and appeared by her actions to have disdain for Plaintiff because of her blonde hair and physical attributes associated with being of Irish and Northern Italian descent or national origin, and/or because of the type of woman she is/was, in the way that she looked (her attractive appearance) and in being an accomplished woman in business, and because she had high academic credentials, and because she owned a Mercedes, and a large diamond ring, and a home in Bokeelia on Pine Island in the Gulf Coast of Florida. She also acted embittered when she learned that Plaintiff's husband, Scott Neitzelt, was a successful environmental businessman, who is influential with ties to Republican politicians (Cruz, Trump, Rubio). In November, 2015, Scott Neitzelt came to Mariner Middle School and gave a speech to the science students about clean energy and the coal industry, and Gould never even thanked Plaintiff for him taking off time from work and coming to Florida for that purpose. Furthermore, Gould indicated with her actions that she did not want Plaintiff promoted to a principal position, even though that was the position Plaintiff was best qualified and suited for in the school district.

9. Within the first month of employment Plaintiff asked Gould for permission to attend a "principal pool meeting" as she had to

have Gould "sign off" on her attendance by signing a paper that stated she could attend. Gould refused to sign the required paperwork but told Plaintiff to "just go". Plaintiff reported Gould's behavior to the Lee County school board and/or the School District of Lee County. They told Plaintiff to ignore Gould and to keep applying for principal positions.

10. After several weeks of working under Gould, Plaintiff discovered that Gould was not competent in her job, and/or she purposely withheld information about child behavioral problems from the School Board of Lee County in order to keep enrollment up at the school, and to keep her job, instead of doing what was best for the children, Specifically, Plaintiff did her job and reported the behavioral problems of several children with behavioral problems including two (2) boys and one girl in her "gifted class". The one boy constantly squeezed his water bottle making loud cracking noises, disrupting the class, and a second boy who had anger issues and would punch walls, and who was angered by the water crunching boy. On one occasion, rather than punching the boy who squeezed his water bottle, the boy with the anger issued said something under his breath and left the class. Plaintiff also reported a girl in the same class who crawled on the floor and licked children's ankles like a cat. Instead of admitting these children, and the other children Plaintiff reported needed help, Gould arranged to have Plaintiff's class monitored by Vice Principal Mitchell Player, and had him document a teacher evaluation stating that she was not

in control of her class, so that she would appear incompetent in front of other employees. Specifically, on one occasion, on or about March, 18, 2016, at noon time, Vice Principal Mitchell Player told Plaintiff verbally that she could not control her class. He did not elaborate as to where or when he was talking about and Plaintiff could not imagine where or when he was talking about because she did not have a class control problem.

11. Subsequent to Gould directing Vice Principal Player to write a disparaging report about Plaintiff, Plaintiff was called into Gould's office where she met with Gould, Vice Principal Player and the other Vice Principal. At that time, Gould went over the libelous teacher evaluation and verbally demeaned her in front of the others making her feel small and unworthy as a teacher.

12. The Defendants, and/or Defendant's employees, responded improperly to Plaintiff's complaints about the behavior problems of the children, by way of the lack of appropriate, remedial action. Rather than addressing the obvious problems with the three (3) gifted children, Gould, instead continued the harassment, and the discrimination did not end, in fact, it worsened in retaliation.

13. Gould continually questioned other teachers about the competency of the Plaintiff as a teacher, even talking to 6th grade teachers who had no knowledge of Plaintiff's teachings. Gould gathered information on Plaintiff as to whom she talked to, with whom she went to lunch, and where she went. This questioning was on a continual basis (emphasis added). Gould

began spying upon and servelancing the Plaintiff. For example, Plaintiff was walking on the campus and Gould came upon her and picked her up on a golf cart then out of the blue asked her what kind of car she drove, and Plaintiff responded to Gould that she drove a Mercedes. Plaintiff learned that Gould was having secret teacher meetings about her to insinuate that Plaintiff was a bad teacher who could not control her class and to discuss if everyone was in agreement that Plaintiff was a bad teacher. Gould also had an informal meeting on the school ramp with two other teachers boasting that she gave a poor evaluation of the Plaintiff to Dr. Valesky to prevent her from entering the doctorate program at the university. Gould was boasting that she was destroying Plaintiff's life. Although this is a specific example, Gould's behavior was continual (emphasis added).

14. Gould had meeting about Plaintiff both before and after her forced resignation/termination questioning the other teachers and encouraging bad mouthing of the Plaintiff. Gould also continued to withhold information and/or refused to give documentation Plaintiff needed to advance to an administrative roll and/or principal. This behavior was continual (emphasis added).

15. Plaintiff complained about what was going on to Paula Hill, and Paula Hill informed Plaintiff that only white men got promoted to principal positions in Lee County because it was "the Good Ol'Boy" club. Gould had appeared to take Paula Hill under her wing and was setting her up to be elevated to a principal position,

but after several years, she had not been advanced. Paula Hill did not discuss the harassment with the School District of Lee County, and nothing changed after this meeting and/or discussion. Again, the harassment, humiliation, intimidation, hostility and abuse worsened.

16. Gould would have Plaintiff's class watched, and observed by other teachers to spy on under the guise of assisting her with her class. This behavior occurred on a continual basis (emphasis added). Gould made Plaintiff increasingly uncomfortable, making her job tasks near impossible to perform. One specific example was she was wrongly accused by Vice Principal Player of not entering information correctly into the computer; on that particular day, Plaintiff was not at work and/or out on sick leave.

17. Gould continued to stalk the Plaintiff and/or have her observed and evaluated even when no such evaluation was required to be performed. Gould let Plaintiff know her disdain for her by frowning at the Plaintiff, especially on the day she discussed her written teacher evaluation in front of the two (2) Vice Principals. Although these are specific instances, Gould had Plaintiff followed and/or stalked and/or evaluated for a "poor teacher performance evaluation" on a near daily, continual basis (emphasis added). This behavior was repetitious. Gould wanted to document Plaintiff as a bad teacher to cover her disdain of the Plaintiff for her gender and/or national origin, specifically being a bright and bubbly blonde woman with a voluptuous figure who drove a Mercedes

and owned a home in an affluent area and succeeded because she worked hard and performed her job duties correctly and precisely and morally and most specifically, by properly reporting the behavioral problems of several children in her classes.

18. Plaintiff made efforts to report her continuing and now intolerable, sex and/or national origin harassment, sex discrimination, humiliation, intimidation, hostility and abuse by Gould.

19. Plaintiff was told by other teachers that she was "on the chopping block" and/or being set-up to be fired immediately by Gould, and rather than have that termination on her record, Plaintiff gave a forced written resignation. Defendant, Gould took retaliatory action against the Plaintiff by setting her up for termination and thereby disgracing her. The Defendant, Gould, purposely gathered any and all servalience and testimony of other teachers that she could to substantiate her plan of terminating Plaintiff for cause and/or for a non-discriminatory reason.

20. After Plaintiff's forced resignation and/or wrongful termination, Gould hired Paula Hill to take Plaintiff's place as the gifted teacher and 7th grade English teacher. Paula Hill is not licensed to teach the gifted class and was seen not teaching or supervising them in the room. This is another example of Gould's inappropriate conduct and/or inability to do her job. Plaintiff was terminated because she had already reported Gould's harassment and/or sex discrimination behavior twice to supervisors. This is

the causal connection between the protected activity and the termination. Plaintiff's prior reports of the national origin discrimination and/or sex discrimination and the fact that she was about to report this activity again to the school district and/or board is what caused her termination. Gould was searching for any pre-textual reason possible to terminate Plaintiff prior to her reporting her again, and therefore had both printed libelous statements and slanderous statements made about Plaintiff. It was not a coincidence that Plaintiff was forced to resign and/or terminated prior to her principal pool meetings.

COUNT I - DISCRIMINATION IN EMPLOYMENT

IN VIOLATION OF FL STATUTE 760.10

SEX AND/OR NATIONAL ORIGIN DISCRIMINATION

21. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

22. Defendant, through its agents and supervisors, including Gould , engaged in a pattern and practice of unlawful sex discrimination and/or national origin discrimination by subjecting the Plaintiff to humiliation and harassment, in violation of FL Statute 760.10.

23. The above described sex and or national origin harassment, as described in paragraphs 1 - 20, created an intimidating, oppressive, hostile and offensive work environment which interfered with plaintiff's emotional well-being. It is

the continual nature of the behavior plead and the totality of the events plead that gives rise to this Count (emphasis added).

24. Defendant, the School District of Lee County, at all times relevant hereto had actual and constructive knowledge of the conduct described in paragraphs 1 through 23.

25. As a result of the hostile and offensive work environment perpetrated and maintained by Defendant, and Defendant's failure to protect Plaintiff from further harassment, Plaintiff suffered severe emotional distress.

26. Defendant violated FL Statute 760.10 by failing to adequately supervise, control, discipline, and/or otherwise penalize the conduct, acts, and failures to act of Gould and the employees she directed under her supervision, including but not limited to, Vice Principal Player, and Paula Hill, as described in paragraphs 1 through 20.

27. Defendant failed to comply with its statutory duty to take all reasonable and necessary steps to eliminate sex and/or national origin harassment from the workplace and to prevent it from occurring in the future.

28. Plaintiff is informed and believes that, and based thereon alleges, that in addition to the practices enumerated above, Defendant has engaged in other discriminatory practices against her that are not yet fully known. At such time as said discriminatory practices become known to her, Plaintiff will seek leave of Court to amend this complaint in that regard.

29. Plaintiff has filed charges of sex and/or national origin discrimination with the Miami division of the EEOC against Defendant, and requested dual filing, both federal and state, of the charges. The charges were filed within one year of the alleged discrimination. A true and correct copy of the initial letter filed with the EEOC is attached hereto as Exhibit "A", and incorporated by reference herein. Plaintiff then received from the Miami division of the EEOC within 180 days, a Right-To-Sue Notice authorizing this law suit. A true and correct copy of this Notice is attached hereto as Exhibit "B", and incorporated by reference herein. Plaintiff has exhausted her administrative remedies.

30. As a direct and proximate result of Defendant's willful, knowing, and intentional discrimination against her, Plaintiff has suffered and will continue to suffer, pain and suffering, and extreme and severe mental anguish and emotional distress; she has incurred medical expenses, incidental expenses; she has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

31. As a further direct and proximate result of Defendant's violation of FL Statute 670.10, as heretofore described, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment

relationship with the Defendant, and has thereby incurred, and will continue to incur, attorney's fees and costs, the full nature and extent of which are presently un known to Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when same shall be fully and finally ascertained. Plaintiff requests that attorney's fees be awarded pursuant to FL Statute 760.10.

32. Plaintiff is informed and believes, and based thereon alleges, that the outrageous conduct of the Defendant described above was done with fraud, oppression and malice; with a conscious disregard for her rights; and with the intent, design and purpose of injuring her. Plaintiff is further informed and believes that Defendant through its officers, managing agents and/or its supervisors, authorized, condoned and/or ratified the unlawful conduct of Gould and/or the employees she supervised. By reason thereof, plaintiff is entitled to punitive or exemplary damages from the Defendant in a sum according to proof at trial.

COUNT II - DISCRIMINATION IN EMPLOYMENT

IN VIOLATION OF FL STATUTE 760.10

RETALIATION

33. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

34. As herein alleged, Defendant(s) illegally retaliated

against Plaintiff by subjecting Plaintiff to unjust discipline and firing Plaintiff solely because she had reported national origin discrimination and/or sex discrimination of herself and was about to report it again as fully described in paragraphs 1-20. Defendant has no legitimate business reason for any such act. Each said act of retaliation is in violation of FL Statute 760.10.

35. Plaintiff is informed and believes that, and based thereon alleges, that in addition to the practices enumerated above, Defendant has engaged in other discriminatory practices against her that are not yet fully known. At such time as said discriminatory practices become known to her, Plaintiff will seek leave of Court to amend this complaint in that regard.

36. Plaintiff has filed charges of discrimination for sex discrimination and/or national origin discrimination with the Miami division of the EEOC against Defendant, and requested dual filing, both federal and state, of the charges. The charges were filed within one year of the alleged discrimination. A true and correct copy of the initial letter filed with the EEOC is attached hereto as Exhibit "A", and incorporated by reference herein. After review and investigation by the Miami division of the EEOC, Plaintiff received within 180 days of the initial charge a Right-To-Sue Notice authorizing this law suit. A true and correct copy of this Notice is attached hereto as Exhibit "B", and incorporated by reference herein. Plaintiff has

exhausted her administrative remedies.

37. As a direct and proximate result of Defendants' willful, knowing, and intentional discrimination and retaliation against her, Plaintiff has suffered and will continue to suffer, pain and suffering, and extreme and severe mental anguish and emotional distress; she has incurred medical expenses, incidental expenses; she has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

38. As a further direct and proximate result of Defendant's violation of FL Statute 670.10, as heretofore described, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with the Defendant, and has thereby incurred, and will continue to incur, attorney's fees and costs, the full nature and extent of which are presently unknown to Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when same shall be fully and finally ascertained. Plaintiff requests that attorney's fees be awarded pursuant to FL Statute 760.10.

39. Plaintiff is informed and believes, and based thereon alleges, that the outrageous conduct of the Defendant described above was done with fraud, oppression and malice; with a conscious disregard for her rights; and with the intent, design

and purpose of injuring her. Plaintiff is further informed and believes that Defendant through its officers, managing agents and/or its supervisors, authorized, condoned and/or ratified the unlawful conduct of Gould and the employees under her direction including but not limited to, Vice Principal Player, and Paula Hill. By reason thereof, plaintiff is entitled to damages, including punitive damages, from the Defendant in a sum according to proof at trial.

COUNT III - BREACH OF CONTRACT

40. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

41. Plaintiff was employed by defendant under a written contract of employment, an employee handbook and/or other written memoranda, which was breached by the forced resignation and/or retaliatory firing or termination of the Plaintiff. The contract copy was never given to Plaintiff and missing from her employee file copy; it is in the Defendant's possession. Said contract will be attached as an exhibit hereto after it is produced by Defendant.

42. The breach is/was a material breach of the contract.

43. At all times material herein, Plaintiff performed her obligations under her contract with Defendant.

44. Plaintiff has performed all conditions precedent under the contract to bringing this cause of action.

45. At the time the parties entered into the contract, as alleged herein above, it was known and understood, and within reasonable contemplation of the parties, that in the event of a breach, Plaintiff would suffer present and future loss of earnings as a foreseeable result thereof.

46. As a direct and proximate result of the breach of the contract, Plaintiff has in fact suffered loss of wages and benefits as damages.

COUNT IV - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

47. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

48. In failing to protect Plaintiff from the continuing sex discrimination and/or national origin discrimination and other offensive conduct of Gould described herein, and further, the Defendant belittling, wrongly characterizing Plaintiff, Erin Neitzelt, as a bad teacher who is unable to control her class of students, directing that language to be put in writing by the Vice Principal Mitchell Player, and slandering her by making that statement and not recommending her for the doctorate program to Dr. Valesky, then interrogating, threatening, and finally forcing the resignation Plaintiff and/or terminating the Plaintiff. Plaintiff suffered from anxiety and/or mental condition from the experiences at the school. Gould constantly made demeaning

comments regarding Plaintiff at meetings, specifically, stating that she was incompetent and couldn't control eleven year old students and destroying her reputation to Dr. Valesky to prevent her from finishing her doctorate degree in an attempt to completely destroy her financially, has caused Plaintiff anxiety and depression. Gould's conduct mentally inhibited Plaintiff from performing properly at work, and Plaintiff continued to be mentally upset, and negatively affected her outside of work and continued to affect her even after her forced resignation and/or termination.

49. Through the outrageous conduct described above, and as more fully described in paragraphs 1 - 20, Defendant acted with the intent to cause, or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress.

50. As a direct and proximate result of Defendant's actions, Plaintiff has suffered and will continue to suffer, pain and suffering, and extreme and severe mental anguish and emotional distress; she has incurred medical expenses, incidental expenses; she has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

51. Defendant's conduct as described herein was malicious and oppressive, and done with a conscious disregard of

Plaintiff's rights. The acts of Defendant were performed with the knowledge of an employer's economic power over its employees. Defendant, through its officers, managing agents and/or supervisors, authorized condoned, and ratified the unlawful conduct of the employees and/or agents named in this action. By reason thereof, Plaintiff is entitled to damages, however, not including punitive damages, from Defendant.

COUNT V - DEFAMATION

(LIBEL)

52. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 22 and incorporates the same herein as though fully set forth.

53. Plaintiff is informed and believes, and based thereon alleges that Defendant, through its officers, partners, agents, and/or employees, acted within the course and scope of their employment, caused to be published false, defamatory and unprivileged communication concerning the Plaintiff, tending to directly injure Plaintiff and her business and professional reputations. Specifically, Defendant made untrue statements to other persons in Plaintiff's profession, in the County of Lee, that Plaintiff was a bad teacher and "could not control her 7th grade class" and/or that Plaintiff was going to be terminated for cause. At Gould's direction, Vice Principal Player "sat in" on one of Plaintiff's class sessions and monitored her performance. Then at Gould's direction, Vice Principal Player created on paper

a teacher evaluation that reported Plaintiff as being a bad teacher who was unable to maintain control of her class and this report was disseminated by being on the school's computer for anyone to see who had access as well as to Gould herself, Vice Principal Player and the other Vice Principal. This teacher evaluation was meant to belittle Plaintiff in front of others, including other staff members. Further, Gould constantly made demeaning comments regarding Plaintiff at meetings with administration and teaching staff members of Mariner Middle School, specifically, rather than admitting the students Plaintiff reported for behavioral problems, actually had behavioral problems Gould instead blamed Plaintiff as being a bad teacher who couldn't control her class.

54. Defendant published that Plaintiff was a bad teacher and/or unable to control her class as a reason to terminate her, when in fact she was terminated in retaliation by Defendant(s). Publishing that Plaintiff was to be terminated for cause and/or because she could not control her class is a false statement.

55. The publication of this false statement was made by the Defendant to Gould, Vice Principal Player, the other Vice Principal, anyone who could see the teacher evaluation in the computer and/or Dr. Valesky.

56. Plaintiff is informed and believes, and based thereon alleges that at the time Defendant, and/or its employees, supervisors, or agents made these statements, they knew or had

reason to believe that they were false. Plaintiff is additionally informed and believes, and based thereon alleges that Defendant had no legitimate business purpose for the above-mentioned communications, nor were they privileged. Further, Defendant(s)' fault at least amounts to negligence.

57. Defendant(s) committed the above said acts Deliberately and intentionally, in an effort to injure and defame Plaintiff's good name and professional reputation. As a direct and proximate result of defendant's defamation, Plaintiff has suffered loss of earnings, injury to her personal and professional reputation, and severe emotional distress, all to her damage in amount to be determined according to proof at trial.

58. Defendant's conduct as described herein was malicious and oppressive, and was done, authorized and ratified by the highest levels of Defendant's employees, agents, and/or supervisors, thereby entitling to damages, however, not including punitive damages, from Defendant. Further, there is actionability of the statement(s) irrespective of the special harm or the existence of the special harm caused by the publication.

COUNT VI - DEFAMATION

(SLANDER)

59. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 22 and

incorporates the same herein as though fully set forth.

60. Plaintiff is informed and believes, and based thereon alleges that Defendant, through its officers, partners, agents, and/or employees, acted within the course and scope of their employment, caused to be published false, defamatory and unprivileged communication concerning the Plaintiff, tending to directly injure Plaintiff and her business and professional reputations. Specifically, Defendant made untrue statements to other persons in Plaintiff's profession, in the County of Lee, including Dr. Thomas Valesky, the person in charge of Plaintiff's enrolment into the doctorate program at Florida Gulf Coast University. Gould stated to Dr. Valesky that Plaintiff was a bad teacher and "could not control her 7th grade class" and informed him that she would "not recommend Plaintiff for the doctoral program". Plaintiff only had a few classes left and a thesis for graduation, as she had taken most of the classes for her doctorate at other Universities. As a direct result of Gould's slanderous statements by Gould to Dr. Valesky, he decided to reject her from the program, a true and accurate copy of the rejection letter is attached hereto as Exhibit "C".

61. Defendant published that Plaintiff was a bad teacher and could not control her class, when in fact she was being harassed and bullied into a forced resignation as she was being set-up by Gould for a terminated for cause which in fact was in retaliation by Defendant for Plaintiff properly reporting three

(3) children with behavioral problems. Publishing that Plaintiff was is a bad teacher who cannot control her class is a false statement.

62. The publication of this false statement was made by the Defendant to Dr. Valesky for the purpose of harming her and not allowing her to advance in her profession, whereby she would be able to teach college level students.

63. Plaintiff is informed and believes, and based thereon alleges that at the time Defendant, and/or its employees, supervisors, or agents made these statements, they knew or had reason to believe that they were false. Plaintiff is additionally informed and believes, and based thereon alleges that Defendant had no legitimate business purpose for the above-mentioned communications, nor were they privileged. Further, Defendant's fault at least amounts to negligence.

64. Defendant committed the above said acts deliberately and intentionally, in an effort to injure and defame Plaintiff's good name and professional reputation. As a direct and proximate result of defendant's defamation, Plaintiff has suffered loss of earnings, injury to her personal and professional reputation, and severe emotional distress, all to her damage in amount to be determined according to proof at trial.

65. Defendant's conduct as described herein was malicious and oppressive, and was done, authorized and ratified by the highest levels of Defendant's employees, agents, and/or

supervisors, thereby entitling to damages, however, not including punitive damages, from Defendant. Further, there is actionability of the statement(s) irrespective of the special harm or the existence of the special harm caused by the publication.

COUNT VII- VIOLATION OF TITLE VII

66. Plaintiff repeats and realleges by reference each And every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

67. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. section 2000e, et seq.). This Court has concurrent jurisdiction of this action.

68. Plaintiff is an adult female individual and a citizen of the United States, who currently resides in West Virginia but at all times relevant to, was a resident of Bokeelia on Pine Island, in Lee County, Florida.

69. Defendant, the School District of Lee County was an employer in Ft. Myers, in Lee County, Florida at the time of the alleged acts of discrimination. At all times relevant hereto, Defendant engaged in an industry effecting commerce and employed more than twenty(20) regular employees.

70. Plaintiff was hired by Gould over the telephone after a telephonic interview in or about July, 2015, to begin in or about August, 2015, as a 7th grade English teacher, teaching gifted

students. Gould mislead Plaintiff to believe that Mariner Middle School was better than Trafalgar Middle School, so Plaintiff accepted the position. After beginning work, Gould did not like the way Plaintiff looked, her bubbly, vivacious personality and her physical attributes, nor did she like that Plaintiff had been successful, that she drove a Mercedes, that she lived in Bokeelia and that she did her job appropriately, by the book and properly reported the behavior problems of the students. Plaintiff had obvious distain for the Plaintiff. Gould set-up Plaintiff to be terminated for inability to control her class.

71. Defendant's true and discriminatory reason for forcing the resignation and/or terminating Plaintiff, was due to the fact she reported the improper actions of Gould and/or the behavioral problems of children in her classes, as more fully alleged in paragraphs 1-20.

72. Defendants' forced resignation and/or termination of Plaintiff was retaliatory. Further, she was denied from being promoted to a principal position, due to her sex and/or national origin, despite the fact that she was qualified for such promotion, and could reasonably expect to be promoted based upon the policy of the Defendant school district.

73. Defendant(s) engaged in policies and practices that willfully, intentionally, and unlawfully discriminated against Plaintiff on the basis of her sex, and/or her national origin and because she was harassed. These practices and policies include,

but are not limited to, forcing her resignation and/or terminating Plaintiff after making complaints about the behavior problems of the children in her class and of Gould's behavior, failing to take action against Gould after the unlawful, discriminatory actions were reported, and failing to promote Plaintiff to a principal position, when other similarly situated white, male employees received such promotion.

74. Plaintiff's forced resignation and/or discharge was the result of a policy and practice to terminate female employees who complained of sex and/or national origin harassment. Plaintiff's conduct in discharging Plaintiff due to her reporting the sex and/or national origin harassment, and in failing to promote her violates Title VII. Plaintiff has no adequate or complete remedy at law to redress the wrongs alleged herein and this action for a permanent injunction and other relief. Plaintiff is suffering and will continue to suffer irreparable injury as a result of the acts of the Defendant (s).

75. As a result of the Defendant's conduct in forcing the resignation and/or terminating Plaintiff's employment and failing to promote her, Plaintiff has suffered lost income, lost fringe benefits, and lost seniority, and to incur expenses in searching for replacement employment.

76. Plaintiff has timely filed a charge of discrimination with the EEOC and has met all administrative prerequisites for

bringing this action, a copy of the Right to Sue letter is attached hereto as Exhibit "B".

DEMAND FOR JURY TRIAL

77. The aforementioned Plaintiff demands trial by jury of all issues triable as of right by jury.

WHEREFORE, Plaintiff prays that judgment be entered in her favor and against Defendant for general and compensatory damages, including pre-judgment interest, in an amount to be determined according to proof at trial; punitive damages in an amount according to proof at trial, as to Counts I and II of the Complaint; and further, as to Count VII only, Plaintiff requests that this Honorable Court order a hearing at the earliest practicable date, and upon such hearing:

- (A.) Grant Plaintiff a permanent injunction enjoining Defendant, its agents, employees, and those acting in concert with Defendant, from continuing to violate Plaintiff's civil rights;
- (B.) Issue an order awarding Plaintiff front pay, fringe benefits, and other compensation;
- (C.) Issue an order awarding Plaintiff back pay, pre-judgment interest, fringe benefits, and any other appropriate relief necessary to make Plaintiff whole and compensate her for the violation of civil rights described above; and
- (D.) Award Plaintiff the costs of this action,

including reasonable attorney's fees, and such other legal and equitable relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED BY:

THE CZYZ LAW FIRM, P.A.

P.O.Box: 243
Bloomingdale, NJ 07403
(561) 628-1044 phone
(561) 502-1542 phone
info@czyzlawfirm.com e-mail

A handwritten signature in black ink, appearing to read 'C. Czyz', written over a horizontal line.

CATHERINE E. CZYZ, ESQUIRE
Attorney for Plaintiff
Florida Bar No.: 105627

Exhibit “A”

5/20/2016

Erin Neitzelt
c/o
Catherine E. Czyz, Esq.
The Czyz Law Firm, P.A.
Mailing address
P.O.Box: 243
Bloomingdale, NJ 07403
561-502-1542
info@czyzlawfirm.com

EEOC CHARGE FORM LETTER

EEOC
Miami District Office
Miami Tower
100 SE 2nd Street, Suite 1500
Miami, FL 33131

Dear EEOC:

My name is Erin Neitzelt and I am filing a charge against Lee County Schools and/or Mariner Middle School District of Lee County and/or Principal Rachel Gould. The school's address is 425 N. Chiquita Blvd., Cape Coral, FL 33993. I do not know the number of employees of the school district but believe it is over fifty.

I believe that I was discriminated against by Principal Rachel Gould and/or the school and/or school board, due to my sex/gender as a woman, and more specifically, as the type of woman that I am, by not being allowed to progress into a Principal and/or administrative role. and that I was also harassed and belittled. and had my good name marred, due to the fact that I wanted to progress in an administrative role as a Principal.

As a result of the described harassment. I was forced to resign my position as a middle school teacher in March, 2016. I was hired by Rachel Gould in or about July, 2015 to teach 6th and 7th grade for the 2015-2016 school year. I was previously employed in various Principal positions for approximately twelve (12) years in the state of Ohio. I took the position as a teacher because working for the school district as an employee is a requirement prior to being allowed to become a Principal in the district. Rachel Gould is/was aware of the requirement.

Erin Neitzelt

I began working as a teacher in August, 2015 and in or about September, 2015, there was a "principal pool meeting" for individuals who wanted to become Principals for the next school year. I had to have Rachel Gould "sign off" on a form to be allowed to attend the meeting. She refused to sign the form but allowed me, begrudgingly, to attend.

This is the point where the harassment began. It became clear by her actions that Ms. Gould did not like me because of the type of woman that I am. Over a series of months she asked me probing, inappropriate questions, like what kind of car that I drove, the community I lived in, and who I was talking to at the university I was applying to, to finish my doctorate degree. It became clear that Ms. Gould did not want me to advance into a Principal role and she was harassing me and belittling me, through the use of her underlings, to the point I was forced to resign. During the time there, another teacher, Ms. Hill, told me that it was a "good old boy system" there and that they only wanted men to advance as Principals. In addition to marring my name for my career purposes, I also believe that Ms. Gould contacted the university's director to belittle me, and as such, the university refused to accept me into their doctorate program.

I believe that I was discriminated against because I am a woman, and more specifically, a good-looking, blonde, white woman, with a stellar education (I have a bachelor's degree and seven years post graduate work, with only my thesis left for a doctorate, and a 4.0 GPA), and I have a certain amount of wealth from hard work.

There are many details that I can address further in the investigation. Please forward all future correspondence to my attorney, Catherine E. Czyz, Esq. listed above. Thank you for your time and consideration.

Sincerely,

Erin Neitzelt

Exhibit "B"



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

Miami Tower
100 S.E. 2nd Street, Suite 1500
Miami, FL 33131
Intake Information Group: (800) 669-4000
Miami Direct Dial: (305) 808-1740
TTY (305) 808-1742
FAX (305) 808-1855

August 12, 2016

Erin Neitzelt
C/O Catherine E. Czyz, Esq
P.O. Box 243
Bloomingdale, NJ 07403

Re: Erin Neitzelt v. LEE COUNTY SCHOOLS
EEOC Charge No. 510-2016-03752C

Dear Erin Neitzelt:

This is to inform you that we have received your letter dated August 10, 2016. Your charge of discrimination has been received and processed by the Commission. Your charge is presently assigned to the undersigned.

The large inventory of cases currently under investigation in our office may affect the length of time needed to process your charge. We understand that you may be very concerned about your charge when you have not been in contact with us for several weeks or months. Please be assured that the Commission is committed to investigating your charge as expeditiously as possible. We regret that our staff size does not permit us to provide you with more frequent interim contacts without slowing the progress of our investigations. We ask for your understanding and patience in this regard.

If it is necessary for you to contact me regarding the investigation of your charge, you may write to me at the above address. Please make certain that any documents submitted include your charge number. Also, if you wish to submit additional information, or report additional complaints of discrimination to us, including claims of retaliation by Respondent against you for filing your present charge, you may do so in writing (see mailing address and fax number above).

You are also reminded of your duty to inform the Commission if your telephone number or address changes or of any prolonged absence from your current address. You are further reminded of your obligation to claim certified mail which may be sent by the Commission during the investigative process.

For any questions, please contact the undersigned by phone at (305) 808-1819.

Sincerely,

A handwritten signature in black ink, appearing to be "E. Regisme", written over a horizontal line.

Investigator Regisme

(305) 808-1819

From: eservice <eservice@myflcourtagress.com>
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 362016CA004119A001CH
Date: Tue, Nov 29, 2016 1:35 pm
Attachments: Amended Complaint.pdf (2135K)

Notice of Service of Court Documents

Filing Information

Filing #: 49382641
Filing Time: 11/29/2016 01:34:57 PM ET
Filer: Catherine E. Czyz 561-502-1542
Court: Twentieth Judicial Circuit in and for Lee County, Florida
Case #: 362016CA004119A001CH
Court Case #: 16-CA-004119
Case Style: Neitzelt, Erin Plaintiff vs Gould, Rachel et al Defendant

Documents

IN THE CIRCUIT COURT OF THE 20TH
JUDICIAL CIRCUIT, IN
AND FOR LEE COUNTY,
FLORIDA.

CASE NO:

ERIN NEITZELT,

Plaintiff,

vs.

RACHEL GOULD,

and

THE SCHOOL DISTRICT OF LEE COUNTY,

Defendants.

AMENDED COMPLAINT

COMES NOW, the Plaintiff, Erin Neitzelt, by and through her undersigned attorney, sues the Defendants, Rachel Gould and The School District of Lee County, and in support thereof, alleges:

GENERAL ALLEGATIONS

1. That this is an action in excess of the minimal Jurisdiction requirements, to wit: more than Fifteen Thousand Dollars (\$15,000.00).

2. Plaintiff is an individual woman who at all times relevant herein was a resident of the County of Lee, State of Florida.

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COMPLAINT

COMES NOW, the Plaintiff, Erin Neitzelt, by and through her undersigned attorney, sues the Defendants, Rachel Gould and The School District of Lee County, and in support thereof, alleges:

GENERAL ALLEGATIONS

1. That this is an action in excess of the minimal Jurisdiction requirements, to wit: more than Fifteen Thousand Dollars (\$15,000.00).

2. Plaintiff is an individual woman who at all times relevant herein was a resident of the County of Lee, State of Florida.

3. Plaintiff is informed and believes, and based thereon alleges, that the Defendant, The School District of Lee County, is a school district in Lee County, and government entity of the state of Florida.

4. Plaintiff is informed and believes, and based thereon alleges, that Rachel Gould (hereinafter "Gould") and the employees of Mariner Middle School under her supervision, at all times relevant herein, are and were employees and/or agents of the Defendant, The School District of Lee County, and were acting within the course, scope, purpose, consent, knowledge, ratification, and authorization of such agency and/or employment, as to the allegations alleged herein, therefore, Defendant, The School District of Lee County is liable for their acts and omissions via the doctrine of respondeat superior.

5. Plaintiff was hired in or about July, 2015, by the Defendant, Lee County Schools, and began work at the Mariner Middle School in Ft. Myers, Florida as a 7th grade English teacher teaching only gifted (the children with the highest test scores in the school). Defendant, Gould, interviewed and hired Plaintiff via the telephone, without actually meeting the Plaintiff. Plaintiff began working for Mariner Middle School in or about August, 2015, and although Plaintiff was hired to only teach gifted 7th grade English students, Gould also assigned regular English students to Plaintiff and some were even special education students and/or students with educational learning disabilities. Plaintiff is/was not licensed to

teach children with learning disabilities and Gould knew this, but assigned her these children anyway. Gould mislead Plaintiff to believe that she would only be teaching gifted 7th grade English students, in order to make her accept the position. Gould originally hired Plaintiff knowing she had been a school principal in Ohio and West Virginia for many years, but Gould was especially interested in Plaintiff as a 7th grade teacher because Plaintiff had a "gifted student licensure" which is uncommon. To entice Plaintiff to teach at Mariner Middle School, instead of working for a better rated school in Lee County, Gould misrepresented the quality of Mariner Middle School to Plaintiff. Plaintiff accepted the position as a teacher only due to a requirement of the Lee County School District that a person must work for the School District of Lee County for one (1) year prior to attaining a position as a principal. It was always Plaintiff's intent to become a principal in Lee County, the occupation she had had for many years already.

6. Plaintiff was harassed, as well as intimidated, belittled and discriminated against because of her gender and/or national origin by Gould, her supervisor, on several occasions during her employment with the Defendant, the School District of Lee County. This created a hostile work environment.

7. Gould asked Plaintiff many personal questions, when she was first employed. Gould inquired into where she lived and what kind of car she drove, as well as where she was planning on finishing her doctorate, and who was in charge of her application

for the doctorate of education program at Florida Gulf Coast University's College of Education.

8. Within the first couple months of employment, Gould, made Plaintiff feel very uncomfortable and unwelcome and appeared by her actions to have disdain for Plaintiff because of her blonde hair and physical attributes associated with being of Irish and Northern Italian descent or national origin, and/or because of the type of woman she is/was, in the way that she looked (her attractive appearance) and in being an accomplished woman in business, and because she had high academic credentials, and because she owned a Mercedes, and a large diamond ring, and a home in Bokeelia on Pine Island in the Gulf Coast of Florida. She also acted embittered when she learned that Plaintiff's husband, Scott Neitzelt, was a successful environmental businessman, who is influential with ties to Republican politicians (Cruz, Trump, Rubio). In November, 2015, Scott Neitzelt came to Mariner Middle School and gave a speech to the science students about clean energy and the coal industry, and Gould never even thanked Plaintiff for him taking off time from work and coming to Florida for that purpose. Furthermore, Gould indicated with her actions that she did not want Plaintiff promoted to a principal position, even though that was the position Plaintiff was best qualified and suited for in the school district.

9. Within the first month of employment Plaintiff asked Gould for permission to attend a "principal pool meeting" as she had to

have Gould "sign off" on her attendance by signing a paper that stated she could attend. Gould refused to sign the required paperwork but told Plaintiff to "just go". Plaintiff reported Gould's behavior to the Lee County school board and/or the School District of Lee County. They told Plaintiff to ignore Gould and to keep applying for principal positions.

10. After several weeks of working under Gould, Plaintiff discovered that Gould was not competent in her job, and/or she purposely withheld information about child behavioral problems from the School Board of Lee County in order to keep enrollment up at the school, and to keep her job, instead of doing what was best for the children, Specifically, Plaintiff did her job and reported the behavioral problems of several children with behavioral problems including two (2) boys and one girl in her "gifted class". The one boy constantly squeezed his water bottle making loud cracking noises, disrupting the class, and a second boy who had anger issues and would punch walls, and who was angered by the water crunching boy. On one occasion, rather than punching the boy who squeezed his water bottle, the boy with the anger issued said something under his breath and left the class. Plaintiff also reported a girl in the same class who crawled on the floor and licked children's ankles like a cat. Instead of admitting these children, and the other children Plaintiff reported needed help, Gould arranged to have Plaintiff's class monitored by Vice Principal Mitchell Player, and had him document a teacher evaluation stating that she was not

in control of her class, so that she would appear incompetent in front of other employees. Specifically, on one occasion, on or about March, 18, 2016, at noon time, Vice Principal Mitchell Player told Plaintiff verbally that she could not control her class. He did not elaborate as to where or when he was talking about and Plaintiff could not imagine where or when he was talking about because she did not have a class control problem.

11. Subsequent to Gould directing Vice Principal Player to write a disparaging report about Plaintiff, Plaintiff was called into Gould's office where she met with Gould, Vice Principal Player and the other Vice Principal. At that time, Gould went over the libelous teacher evaluation and verbally demeaned her in front of the others making her feel small and unworthy as a teacher.

12. The Defendants, and/or Defendant's employees, responded improperly to Plaintiff's complaints about the behavior problems of the children, by way of the lack of appropriate, remedial action. Rather than addressing the obvious problems with the three (3) gifted children, Gould, instead continued the harassment, and the discrimination did not end, in fact, it worsened in retaliation.

13. Gould continually questioned other teachers about the competency of the Plaintiff as a teacher, even talking to 6th grade teachers who had no knowledge of Plaintiff's teachings. Gould gathered information on Plaintiff as to whom she talked to, with whom she went to lunch, and where she went. This questioning was on a continual basis (emphasis added). Gould

began spying upon and servelancing the Plaintiff. For example, Plaintiff was walking on the campus and Gould came upon her and picked her up on a golf cart then out of the blue asked her what kind of car she drove, and Plaintiff responded to Gould that she drove a Mercedes. Plaintiff learned that Gould was having secret teacher meetings about her to insinuate that Plaintiff was a bad teacher who could not control her class and to discuss if everyone was in agreement that Plaintiff was a bad teacher. Gould also had an informal meeting on the school ramp with two other teachers boasting that she gave a poor evaluation of the Plaintiff to Dr. Valesky to prevent her from entering the doctorate program at the university. Gould was boasting that she was destroying Plaintiff's life. Although this is a specific example, Gould's behavior was continual (emphasis added).

14. Gould had meeting about Plaintiff both before and after her forced resignation/termination questioning the other teachers and encouraging bad mouthing of the Plaintiff. Gould also continued to withhold information and/or refused to give documentation Plaintiff needed to advance to an administrative roll and/or principal. This behavior was continual (emphasis added).

15. Plaintiff complained about what was going on to Paula Hill, and Paula Hill informed Plaintiff that only white men got promoted to principal positions in Lee County because it was "the Good Ol'Boy" club. Gould had appeared to take Paula Hill under her wing and was setting her up to be elevated to a principal position,

but after several years, she had not been advanced. Paula Hill did not discuss the harassment with the School District of Lee County, and nothing changed after this meeting and/or discussion. Again, the harassment, humiliation, intimidation, hostility and abuse worsened.

16. Gould would have Plaintiff's class watched, and observed by other teachers to spy on under the guise of assisting her with her class. This behavior occurred on a continual basis (emphasis added). Gould made Plaintiff increasingly uncomfortable, making her job tasks near impossible to perform. One specific example was she was wrongly accused by Vice Principal Player of not entering information correctly into the computer; on that particular day, Plaintiff was not at work and/or out on sick leave.

17. Gould continued to stalk the Plaintiff and/or have her observed and evaluated even when no such evaluation was required to be performed. Gould let Plaintiff know her disdain for her by frowning at the Plaintiff, especially on the day she discussed her written teacher evaluation in front of the two (2) Vice Principals. Although these are specific instances, Gould had Plaintiff followed and/or stalked and/or evaluated for a "poor teacher performance evaluation" on a near daily, continual basis (emphasis added). This behavior was repetitious. Gould wanted to document Plaintiff as a bad teacher to cover her disdain of the Plaintiff for her gender and/or national origin, specifically being a bright and bubbly blonde woman with a voluptuous figure who drove a Mercedes

and owned a home in an affluent area and succeeded because she worked hard and performed her job duties correctly and precisely and morally and most specifically, by properly reporting the behavioral problems of several children in her classes.

18. Plaintiff made efforts to report her continuing and now intolerable, sex and/or national origin harassment, sex discrimination, humiliation, intimidation, hostility and abuse by Gould.

19. Plaintiff was told by other teachers that she was "on the chopping block" and/or being set-up to be fired immediately by Gould, and rather than have that termination on her record, Plaintiff gave a forced written resignation. Defendant, Gould took retaliatory action against the Plaintiff by setting her up for termination and thereby disgracing her. The Defendant, Gould, purposely gathered any and all servallience and testimony of other teachers that she could to substantiate her plan of terminating Plaintiff for cause and/or for a non-discriminatory reason.

20. After Plaintiff's forced resignation and/or wrongful termination, Gould hired Paula Hill to take Plaintiff's place as the gifted teacher and 7th grade English teacher. Paula Hill is not licensed to teach the gifted class and was seen not teaching or supervising them in the room. This is another example of Gould's inappropriate conduct and/or inability to do her job. Plaintiff was terminated because she had already reported Gould's harassment and/or sex discrimination behavior twice to supervisors. This is

the causal connection between the protected activity and the termination. Plaintiff's prior reports of the national origin discrimination and/or sex discrimination and the fact that she was about to report this activity again to the school district and/or board is what caused her termination. Gould was searching for any pre-textual reason possible to terminate Plaintiff prior to her reporting her again, and therefore had both printed libelous statements and slanderous statements made about Plaintiff. It was not a coincidence that Plaintiff was forced to resign and/or terminated prior to her principal pool meetings.

COUNT I - DISCRIMINATION IN EMPLOYMENT

IN VIOLATION OF FL STATUTE 760.10

SEX AND/OR NATIONAL ORIGIN DISCRIMINATION

21. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

22. Defendant, through its agents and supervisors, including Gould, engaged in a pattern and practice of unlawful sex discrimination and/or national origin discrimination by subjecting the Plaintiff to humiliation and harassment, in violation of FL Statute 760.10.

23. The above described sex and or national origin harassment, as described in paragraphs 1 - 20, created an intimidating, oppressive, hostile and offensive work environment which interfered with plaintiff's emotional well-being. It is

the continual nature of the behavior plead and the totality of the events plead that gives rise to this Count (emphasis added).

24. Defendant, the School District of Lee County, at all times relevant hereto had actual and constructive knowledge of the conduct described in paragraphs 1 through 23.

25. As a result of the hostile and offensive work environment perpetrated and maintained by Defendant, and Defendant's failure to protect Plaintiff from further harassment, Plaintiff suffered severe emotional distress.

26. Defendant violated FL Statute 760.10 by failing to adequately supervise, control, discipline, and/or otherwise penalize the conduct, acts, and failures to act of Gould and the employees she directed under her supervision, including but not limited to, Vice Principal Player, and Paula Hill, as described in paragraphs 1 through 20.

27. Defendant failed to comply with its statutory duty to take all reasonable and necessary steps to eliminate sex and/or national origin harassment from the workplace and to prevent it from occurring in the future.

28. Plaintiff is informed and believes that, and based thereon alleges, that in addition to the practices enumerated above, Defendant has engaged in other discriminatory practices against her that are not yet fully known. At such time as said discriminatory practices become known to her, Plaintiff will seek leave of Court to amend this complaint in that regard.

29. Plaintiff has filed charges of sex and/or national origin discrimination with the Miami division of the EEOC against Defendant, and requested dual filing, both federal and state, of the charges. The charges were filed within one year of the alleged discrimination. A true and correct copy of the initial letter filed with the EEOC is attached hereto as Exhibit "A", and incorporated by reference herein. Plaintiff then received from the Miami division of the EEOC within 180 days, a Right-To-Sue Notice authorizing this law suit. A true and correct copy of this Notice is attached hereto as Exhibit "B", and incorporated by reference herein. Plaintiff has exhausted her administrative remedies.

30. As a direct and proximate result of Defendant's willful, knowing, and intentional discrimination against her, Plaintiff has suffered and will continue to suffer, pain and suffering, and extreme and severe mental anguish and emotional distress; she has incurred medical expenses, incidental expenses; she has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

31. As a further direct and proximate result of Defendant's violation of FL Statute 670.10, as heretofore described, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment

relationship with the Defendant, and has thereby incurred, and will continue to incur, attorney's fees and costs, the full nature and extent of which are presently unknown to Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when same shall be fully and finally ascertained. Plaintiff requests that attorney's fees be awarded pursuant to FL Statute 760.10.

32. Plaintiff is informed and believes, and based thereon alleges, that the outrageous conduct of the Defendant described above was done with fraud, oppression and malice; with a conscious disregard for her rights; and with the intent, design and purpose of injuring her. Plaintiff is further informed and believes that Defendant through its officers, managing agents and/or its supervisors, authorized, condoned and/or ratified the unlawful conduct of Gould and/or the employees she supervised. By reason thereof, plaintiff is entitled to punitive or exemplary damages from the Defendant in a sum according to proof at trial.

COUNT II - DISCRIMINATION IN EMPLOYMENT

IN VIOLATION OF FL STATUTE 760.10

RETALIATION

33. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

34. As herein alleged, Defendant(s) illegally retaliated

against Plaintiff by subjecting Plaintiff to unjust discipline and firing Plaintiff solely because she had reported national origin discrimination and/or sex discrimination of herself and was about to report it again as fully described in paragraphs 1-20. Defendant has no legitimate business reason for any such act. Each said act of retaliation is in violation of FL Statute 760.10.

35. Plaintiff is informed and believes that, and based thereon alleges, that in addition to the practices enumerated above, Defendant has engaged in other discriminatory practices against her that are not yet fully known. At such time as said discriminatory practices become known to her, Plaintiff will seek leave of Court to amend this complaint in that regard.

36. Plaintiff has filed charges of discrimination for sex discrimination and/or national origin discrimination with the Miami division of the EEOC against Defendant, and requested dual filing, both federal and state, of the charges. The charges were filed within one year of the alleged discrimination. A true and correct copy of the initial letter filed with the EEOC is attached hereto as Exhibit "A", and incorporated by reference herein. After review and investigation by the Miami division of the EEOC, Plaintiff received within 180 days of the initial charge a Right-To-Sue Notice authorizing this law suit. A true and correct copy of this Notice is attached hereto as Exhibit "B", and incorporated by reference herein. Plaintiff has

exhausted her administrative remedies.

37. As a direct and proximate result of Defendants' willful, knowing, and intentional discrimination and retaliation against her, Plaintiff has suffered and will continue to suffer, pain and suffering, and extreme and severe mental anguish and emotional distress; she has incurred medical expenses, incidental expenses; she has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

38. As a further direct and proximate result of Defendant's violation of FL Statute 670.10, as heretofore described, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with the Defendant, and has thereby incurred, and will continue to incur, attorney's fees and costs, the full nature and extent of which are presently unknown to Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when same shall be fully and finally ascertained. Plaintiff requests that attorney's fees be awarded pursuant to FL Statute 760.10.

39. Plaintiff is informed and believes, and based thereon alleges, that the outrageous conduct of the Defendant described above was done with fraud, oppression and malice; with a conscious disregard for her rights; and with the intent, design

and purpose of injuring her. Plaintiff is further informed and believes that Defendant through its officers, managing agents and/or its supervisors, authorized, condoned and/or ratified the unlawful conduct of Gould and the employees under her direction including but not limited to, Vice Principal Player, and Paula Hill. By reason thereof, plaintiff is entitled to damages, including punitive damages, from the Defendant in a sum according to proof at trial.

COUNT III - BREACH OF CONTRACT

40. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

41. Plaintiff was employed by defendant under a written contract of employment, an employee handbook and/or other written memoranda, which was breached by the forced resignation and/or retaliatory firing or termination of the Plaintiff. The contract copy was never given to Plaintiff and missing from her employee file copy; it is in the Defendant's possession. Said contract will be attached as an exhibit hereto after it is produced by Defendant.

42. The breach is/was a material breach of the contract.

43. At all times material herein, Plaintiff performed her obligations under her contract with Defendant.

44. Plaintiff has performed all conditions precedent under the contract to bringing this cause of action.

45. At the time the parties entered into the contract, as alleged herein above, it was known and understood, and within reasonable contemplation of the parties, that in the event of a breach, Plaintiff would suffer present and future loss of earnings as a foreseeable result thereof.

46. As a direct and proximate result of the breach of the contract, Plaintiff has in fact suffered loss of wages and benefits as damages.

COUNT IV - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

47. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

48. In failing to protect Plaintiff from the continuing sex discrimination and/or national origin discrimination and other offensive conduct of Gould described herein, and further, the Defendant belittling, wrongly characterizing Plaintiff, Erin Neitzelt, as a bad teacher who is unable to control her class of students, directing that language to be put in writing by the Vice Principal Mitchell Player, and slandering her by making that statement and not recommending her for the doctorate program to Dr. Valesky, then interrogating, threatening, and finally forcing the resignation Plaintiff and/or terminating the Plaintiff. Plaintiff suffered from anxiety and/or mental condition from the experiences at the school. Gould constantly made demeaning

comments regarding Plaintiff at meetings, specifically, stating that she was incompetent and couldn't control eleven year old students and destroying her reputation to Dr. Valesky to prevent her from finishing her doctorate degree in an attempt to completely destroy her financially, has caused Plaintiff anxiety and depression. Gould's conduct mentally inhibited Plaintiff from performing properly at work, and Plaintiff continued to be mentally upset, and negatively affected her outside of work and continued to affect her even after her forced resignation and/or termination.

49. Through the outrageous conduct described above, and as more fully described in paragraphs 1 - 20, Defendant acted with the intent to cause, or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress.

50. As a direct and proximate result of Defendant's actions, Plaintiff has suffered and will continue to suffer, pain and suffering, and extreme and severe mental anguish and emotional distress; she has incurred medical expenses, incidental expenses; she has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven at trial.

51. Defendant's conduct as described herein was malicious and oppressive, and done with a conscious disregard of

Plaintiff's rights. The acts of Defendant were performed with the knowledge of an employer's economic power over its employees. Defendant, through its officers, managing agents and/or supervisors, authorized condoned, and ratified the unlawful conduct of the employees and/or agents named in this action. By reason thereof, Plaintiff is entitled to damages, however, not including punitive damages, from Defendant.

COUNT V - DEFAMATION

(LIBEL)

52. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 22 and incorporates the same herein as though fully set forth.

53. Plaintiff is informed and believes, and based thereon alleges that Defendant, through its officers, partners, agents, and/or employees, acted within the course and scope of their employment, caused to be published false, defamatory and unprivileged communication concerning the Plaintiff, tending to directly injure Plaintiff and her business and professional reputations. Specifically, Defendant made untrue statements to other persons in Plaintiff's profession, in the County of Lee, that Plaintiff was a bad teacher and "could not control her 7th grade class" and/or that Plaintiff was going to be terminated for cause. At Gould's direction, Vice Principal Player "sat in" on one of Plaintiff's class sessions and monitored her performance. Then at Gould's direction, Vice Principal Player created on paper

a teacher evaluation that reported Plaintiff as being a bad teacher who was unable to maintain control of her class and this report was disseminated by being on the school's computer for anyone to see who had access as well as to Gould herself, Vice Principal Player and the other Vice Principal. This teacher evaluation was meant to belittle Plaintiff in front of others, including other staff members. Further, Gould constantly made demeaning comments regarding Plaintiff at meetings with administration and teaching staff members of Mariner Middle School, specifically, rather than admitting the students Plaintiff reported for behavioral problems, actually had behavioral problems Gould instead blamed Plaintiff as being a bad teacher who couldn't control her class.

54. Defendant published that Plaintiff was a bad teacher and/or unable to control her class as a reason to terminate her, when in fact she was terminated in retaliation by Defendant(s). Publishing that Plaintiff was to be terminated for cause and/or because she could not control her class is a false statement.

55. The publication of this false statement was made by the Defendant to Gould, Vice Principal Player, the other Vice Principal, anyone who could see the teacher evaluation in the computer and/or Dr. Valesky.

56. Plaintiff is informed and believes, and based thereon alleges that at the time Defendant, and/or its employees, supervisors, or agents made these statements, they knew or had

reason to believe that they were false. Plaintiff is additionally informed and believes, and based thereon alleges that Defendant had no legitimate business purpose for the above-mentioned communications, nor were they privileged. Further, Defendant(s)' fault at least amounts to negligence.

57. Defendant(s) committed the above said acts Deliberately and intentionally, in an effort to injure and defame Plaintiff's good name and professional reputation. As a direct and proximate result of defendant's defamation, Plaintiff has suffered loss of earnings, injury to her personal and professional reputation, and severe emotional distress, all to her damage in amount to be determined according to proof at trial.

58. Defendant's conduct as described herein was malicious and oppressive, and was done, authorized and ratified by the highest levels of Defendant's employees, agents, and/or supervisors, thereby entitling to damages, however, not including punitive damages, from Defendant. Further, there is actionability of the statement(s) irrespective of the special harm or the existence of the special harm caused by the publication.

COUNT VI - DEFAMATION

(SLANDER)

59. Plaintiff repeats and realleges by reference each and every allegation contained in paragraph 1 through 22 and

incorporates the same herein as though fully set forth.

60. Plaintiff is informed and believes, and based thereon alleges that Defendant, through its officers, partners, agents, and/or employees, acted within the course and scope of their employment, caused to be published false, defamatory and unprivileged communication concerning the Plaintiff, tending to directly injure Plaintiff and her business and professional reputations. Specifically, Defendant made untrue statements to other persons in Plaintiff's profession, in the County of Lee, including Dr. Thomas Valesky, the person in charge of Plaintiff's enrolment into the doctorate program at Florida Gulf Coast University. Gould stated to Dr. Valesky that Plaintiff was a bad teacher and "could not control her 7th grade class" and informed him that she would "not recommend Plaintiff for the doctoral program". Plaintiff only had a few classes left and a thesis for graduation, as she had taken most of the classes for her doctorate at other Universities. As a direct result of Gould's slanderous statements by Gould to Dr. Valesky, he decided to reject her from the program, a true and accurate copy of the rejection letter is attached hereto as Exhibit "C".

61. Defendant published that Plaintiff was a bad teacher and could not control her class, when in fact she was being harassed and bullied into a forced resignation as she was being set-up by Gould for a terminated for cause which in fact was in retaliation by Defendant for Plaintiff properly reporting three

(3) children with behavioral problems. Publishing that Plaintiff was is a bad teacher who cannot control her class is a false statement.

62. The publication of this false statement was made by the Defendant to Dr. Valesky for the purpose of harming her and not allowing her to advance in her profession, whereby she would be able to teach college level students.

63. Plaintiff is informed and believes, and based thereon alleges that at the time Defendant, and/or its employees, supervisors, or agents made these statements, they knew or had reason to believe that they were false. Plaintiff is additionally informed and believes, and based thereon alleges that Defendant had no legitimate business purpose for the above-mentioned communications, nor were they privileged. Further, Defendant's fault at least amounts to negligence.

64. Defendant committed the above said acts deliberately and intentionally, in an effort to injure and defame Plaintiff's good name and professional reputation. As a direct and proximate result of defendant's defamation, Plaintiff has suffered loss of earnings, injury to her personal and professional reputation, and severe emotional distress, all to her damage in amount to be determined according to proof at trial.

65. Defendant's conduct as described herein was malicious and oppressive, and was done, authorized and ratified by the highest levels of Defendant's employees, agents, and/or

supervisors, thereby entitling to damages, however, not including punitive damages, from Defendant. Further, there is actionability of the statement(s) irrespective of the special harm or the existence of the special harm caused by the publication.

COUNT VII- VIOLATION OF TITLE VII

66. Plaintiff repeats and realleges by reference each And every allegation contained in paragraph 1 through 20 and incorporates the same herein as though fully set forth.

67. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. section 2000e, et seq.). This Court has concurrent jurisdiction of this action.

68. Plaintiff is an adult female individual and a citizen of the United States, who currently resides in West Virginia but at all times relevant to, was a resident of Bokeelia on Pine Island, in Lee County, Florida.

69. Defendant, the School District of Lee County was an employer in Ft. Myers, in Lee County, Florida at the time of the alleged acts of discrimination. At all times relevant hereto, Defendant engaged in an industry effecting commerce and employed more than twenty(20) regular employees.

70. Plaintiff was hired by Gould over the telephone after a telephonic interview in or about July, 2015, to begin in or about August, 2015, as a 7th grade English teacher, teaching gifted

students. Gould mislead Plaintiff to believe that Mariner Middle School was better than Trafalgar Middle School, so Plaintiff accepted the position. After beginning work, Gould did not like the way Plaintiff looked, her bubbly, vivacious personality and her physical attributes, nor did she like that Plaintiff had been successful, that she drove a Mercedes, that she lived in Bokeelia and that she did her job appropriately, by the book and properly reported the behavior problems of the students. Plaintiff had obvious distain for the Plaintiff. Gould set-up Plaintiff to be terminated for inability to control her class.

71. Defendant's true and discriminatory reason for forcing the resignation and/or terminating Plaintiff, was due to the fact she reported the improper actions of Gould and/or the behavioral problems of children in her classes, as more fully alleged in paragraphs 1-20.

72. Defendants' forced resignation and/or termination of Plaintiff was retaliatory. Further, she was denied from being promoted to a principal position, due to her sex and/or national origin, despite the fact that she was qualified for such promotion, and could reasonably expect to be promoted based upon the policy of the Defendant school district.

73. Defendant(s) engaged in policies and practices that willfully, intentionally, and unlawfully discriminated against Plaintiff on the basis of her sex, and/or her national origin and because she was harassed. These practices and policies include,

but are not limited to, forcing her resignation and/or terminating Plaintiff after making complaints about the behavior problems of the children in her class and of Gould's behavior, failing to take action against Gould after the unlawful, discriminatory actions were reported, and failing to promote Plaintiff to a principal position, when other similarly situated white, male employees received such promotion.

74. Plaintiff's forced resignation and/or discharge was the result of a policy and practice to terminate female employees who complained of sex and/or national origin harassment. Plaintiff's conduct in discharging Plaintiff due to her reporting the sex and/or national origin harassment, and in failing to promote her violates Title VII. Plaintiff has no adequate or complete remedy at law to redress the wrongs alleged herein and this action for a permanent injunction and other relief. Plaintiff is suffering and will continue to suffer irreparable injury as a result of the acts of the Defendant (s).

75. As a result of the Defendant's conduct in forcing the resignation and/or terminating Plaintiff's employment and failing to promote her, Plaintiff has suffered lost income, lost fringe benefits, and lost seniority, and to incur expenses in searching for replacement employment.

76. Plaintiff has timely filed a charge of discrimination with the EEOC and has met all administrative prerequisites for

but are not limited to, forcing her resignation and/or terminating Plaintiff after making complaints about the behavior problems of the children in her class and of Gould's behavior, failing to take action against Gould after the unlawful, discriminatory actions were reported, and failing to promote Plaintiff to a principal position, when other similarly situated white, male employees received such promotion.

74. Plaintiff's forced resignation and/or discharge was the result of a policy and practice to terminate female employees who complained of sex and/or national origin harassment. Plaintiff's conduct in discharging Plaintiff due to her reporting the sex and/or national origin harassment, and in failing to promote her violates Title VII. Plaintiff has no adequate or complete remedy at law to redress the wrongs alleged herein and this action for a permanent injunction and other relief. Plaintiff is suffering and will continue to suffer irreparable injury as a result of the acts of the Defendant (s).

75. As a result of the Defendant's conduct in forcing the resignation and/or terminating Plaintiff's employment and failing to promote her, Plaintiff has suffered lost income, lost fringe benefits, and lost seniority, and to incur expenses in searching for replacement employment.

76. Plaintiff has timely filed a charge of discrimination with the EEOC and has met all administrative prerequisites for

bringing this action, a copy of the Right to Sue letter is attached hereto as Exhibit "B".

DEMAND FOR JURY TRIAL

77. The aforementioned Plaintiff demands trial by jury of all issues triable as of right by jury.

WHEREFORE, Plaintiff prays that judgment be entered in her favor and against Defendant for general and compensatory damages, including pre-judgment interest, in an amount to be determined according to proof at trial; punitive damages in an amount according to proof at trial, as to Counts I and II of the Complaint; and further, as to Count VII only, Plaintiff requests that this Honorable Court order a hearing at the earliest practicable date, and upon such hearing:

- (A.) Grant Plaintiff a permanent injunction enjoining Defendant, its agents, employees, and those acting in concert with Defendant, from continuing to violate Plaintiff's civil rights;
- (B.) Issue an order requiring Defendant to reinstate Plaintiff at her former job position and/or at a higher position to which she is entitled by virtue of her responsibilities and qualifications;
- (C.) Issue an order awarding Plaintiff front pay, fringe benefits, and other compensation;
- (D.) Issue an order awarding Plaintiff back pay, pre-judgment interest, fringe benefits, and any other

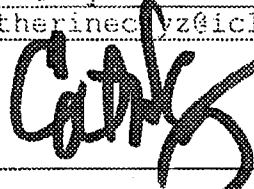
appropriate relief necessary to make Plaintiff whole and compensate her for the violation of civil rights described above; and

(E.) Award Plaintiff the costs of this action, including reasonable attorneys' fees, and such other legal and equitable relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED BY:

THE CZYZ LAW FIRM, P.A.

777 South Flagler Drive,
Suite 800 West Tower
West Palm Beach, FL 33401
(561) 628-1044 phone
(561) 502-1542 phone
info@czyzlawfirm.com e-mail
catherineczyz@icloud.com e-mail



CATHERINE E. CZYZ, ESQUIRE
Attorney for Plaintiff
Florida Bar No.: 105627

Exhibit "A"

5/20/2016

Erin Neitzelt
c/o
Catherine E. Czyz, Esq.
The Czyz Law Firm, P.A.
Mailing address
P.O.Box: 243
Bloomingdale, NJ 07403
561-502-1542
info@czyzlawfirm.com

EEOC CHARGE FORM LETTER

EEOC
Miami District Office
Miami Tower
100 SE 2nd Street, Suite 1500
Miami, FL 33131

Dear EEOC:

My name is Erin Neitzelt and I am filing a charge against Lee County Schools and/or Mariner Middle School District of Lee County and/or Principal Rachel Gould. The school's address is 425 N. Chiquita Blvd., Cape Coral, FL 33993. I do not know the number of employees of the school district but believe it is over fifty.

I believe that I was discriminated against by Principal Rachel Gould and/or the school and/or school board, due to my sex/gender as a woman, and more specifically, as the type of woman that I am, by not being allowed to progress into a Principal and/or administrative role, and that I was also harassed and belittled, and had my good name marred, due to the fact that I wanted to progress in an administrative role as a Principal.

As a result of the described harassment, I was forced to resign my position as a middle school teacher in March, 2016. I was hired by Rachel Gould in or about July, 2015 to teach 6th and 7th grade for the 2015-2016 school year. I was previously employed in various Principal positions for approximately twelve (12) years in the state of Ohio. I took the position as a teacher because working for the school district as an employee is a requirement prior to being allowed to become a Principal in the district. Rachel Gould is/was aware of the requirement.

Erin Neitzelt

I began working as a teacher in August, 2015 and in or about September, 2015, there was a "principal pool meeting" for individuals who wanted to become Principals for the next school year. I had to have Rachel Gould "sign off" on a form to be allowed to attend the meeting. She refused to sign the form but allowed me, begrudgingly, to attend.

This is the point where the harassment began. It became clear by her actions that Ms. Gould did not like me because of the type of woman that I am. Over a series of months she asked me probing, inappropriate questions, like what kind of car that I drove, the community I lived in, and who I was talking to at the university I was applying to, to finish my doctorate degree. It became clear that Ms. Gould did not want me to advance into a Principal role and she was harassing me and belittling me, through the use of her underlings, to the point I was forced to resign. During the time there, another teacher, Ms. Hill, told me that it was a "good old boy system" there and that they only wanted men to advance as Principals. In addition to marring my name for my career purposes, I also believe that Ms. Gould contacted the university's director to belittle me, and as such, the university refused to accept me into their doctorate program.

I believe that I was discriminated against because I am a woman, and more specifically, a good-looking, blonde, white woman, with a stellar education (I have a bachelor's degree and seven years post graduate work, with only my thesis left for a doctorate, and a 4.0 GPA), and I have a certain amount of wealth from hard work.

There are many details that I can address further in the investigation. Please forward all future correspondence to my attorney, Catherine E. Czyz, Esq, listed above. Thank you for your time and consideration.

Sincerely,

Erin Neitzelt

Exhibit "B"



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

Miami Tower
100 S.E. 2nd Street, Suite 1500
Miami, FL 33131
Intake Information Group: (800) 669-4000
Miami Direct Dial: (305) 808-1740
TTY (305) 808-1742
FAX (305) 808-1855

August 12, 2016

Erin Neitzelt
C/O Catherine E. Czyz, Esq
P.O. Box 243
Bloomingdale, NJ 07403

Re: Erin Neitzelt v. LEE COUNTY SCHOOLS
EEOC Charge No. 510-2016-03752C

Dear Erin Neitzelt:

This is to inform you that we have received your letter dated August 10, 2016. Your charge of discrimination has been received and processed by the Commission. Your charge is presently assigned to the undersigned.

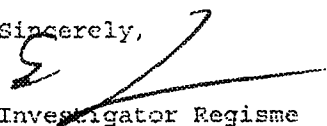
The large inventory of cases currently under investigation in our office may affect the length of time needed to process your charge. We understand that you may be very concerned about your charge when you have not been in contact with us for several weeks or months. Please be assured that the Commission is committed to investigating your charge as expeditiously as possible. We regret that our staff size does not permit us to provide you with more frequent interim contacts without slowing the progress of our investigations. We ask for your understanding and patience in this regard.

If it is necessary for you to contact me regarding the investigation of your charge, you may write to me at the above address. Please make certain that any documents submitted include your charge number. Also, if you wish to submit additional information, or report additional complaints of discrimination to us, including claims of retaliation by Respondent against you for filing your present charge, you may do so in writing (see mailing address and fax number above).

You are also reminded of your duty to inform the Commission if your telephone number or address changes or of any prolonged absence from your current address. You are further reminded of your obligation to claim certified mail which may be sent by the Commission during the investigative process.

For any questions, please contact the undersigned by phone at (305) 808-1819.

Sincerely,


Investigator Regisme

(305) 808-1819



JPMorgan Chase Bank, N.A.
 P O Box 659754
 San Antonio, TX 78265 - 9754

April 01, 2016 through April 29, 2016
 Account Number: [REDACTED]

CUSTOMER SERVICE INFORMATION

Web site: Chase.com
 Service Center: 1-800-242-7338
 Deaf and Hard of Hearing: 1-800-242-7383
 Para Espanol: 1-888-622-4273
 International Calls: 1-713-262-1679

00053266 DRE 802 210 12116 NNNNNYNNNNY 1 000000000 66 0000
 THE CZYZ LAW FIRM, P.A.
 777 S FLAGLER DR
 SUITE 800 WEST TOWER
 WEST PALM BEACH FL 33401-6169



CHECKING SUMMARY Chase Total Business Checking

	INSTANCES	AMOUNT
Beginning Balance		\$0.00
Deposits and Additions	4	7,707.02
Checks Paid	1	- 278.01
ATM & Debit Card Withdrawals	100	- 3,976.01
Electronic Withdrawals	3	- 210.00
Fees	3	- 7.50
Ending Balance	111	\$3,235.50

DEPOSITS AND ADDITIONS

DATE	DESCRIPTION	AMOUNT
04/05	Deposit 1542456254	\$3,204.85
04/14	Purchase Return 04/14 Staples 0923 Riverdale NJ Card 8667	101.09
04/22	Deposit 1542156071	4,295.15
04/28	Card Purchase Return 04/27 Safestreetsusa ADT Garner NC Card 8667	105.93
Total Deposits and Additions		\$7,707.02

CHECKS PAID

CHECK NO.	DESCRIPTION	DATE PAID	AMOUNT
97 ^		04/26	\$278.01
Total Checks Paid			\$278.01

If you see a description in the Checks Paid section, it means that we received only electronic information about the check, not the original or an image of the check. As a result, we're not able to return the check to you or show you an image.
 ^ An image of this check may be available for you to view on Chase.com.