

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

YANICKA PARKER,

Plaintiff,

v.

HOWARD C. FORMAN, CLERK  
OF COURTS FOR THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA,

Defendant.

---

**COMPLAINT**

**I. INTRODUCTION**

1. This is a proceeding for a declaratory judgment as to Plaintiff's rights and for a permanent injunction, restraining Defendant from maintaining a policy, practice, custom or usage of discriminating against Plaintiff because of her religious beliefs with respect to terms, conditions and privileges of employment and in ways that deprive Plaintiff of equal employment opportunities because of her religious beliefs, and otherwise adversely affect her status as an employee because of her religious beliefs. This Complaint also seeks money damages and restitution to Plaintiff of all rights, privileges, benefits, and income (both past and future) that would have been received by her, but for the Defendant's unlawful and discriminatory practices.

**II. JURISDICTION**

2. This is a suit in equity authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e – 2(a)(1), *et seq.*

3. Jurisdiction of this Court is invoked pursuant to 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1343(4). Declaratory relief is sought under 28 U.S.C. §§ 2201 and 2202. The jurisdiction of this Court is invoked to secure protection of and to redress deprivation of rights secured by 42 U.S.C. §§ 2000e, *et seq.*, providing for injunctive and other relief against religious discrimination in employment.

4. All conditions precedent to jurisdiction under 42 U.S.C. §2000e-5(f)(3) and the FCRA have occurred or been complied with, to-wit: a charge of employment discrimination was filed with the Equal Employment Opportunity Commission over 180 days.

### III. PARTIES

5. Plaintiff, Yanicka Parker, is a citizen of the United States and the State of Florida and resides in the Southern District of Florida.

6. Defendant, Howard C. Forman ("Forman"), is the Clerk of Courts for the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida, and is an elected official in the State of Florida; Forman is sued in his official capacity only.

7. Defendant Forman has the responsibility for the employment of persons at the Broward County Clerk's Office ("BCCO"), including the hire, promotion and termination of employees at the BCCO.

8. Defendant Forman is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer or agent of an employer within the meaning of 42 U.S.C. § 2000e(b).

9. Defendant Forman and the BCCO employ over 950 employees in (4) four locations.

10. The unlawful employment practices alleged herein were committed within the Southern District of Florida.

#### IV. FACTUAL ALLEGATIONS

11. Ms. Parker is a Christian believer and adherent of the Christian faith and is a member of and regular attendee at Faith Deliverance Tabernacle, located in Fort Lauderdale, Broward County, Florida.

12. Ms. Parker is herself a Minister.

13. Ms. Parker has a sincerely held religious belief, based upon the tenants of her faith and biblical teaching, such as Leviticus 18:22; Romans 1:26-27, I Cor. 6:9-10; and I Tim 1:9-10, that it is a sin for persons of the same sex to engage in sexual relations and, based upon Genesis 2:18-25, and other biblical authority, that persons of the same sex cannot and should not be morally or legally recognized as husband and wife, and that God will judge individual Christians, as well as the society of which they are a part, who condone or institute same sex marriages.

14. Ms. Parker was an employee at the BCCO for approximately 12 years.

15. At all times material hereto, Ms. Parker was employed to work as a Court Specialist III.

16. As a Court Specialist III, Ms. Parker and other Court Specialists were, according to their job description, responsible for dozens of unique tasks:

- a. May be responsible to file with accuracy all lawsuits within the jurisdiction of the assigned Court.
- b. May be responsible to operate a computer terminal to enter, update, and verify information to the progressive docket and/or case file.
- c. May be responsible for clocking in documents and verifying information.
- d. May be responsible to prepare and distribute notices, summonses, garnishments, modifications, writs, and subpoenas for deposition and/or trial.

- e. May be responsible for the issuance of summonses, subpoenas, and marriage licensees.
- f. May be responsible to perform marriage ceremonies.
- g. May be responsible for the acceptance, handling, assembling, collections, and mailing of passport applications to the appropriate agency. (Cashier duties require that the employee pay back any shortage that occurs as a result of their cash drawer not balancing or any shortage resulting from improper handling of cash, checks and other payment to the Clerk's office).
- h. May be responsible to perform moderate accounting duties which include but are not limited to daily balances, reports, and records of funds deposited.
- i. May be responsible per order to calculate, accept, and/or discharge various types of bonds.
- j. May be responsible for the filing and processing of bond entresure judgements and billed accounts.
- k. May be responsible to prepare clerk's satisfaction forms by calculating the funds required for satisfaction of judgments.
- l. May be responsible to respond to various inquiries from the general public, the legal community, interacting agencies, and personnel from all operations within the Clerk's office, orally and in writing.
- m. May be responsible to provide extensive telephone assistance to the general public.
- n. May be responsible for customer contact both direct and indirect.

- o. Perform other job related tasks/duties as assigned by division management.
- 17. Florida's ban on same sex marriages was officially lifted on January 6, 2015.
- 18. Prior to that day, the BCCO issued an email informing all clerks that they will be expected to issue marriage licenses and perform ceremonies for same sex couples.
- 19. Ms. Parker immediately informed her supervisors that due to her religious beliefs she would not be able to perform same sex marriages.
- 20. On January 6, 2015, in Mr. Parker's office alone, there were six (6) clerks, plus the lead clerk and supervisors available to perform the various clerk's duties, including issuing marriage licenses.
- 21. On January 6, 2015, Ms. Parker again asked to be accommodated so that she could perform her job duties without having to issue marriage licenses to same sex couples or perform marriage ceremonies for same sex couples.
- 22. Very few same sex marriage licenses were issued; far fewer that predicted by BCCO.
- 23. There were many other clerks available, willing and able to perform same sex marriages.
- 24. Given that issuing marriage licenses to same sex couples was a miniscule part of the clerk's job and overall responsibilities, and Ms. Parker was willing and able to perform all other aspects of her job, Defendant Forman could have easily accommodated her religious beliefs.
- 25. Defendant Forman could have relieved Ms. Parker of the single function of performing same sex marriages, and allowed others to handle this task, while remaining efficient an creating no additional work for anyone.
- 26. Ms. Parker would have been working, performing all of the dozens of other functions that were not contrary to her religious beliefs, just as she had done for a dozen years before.

27. Ms. Parker was sent home on January 6, 2015 and again on January 7, 2015 for asking to be excused from performing same sex marriages.

28. Ms. Parker was asked to return to the BCCO on January 12, 2015 and when she did was advised that she was terminated.

29. On January 12, 2015, Defendant Forman terminated Plaintiff's employment with the BCCO because of her refusal to process application(s) for marriage licenses by same sex couples.

30. The foregoing discharge occurred without any attempt by the Defendant to accommodate Plaintiff and her religious beliefs, despite the fact that Plaintiff made her sincerely-held beliefs known to Defendant Forman and requested a reasonable accommodation.

31. Plaintiff at all times relevant herein was an "employee" of the Defendant as that term is defined in 42 U.S.C. § 2000e(f).

32. Defendant at all times relevant herein was Ms. Parker's "employer" or agent of the "employer," which employed the Plaintiff as that term is defined in 42 U.S.C. § 2000e(b).

**V. CAUSE OF ACTION  
RELIGIOUS DISCRIMINATION  
IN VIOLATION OF TITLE VII**

33. Plaintiff incorporates herein by reference each and every allegation of ¶ 1 through ¶ 32 of this Complaint.

34. Plaintiff Parker was qualified for her position with Defendant Forman.

35. Defendant Forman called upon Plaintiff Parker to take action which conflicted with Plaintiff Parker's religious beliefs.

36. Plaintiff Parker expressed her religious beliefs to Defendant Forman.

37. Plaintiff Parker requested that Defendant Forman accommodate her religious beliefs.

38. Plaintiff Parker suggested a reasonable accommodation; to wit, that other employees issue marriage licenses to same sex couples or that she be reassigned, relocated or transferred.

39. There were several other clerks available, willing and able to issue marriage licenses to same sex couples.

40. Issuing marriage licenses is one of many duties routinely performed by clerks such as Ms. Parker.

41. Accommodating Plaintiff's Parker's request would not have caused Defendant Forman an undue burden.

42. Defendant Forman committed an unlawful employment practice to the detriment of Plaintiff when he discharged the Plaintiff, or otherwise discriminated against her with respect to her compensation, terms, conditions, or privileges of employment because of her religion, in violation of 42 U.S.C. § 2000e-2(a)(1).

43. Defendant Forman committed an unlawful employment practice by limiting, segregating, or classifying the employees of the BCCO, including the Plaintiff, in a way which deprived or tended to deprive the Plaintiff of employment opportunities or otherwise adversely affected her status as an employee because of her religion, in violation of 42 U.S.C. § 2000(e)2(a)(2).

44. The acts, policies, practices, customs, and usages of the Defendant described and complained of hereinabove are unlawful employment practices in that they have the effect of denying employment to, discriminating against, depriving and tending to deprive equal employment opportunities to Plaintiff, and otherwise adversely affecting Plaintiff, because of her religion in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000c, *et seq.*

45. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrong alleged, and this suit for injunctive relief and for restitution and damages is her only means of securing adequate

relief. Plaintiff is now suffering and will continue to suffer irreparable injury from Defendant's policy, practice, custom and usage as set forth herein until and unless empowered by the Court. Plaintiff is therefore entitled to injunctive relief.

WHEREFORE, Plaintiff, Yanicka Parker, respectfully prays that the Court:

A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be in every way expedited;

B. Grant Plaintiff trial by jury on all claims properly so triable;

C. Permanently enjoin Defendant and all agents, successors, officers, employees, attorneys, and those acting in concert with Defendant from engaging in each of the unlawful practices, policies, customs, and usages sets forth herein, and from continuing any and all other practices shown to be in violation of applicable law;

D. Order examination or modification of practices, policies, customs, and usages set forth herein and all other such practices shown to be in violation of applicable law so that they do not discriminate on the basis of religion;

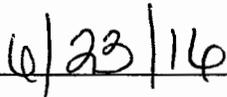
E. Compensate and make whole the Plaintiff for all earnings, wages, bonuses and other benefits (both past and future) she would have received but for the discriminatory practices of Defendant, and award Plaintiff a Judgment against Defendants in said amount;

F. Award Plaintiff punitive damages due to Defendant's knowing and willful violation of Defendant's stated policy of prohibiting discrimination in employment against all employees, including Plaintiff, because of their sincerely held religious beliefs;

G. Award all compensatory damages allowable by law and statute, including out of pocket expenses, emotional harm, mental anguish, inconvenience, loss of enjoyment of life, stress, anxiety, diminished reputation or stature, etc.;

- H. Award Plaintiff the costs and expenses of this action, including reasonable attorney's fees; and
- I. Grant such other relief as may be just and proper.

  
\_\_\_\_\_  
YANICK PARKER, as Plaintiff

  
\_\_\_\_\_  
DATE

Respectfully submitted,

TODD W. SHULBY, P.A.  
1792 Bell Tower Lane  
Weston, Florida 33326  
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Facsimile No.: (954) 530-6628  
E-mail: [tshulby@shulbylaw.com](mailto:tshulby@shulbylaw.com)  
Counsel for Plaintiff

By: /s/Todd W. Shulby, Esq.  
Todd W. Shulby, Esq.  
Florida Bar No.: 068365

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

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

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

Attorneys (If Known)

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

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

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

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

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

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No.
_____	)	
<i>Defendant</i>	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: