

**IN THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY, MARYLAND**

BERSUNI YEISI MELGAR CAMPOS AND
MARIA SAGRARIO GARCIA,

Plaintiffs,

v.

AVENA CONTRACTING, LLC AND MEBLIS
CONSTRUCTION, LLC,

Defendants.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs Bersuni Yeisi Melgar Campos and Maria Sagrario Garcia (collectively, “Plaintiffs”) through undersigned counsel, file this Complaint against Defendants Avena Contracting, LLC (“Avena”) and Meblis Construction, LLC (“Meblis” and collectively, the “Defendants”) alleging sexual harassment, unlawful discrimination, and retaliation under Maryland’s Fair Employment Practices Act and other laws.

NATURE OF ACTION

1. Bersuni Campos and Maria Garcia work in a male-dominated industry. Like many Hispanic women, they started working in construction in pursuit of stable jobs with good pay. Both women have worked as drywall finishers for several years, and each takes pride in her work.

2. Plaintiffs are part of a national trend. The number of women working in the construction industry has risen significantly in the past decade, with more than 1.2 million women currently working in construction. Latina women account for the bulk of this growth, with their

numbers increasing from 117% from 2016 to 2022.¹ Despite this, Latino workers disproportionately make up the majority of the lowest-paying jobs in construction. Latina women, in particular, not only work in an industry in which misclassification and wage theft are rampant, but also face additional discrimination based on their sex from coworkers and supervisors.

3. Gender-based harassment in the construction industry is a pernicious trend. A 2021 report by the Institute for Women’s Policy and Research found that one in four women surveyed that are employed in the construction industry stated that they experience near constant sexual harassment on the job.² Women in construction confront pervasive gender stereotypes that they do not belong, are not good at their jobs, and should “go back to the kitchen.” Women who complain about sexually hostile work environments are often branded as troublemakers, demoted, and, ultimately, terminated.

4. Ms. Campos and Ms. Garcia are no strangers to this reality. While working as drywall finishers on the construction of a new Amazon warehouse, Defendants subjected them, and other women, to a hostile work environment because of their sex. Ms. Campos and Ms. Garcia were treated to daily derogatory comments and frequently told that they were “useless,” not capable of doing their jobs, and belonged back inside the home listening to their husbands. Defendant Avena restricted Ms. Campos’, Ms. Garcia’s, and other female employees’ bathroom breaks, limiting them to one bathroom break per 12-hour shift, while not doing the same for male employees. When Ms. Campos and Ms. Garcia complained about their hostile work environment, Defendants discharged them and other female employees in retaliation for engaging in protected

¹Andrew Van Dam, *Why are way more women suddenly working in construction?*, The Washington Post (Nov. 11, 2022), <https://www.washingtonpost.com/business/2022/11/11/hispanic-women-construction-trades/>.

² Institute for Women’s Policy and Research, *A Future Worth Building: What Tradeswomen Say about the Change They Need in the Construction Industry 2* (2021), https://iwpr.org/wp-content/uploads/2022/02/A-Future-Worth-Building_What-Tradeswomen-Say_FINAL.pdf; see also Stefanos Chen and Ana Levy, *Why Migrant Women Are Turning Toward Construction Jobs*, NY Times (June 27, 2023), <https://www.nytimes.com/2023/06/27/nyregion/migrant-women-construction-jobs.html>

activity and in a discriminatory fashion.

5. This is an action for declaratory and injunctive relief and for damages, brought to remedy harassment and discrimination based on sex, as well as retaliation for engaging in protected conduct, in violation of Maryland Code Ann., State Gov't §§ 20-101, *et seq.* (2023) and Prince George's County Code Division Twelve.

PARTIES

6. Bersuni Yeisi Melgar Campos is a resident of College Park, Maryland.

7. Maria Sagrario Garcia is a resident of Rockville, Maryland.

8. Defendant Avena is a limited liability company organized under the laws of the State of Maryland, and its principal place of business is located within Baltimore County at 3 Nashua Court, Baltimore, Maryland 21221. Upon information and belief, at all times relevant to this Complaint, Avena employed over 15 employees. Defendant Avena subcontracted to Hector Morales Construction ("Morales Construction") and/or Meblis the drywall, hanging, framing, and finishing work on the Project.

9. Defendant Meblis is a limited liability company organized under the laws of the District of Columbia, and its principal place of business is located at 3520 Commodore Joshua Barney Drive NE #303, Washington, DC 20018. Upon information and belief, at all times relevant to this Complaint, Meblis employed over 15 employees. At all times relevant to this complaint, Meblis was a subcontractor to Avena and Morales Construction. Meblis is a labor broker that recruited and hired Plaintiffs to perform drywall finishing work on the Project.

10. At all times relevant to this Complaint, Defendants were engaged in the construction industry affecting commerce and employed one or more persons or were agents of a person engaged in the construction industry affecting commerce who employed one or more persons.

JURISDICTION AND VENUE

11. The Circuit Court for Prince George's County has jurisdiction over this matter pursuant to Prince George's County Code § 2-200 and Md. Code Ann., State Gov't § 20-1013(b).

12. Defendants' unlawful employment practices as alleged in this complaint occurred in Prince George's County, Maryland.

13. This Court may exercise personal jurisdiction over Defendants pursuant to Md. Code Ann., Court & Jud. Proc. §§ 6-102, 6-103.

14. Venue is proper in this district pursuant to Md. Code Ann., Courts & Jud. Proc. § 6-201.

15. Plaintiffs have fulfilled any and all conditions precedent to bringing the causes of action asserted below pursuant to Md. Code Ann., State Gov't § 20-1013(a).

STATEMENT OF FACTS

16. On or about June 2021, Meblis assigned Plaintiffs Bersuni Campos and Maria Garcia to work as drywall finishers on a construction site located at 10406 Tucker Street, Beltsville, Maryland for a 264,000-foot warehouse being constructed for Amazon.com, Inc. (the "Amazon Project").

17. As drywall finishers, Ms. Campos and Ms. Garcia finished wall surfaces by taping, pointing, filling, and finishing field surfaces, angles, and joints of the walls. Their work required skill in both hand filing techniques and machine tool methods to prepare the walls.

18. In addition to Ms. Campos and Ms. Garcia, six (6) to eight (8) other female employees worked with them as drywall finishers at the construction site. Defendants also employed male employees at the same construction site in other roles, such as framing.

19. While working on the Project, Ms. Campos and Ms. Garcia regularly worked 12 hours a day, seven days a week, with the exception of Fridays when they worked 10 hours a day.

Plaintiffs only had a 30-minute lunch break each day.

20. Defendant Avena controlled all aspects of Ms. Campos' and Ms. Garcia's construction work on the Project. Avena employees Boris (last name presently unknown), and later Brian Bueso, assigned, controlled, and directed all their tasks on the Project; set their daily work schedule; disciplined Ms. Campos and Ms. Garcia; approved their leave requests; and had the authority to fire Ms. Campos and Ms. Garcia.

21. Every morning, Ms. Campos and Ms. Garcia signed-in to the worksite on sign-in sheets with the Avena logo stamped on the header. They were similarly required to sign-out for the day before leaving. These sign-out sheets also had the Avena logo. Boris, and later Mr. Bueso, collected their sign-in/out sheets.

22. Avena supervisors, including Boris and Mr. Bueso, wore vests, helmets, and safety equipment provided by Avena. The vests worn by Boris and Mr. Bueso said "Avena" on the back. Boris and Mr. Bueso used toolboxes with the "Avena" name written on them.

23. Avena provided Ms. Campos and Ms. Garcia with supplies for the project. Boris and Mr. Bueso controlled access to a locked supply storage unit. If either woman needed additional supplies, she asked Boris or Mr. Bueso, who would unlock the storage unit and retrieve the requested supplies.

24. Between June and September 2021, Ms. Campos and Ms. Garcia worked on the construction site without incident. They did not experience any issues with their Avena supervisor, Boris. At all times relevant to this Complaint, Ms. Campos and Ms. Garcia performed their job responsibilities in a satisfactory manner and met all of Defendants' legitimate expectations for their performance.

25. In or around September 2021, Mr. Bueso became Ms. Campos' and Ms. Garcia's

supervisor at the construction site. He shared this responsibility with Boris, their other Avena supervisor. Mr. Bueso was employed by Avena as a supervisor. Ms. Campos and Ms. Garcia attended a morning meeting with other workers in which Boris introduced Mr. Bueso to Plaintiffs, and other employees, as an employee of Avena. Mr. Bueso wore a vest, helmet, and safety goggles, and used a toolbox, provided by Avena. He assigned, controlled, and directed all of Ms. Campos' and Ms. Garcia's tasks, set their work schedule, had the authority discipline them, approved their leave requests, and had the authority to fire them. Mr. Bueso controlled access to the storage unit and dispensed supplies to Ms. Campos and Ms. Garcia upon request. Mr. Bueso collected the sign-in sheets that the Plaintiffs were required to log their hours on.

26. Beginning with Mr. Bueso's arrival at the construction site in September 2021 and continuing until Ms. Campos and Ms. Garcia were terminated, Mr. Bueso subjected Ms. Campos and Ms. Garcia to unwelcome and offensive harassment and discrimination because of their sex.

27. Mr. Bueso spoke to Ms. Campos, Ms. Garcia, and other female employees in a derogatory manner. Mr. Bueso repeatedly made comments that, as women, Ms. Campos and Ms. Garcia were not capable of doing the job at hand. Mr. Bueso referred to Ms. Campos and Ms. Garcia, as well as other female employees, as "useless." He also stated that women were not capable of working in the construction industry and made comments, such as "Why are women doing this type of job? Women are useless for this type of work."

28. Mr. Bueso told Ms. Campos, Ms. Garcia, and other female employees that women should not work outside of the home and instead belonged inside the home listening to their husbands. In addition, Mr. Bueso regularly called Ms. Campos, Ms. Garcia, and other female employees "gorda" or "gordita" which mean "fat" in Spanish.

29. In comparison, Mr. Bueso did not make derogatory remarks to the male employees

regarding their competency for construction work as men.

30. Mr. Bueso unreasonably restricted Ms. Campos', Ms. Garcia's, and the other female employees' bathroom breaks during the summer month, while not imposing the same restrictions on male employees. Mr. Bueso began to monitor Ms. Campos', Ms. Garcia's, and other female employees' bathroom breaks. He would follow Ms. Campos and Ms. Garcia, as well as other female employees, when they went to use the bathroom. Mr. Bueso then proceeded to time Ms. Campos' and Ms. Garcia's bathroom breaks. He complained that that they took too long to go to the bathroom and interrogated them on how often they went to the bathroom. Eventually, Mr. Bueso told Plaintiffs and other female employees that they had to ask his permission to use the bathroom. Mr. Bueso also deducted time from their paychecks for using the bathroom.

31. Mr. Bueso did not monitor, restrict, or penalize any of the male employees for taking bathroom or smoke breaks. Nor did he deduct time from their paychecks for using the bathroom.

32. As a result of Mr. Bueso's harassment of and discrimination against Ms. Campos, Ms. Garcia, and other female employees, they had to use the bathroom during their lunch break to avoid having the time deducted from their paycheck. Mr. Bueso's penalties and restrictions had the effect of limiting Plaintiffs' and other female employees' use of the bathroom to one time per 12-hour shift.

33. Ms. Campos and Ms. Garcia experienced significant discomfort due to the fact they were not reasonably able to access the bathroom during their 12-hour shifts during the summer months.

34. As a result of being denied reasonable access to the bathroom, Ms. Campos and Ms. Garcia would limit their water intake despite the summer heat.

35. As a result of being denied reasonable access to the bathroom, on at least one occasion, Ms. Campos and Ms. Garcia was each unable to change their menstrual products. As a result, each bled through their pants. When this happened, Ms. Campos and Ms. Garcia were embarrassed and humiliated at having to work in soiled clothes.

36. Avena also did not provide Ms. Campos, Ms. Garcia, and other female employees with proper safety equipment, such as harnesses, goggles, and helmets, while providing this equipment to male employees.

37. Upon information and belief, Moises Saenz Moreno, the owner of Defendant Meblis, witnessed Mr. Bueso's harassing and discriminatory treatment of Ms. Campos, Ms. Garcia, and other female employees. Mr. Moreno did not intervene or attempt to stop the harassment.

38. Neither Avena nor Meblis informed Plaintiffs of any formal procedure for reporting harassment or discriminatory treatment in the form of trainings, written policies, or otherwise.

39. Nonetheless, and despite this lack of knowledge of any formal reporting process, in or around September 2021, Ms. Campos, Ms. Garcia, and some of their female co-workers approached Mr. Moreno to tell him about the harassing and discriminatory treatment of Plaintiffs and other female employees. Mr. Moreno agreed to accompany Plaintiffs to report Mr. Bueso's misconduct to another supervisor at Avena. The supervisor at Avena told Ms. Campos and Ms. Garcia that things would change, and that they should come back to work the next day.

40. Plaintiffs understood the individual referenced in the preceding paragraph to be an Avena employee based on the fact that he was introduced by Boris as an Avena supervisor and wore equipment with "Avena" stamped on it.

41. In addition to reporting Mr. Bueso's conduct to this Avena supervisor, Ms. Campos

and Ms. Garcia also decided to address Mr. Bueso's conduct with him directly. In or around September 2021, Ms. Campos and Ms. Garcia directly confronted Mr. Bueso about his mistreatment of the women on the staff, indicating that they believed it to be inappropriate and asking him to stop.

42. Mr. Bueso fired Ms. Campos, Ms. Garcia, and other female employees within days of being confronted about his conduct.

43. Following this, Ms. Garcia attempted to speak to an Avena supervisor about her termination. Boris was present at this meeting and acted as an interpreter. However, this individual told her that he did not have time to talk to her.

44. Ms. Garcia understood the individual referenced in the preceding paragraph to be an Avena employee based on the fact that he was introduced by Boris as an Avena supervisor and wore equipment with "Avena" stamped on it.

45. Upon information and belief, the reasons for Ms. Campos' and Ms. Garcia's termination were discriminatory, because Mr. Bueso did not want female employees on the construction site and in retaliation for their complaints about the discrimination and harassment they endured.

46. At the time Ms. Campos and Ms. Garcia were terminated, the drywall finishing work at the construction site was not yet complete. Upon information and belief, after Ms. Campos and Ms. Garcia were terminated, Defendants' male employees were reassigned to complete the remaining drywall finishing work.

47. As a result of Defendants' unlawful action and inaction, Ms. Campos and Ms. Garcia have suffered economic and non-economic damages, including, but not limited to, lost wages and other benefits of employment, as well as emotional distress.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

48. On or about April 28, 2023, Ms. Campos timely initiated a charge of discrimination against Avena regarding her mistreatment by Defendants by filing an intake questionnaire with the Maryland Commission on Civil Rights (“MCCR”). On or about June 21, 2023, MCCR accepted Ms. Campos’s formal Charge Number 12F-2023-00857.

49. On or about April 28, 2023, Ms. Campos timely attempted to initiate a charge of discrimination against Meblis regarding her mistreatment by Defendants by filing an intake questionnaire with the MCCR. On or about June 9, 2023, MCCR wrongfully refused to accept the charge of discrimination against Meblis based on its position that Meblis was not subject to the jurisdiction of Maryland statute by virtue of the fact that Meblis does not maintain an office or registered agent in Maryland.

50. On or about May 31, 2022, the Equal Employment Opportunity Commission timely accepted a charge of discrimination against Avena, formal Charge Number 531-2022-02523, regarding Ms. Garcia’s mistreatment by Defendants. The EEOC transferred the investigation to the Prince George’s County Office of Human Rights (P.G. County OHR). On or about September 14, 2023, Ms. Garcia submitted a request for withdrawal of this charge. On or about September 18, 2023, the P.G. County OHR acknowledged receipt and administratively closed the complaint.

51. On or about May 17, 2023, Ms. Garcia timely initiated a charge of discrimination against Meblis regarding her mistreatment by Defendants by participating in an intake interview with the Prince George’s County Office of Human Rights (P.G. County OHR). The agency successfully served Meblis by email at a Washington, D.C. address and by e-mail. On or about June 1, 2023, the P.G. County OHR accepted Ms. Garcia’s formal Charge Number OHR23-0505. On or about September 14, 2023, Ms. Garcia submitted a request for withdrawal of this charge.

On or about September 18, 2023, the P.G. County OHR acknowledged receipt and administratively closed the complaint.

52. On or about September 15, 2023, Ms. Garcia timely initiated a charge of discrimination against Avena regarding her mistreatment by Defendants by filing an intake questionnaire with the MCCR. On or about October 20, 2023, MCCR accepted Ms. Garcia's formal Charge Number 12F-2023-01194.

53. On or about September 15, 2023, Ms. Garcia timely attempted to file a charge of discrimination against Meblis regarding her mistreatment by Defendants with the MCCR. On or about October 12, 2023, the MCCR wrongfully refused to accept the Charge of Discrimination against Meblis based on its position that Meblis was not subject to the jurisdiction of Maryland statute by virtue of the fact that Meblis does not maintain an office or registered agent in Maryland.

54. On October 3, 2023, the Attorney General of Maryland confirmed in an Advisory Opinion to Maryland Delegate Elizabeth Embry that, "the jurisdiction of MCCR does not depend on the location of the employer, but on whether there are a certain number of employees working in Maryland for a certain period of time", and "MCCR has the authority to issue subpoenas to carry out its duties." Ms. Campos and Ms. Garcia made MCCR aware of this Advisory Opinion. Ms. Garcia also made MCCR aware that the Prince George's Office of Human Rights had accepted her charge against Meblis, and successfully served Meblis with her complaint. Nevertheless, MCCR continued to wrongfully refuse to accept her and Ms. Campos' charges of discrimination against Meblis.

55. More than 180 days have elapsed since Ms. Campos filed a complaint alleging discrimination against Defendants with the MCCR on June 7, 2023. Thus, in accordance with Md. Code Ann., State Gov't § 20-1013(a)(1), Ms. Campos has exhausted her administrative remedies

and is permitted to bring this civil action.

56. On April 3, 2024, Ms. Campos submitted a Notice of Intent to File a Private Right of Action against Avena Contracting LLC to both MCCR and Avena Contracting LLC. *See* COMAR 14.03.01.14.

57. More than 180 days have elapsed since Ms. Garcia filed a complaint alleging discrimination against Defendants with the MCCR on September 15, 2023. Thus, in accordance with Md. Code Ann., State Gov't § 20-1013(a)(1), Ms. Garcia has exhausted her administrative remedies and is permitted to bring this civil action.

58. On April 19, 2024, Ms. Garcia submitted a Notice of Intent to File a Private Right of Action against Avena Contracting, LLC to both MCCR and Avena Contracting, LLC. *See* COMAR 14.03.01.14.

59. Plaintiffs' charges of discrimination against Defendants allege that Plaintiffs and all of the other female employees were subjected to discrimination and harassment because of sex and retaliation for engaging in protected conduct in the workplace in violation of federal, state, and local anti-discrimination laws.

CAUSES OF ACTION

COUNT ONE

*(Harassment in Violation of Maryland's Fair Employment Practices Act, Md. Code Ann., State Gov't §§ 20-601 et seq.)
(Against All Defendants)*

60. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as fully set forth herein.

61. Under Maryland's Fair Employment Practices Act ("FEPA"), it is unlawful for an employer, among other things, to "engage in harassment of an employee." Md. Code Ann., State Gov't § 20-606(a)(5).

62. Defendants were Ms. Campos' and Ms. Garcia's "employer[s]" within the meaning of FEPA including because they were engaged in the business of construction with one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or were agents of a person engaged in the business of construction with one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *See id.* at § 20-601.

63. Plaintiffs were "employee[s]" within the meaning of FEPA because Ms. Campos and Ms. Garcia were employed by Defendants and/or "working as an independent contractor for an employer."

64. FEPA defines "harassment" to include "(1) unwelcome and offensive conduct, which need not be severe or pervasive , when: (i) the conduct is based on race, color, religion, ancestry, or national origin, sex, marital status, sexual orientation, gender identity, or disability; and (ii) 1. submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual; 2. submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or 3. based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile; and (2) sexual harassment." Md. Code Ann., State Gov't § 20-601(h).

65. Mr. Bueso supervised Ms. Campos and Ms. Garcia. He engaged in "unwelcome and offensive conduct" by speaking to Ms. Campos and Ms. Garcia in a derogatory manner, by unreasonably restricting their bathroom breaks during their 12-hour shifts, and by not providing them with proper safety equipment.

66. Mr. Bueso's conduct was "unwelcome" because Ms. Campos and Ms. Garcia confronted him about his conduct, and also reported his harassing and discriminatory treatment to

Meblis Construction and multiple Avena supervisors.

67. Mr. Bueso's conduct was based on Plaintiffs' "sex" as Mr. Bueso did not make derogatory remarks to male employees regarding their competency for construction work as men, did not monitor the male employees' bathroom breaks, allowed male employees to take breaks without restriction, and provided male employees with proper safety equipment.

68. Plaintiffs' "submission to or rejection of the [Defendants'] conduct [was] used as a basis for employment decisions" when Ms. Campos' and Ms. Garcia's employment was terminated after they reported Mr. Bueso's misconduct.

69. Mr. Bueso's conduct of making derogatory comments and unreasonably restricting Ms. Campos' and Ms. Garcia's bathroom breaks created "a working environment that a reasonable person would perceive to be abusive or hostile."

70. Mr. Bueso's conduct constituted harassment in violation of Md. Code Ann., State Gov't § 20-606(5).

71. Avena and Meblis, upon receiving Ms. Campos and Ms. Garcia's complaints of Mr. Bueso's unwelcome conduct, failed to take corrective action to remediate and prevent the harassment of Plaintiffs.

72. By failing to take prompt and appropriate corrective action to redress Mr. Bueso's harassment of Ms. Campos and Ms. Garcia because of their sex, Defendants violated Md. Code Ann., State Gov't § 20-606(5).

WHEREFORE, Plaintiffs pray for relief as more fully set forth below.

COUNT TWO

*(Discrimination Violation of Maryland's Fair Employment Practices Act, Md. Code Ann., State Gov't §§ 20-601 et seq.)
(Against Avena)*

73. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as

fully set forth herein.

74. Under FEPA, it is unlawful for an employer, among other things, to “discharge, or otherwise discriminate against any individual with respect to the individual’s compensation, terms, conditions, or privileges of employment because of: the individual’s . . . sex . . .” *See* Md. Code Ann., State Gov’t § 20-606(a).

75. Avena was Plaintiffs’ “employer” within the meaning of FEPA, including because they were engaged in the business of construction with one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or were agents of a person engaged in the business of construction with one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *See id.* at § 20-601.

76. Plaintiffs were “employee[s]” within the meaning of FEPA because Ms. Campos and Ms. Garcia were employed by Avena and/or “working as an independent contractor for an employer.”

77. Mr. Bueso discriminated against Ms. Campos and Ms. Garcia on the basis of sex, including because Mr. Bueso did not make derogatory remarks to male employees regarding their competency for construction work as men, did not monitor the male employees’ bathroom breaks, allowed male employees to take breaks without restriction, and provided only male employees with safety equipment.

78. Ultimately, Avena discriminated against Ms. Campos and Ms. Garcia when they terminated their employment on the basis of their sex.

COUNT THREE

*(Retaliation in Violation of Maryland’s Fair Employment Practices Act, Md. Code Ann., State Gov’t §§ 20-601 et seq.)
(Against Avena)*

79. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as fully set forth herein.

80. Under FEPA, it is unlawful for an employer to “discriminate or retaliate against any of its employees . . . because the individual has: (1) opposed any practice prohibited by this subtitle.” Md. Code Ann., State Gov’t § 20-606(f).

81. Avena was Plaintiffs’ “employer” within the meaning of FEPA, including because they were engaged in the business of construction with one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or were agents of a person engaged in the business of construction with one or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *See id.* at § 20-601.

82. Plaintiffs were “employee[s]” within the meaning of FEPA because Ms. Campos and Ms. Garcia were employed by Avena and/or “working as an independent contractor for an employer.”

83. Ms. Campos and Ms. Garcia engaged in protected activity when they reported Mr. Bueso’s harassment to Avena.

84. Avena retaliated against Ms. Campos and Ms. Garcia by discharging them from their employment after they reported Mr. Bueso’s misconduct to a supervisor at Avena.

85. By failing to act and by failing to redress Mr. Bueso’s harassment of and discrimination against Ms. Campos and Ms. Garcia because of their sex, and by discharging them from their employment because of the discrimination they endured, Avena violated Md. Code Ann., State Gov’t § 20-606(a).

COUNT FOUR

*(Discrimination in Violation of Prince George's County Code Division Twelve §§ 2-185 et seq.)
(Against Avena)*

86. Ms. Garcia incorporates by reference the foregoing paragraphs of this Complaint as fully set forth herein.

87. Under the Prince George's County Code, it is unlawful for an employer to "discharge or refuse to hire any person, or act against any person with respect to compensation or other terms and conditions of employment, or limit, segregate, classify, or assign employees because of discrimination." *See* Prince George's County Code § 2-222.

88. Avena was Ms. Garcia's "employer" within the meaning of the Prince George's County Code because they were engaged in legal industry affecting commerce with one or more employees. *See id.* at § 2-186.

89. Ms. Garcia was employed by Avena.

90. Avena discriminated against Ms. Garcia on the basis of sex, including because Mr. Bueso did not make derogatory remarks to male employees regarding their competency for construction work as men, did not monitor the male employees' bathroom breaks, allowed male employees to take breaks without restriction, did not unreasonably scrutinize the work of the male employees, and provided only male employees with safety equipment.

RELIEF SOUGHT

As to Counts One through Four, Plaintiffs respectfully request that this Honorable Court:

A. DECLARE: that the conduct complained of by Plaintiffs by the Defendants is in violation of the law;

B. PERMANENTLY ENJOIN: the Defendants from engaging in all practices found by this Court to be in violation of the law;

C. AWARD: to Plaintiffs full and fair compensation for their injuries, pain, suffering, emotional, and mental distress to the fullest extent permitted under Maryland and Prince George's County law;

D. Plaintiffs request pre-judgment interest and post-judgment interest, together with an award of fees incurred in this case (including attorneys' fees), expenses, disbursements, and costs arising from this action;

E. Plaintiffs request punitive damages; and

F. Plaintiffs request any and all other relief this Court deems just and proper.

JURY DEMAND

Plaintiffs request a trial by jury on all counts so triable.

Dated: June 25, 2024

Respectfully submitted,

[attorneys]

Michael Rush CPF No. 200320009

Meredith Neely

Janet Sanchez

GILBERT LLP

700 Pennsylvania Avenue, SE

Suite 400

Washington, DC 20003

Telephone: (202) 772-2344

Facsimile: (202) 772-3333

rushm@gilbertlegal.com

neelym@gilbertlegal.com

sanchezj@gilbertlegal.com

Joanna K. Wasik (*pro hac vice* forthcoming)

Sarah L. Bessell (*pro hac vice* forthcoming)

WASHINGTON LAWYERS' COMMITTEE

FOR CIVIL RIGHTS AND URBAN

AFFAIRS

700 14th Street, NW

#400

Washington, D.C. 20005

Telephone: (202) 813-1295

Facsimile: (202) 319-1010

Joanna_Wasik@washlaw.org

Sarah_Bessell@washlaw.org

Attorneys for Plaintiffs