

UNITED STATES DISTRICT COURT
EASTERN DISTRICT LOUISIANA

EMILY TOOKE)	CIVIL ACTION NO.
)	
VERSUS)	
)	
JUDGE LAURIE A. WHITE)	JUDGE _____
In her official capacity as employment supervisor)	
and in her individual capacity, and)	
CRIMINAL DISTRICT COURT FOR THE)	
PARISH OF ORLEANS)	MAG. JUDGE _____

COMPLAINT

I. NATURE OF ACTION

1. This is an action for declaratory and equitable relief, as well as monetary damages, to redress Defendant’s unlawful employment practices against Plaintiff, including violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, codified at 42 U.S.C Section 2000e et seq. and 42 U.S.C. Section 1981, Retaliation, 42 U.S.C. § 1983, violations of constitutional rights by government actors, and for injuries and damages arising from acts of discrimination.

II. JURISDICTION AND VENUE

2. Jurisdiction is based on 42 U.S.C. Section 2000e-5(f)(3) and 28 U.S.C Sections 1331 and 2201. Pursuant to 28 U.S.C. Section 1367, Plaintiff further invokes the supplemental jurisdiction of this Court to hear and decide claims arising under state law. Pursuant to 42 U.S.C. Section 2003-5, venue is proper in the Eastern District as a judicial district within the state where the unlawful practices occurred.

III. PARTIES

3. Plaintiff, Emily Tooke, is a Caucasian adult female citizen of the United States and the State of Louisiana, and domiciled in parish of Lafourche. During all relevant periods, until her

unlawful discharge on March 29, 2022, Defendant Orleans Criminal District Court was Plaintiff's "employer" within the meaning of 42 U.S.C. Section 2000e(b), La. R.S. 23:301 et seq., La. R.S. 51:2256 and La. R.S. 23:967, under the supervision of Judge Laurie White.

4. Made Defendants herein are:

- a. Judge Laurie A. White, (hereinafter referred to as "Judge White") as Tooke's supervisor and in her individual capacity, a person of the full age of majority and a resident of the Eastern District of Louisiana.
- b. Criminal District Court for the Parish of Orleans, "hereinafter referred to as The Court) Tooke's employer and municipal government entity located in the City of New Orleans.

IV. FACTUAL ALLEGATIONS

5. Tooke began her employment with the Orleans Criminal District Court in or around January 2020.
6. At all times relevant herein, Tooke held the position of secretary for Judge White in Sec. A.
7. On December 4, 2021, Judge White held a Christmas party at her home in New Orleans, Louisiana, to which Tooke was invited.
8. Prior to the party, Judge White and her husband communicated with Tooke via her cell phone, and while suggesting that Tooke spend the night with them, they also advised that Tooke be careful that "nobody slips anything" in her drink.
9. Judge White's husband also mentioned to Tooke that he heard that Tooke was so loose that her name was on both the women's and the men's bathroom stall. Mr. Wilson, Judge White's husband, again suggested that Tooke spend the night at their household, while Judge White recommended Tooke bring "something sexy" to wear.

10. Tooke, now in fear, continually rejected the Whites' offer to spend the night, and only decided to attend the party out of more fear that she would be mistreated by Judge White for skipping the party altogether.
11. Out of an abundance of caution, Tooke went out of her way to pick up her co-worker, Ms. Patrice Warren, so she would not be alone.
12. During the party, Judge White presented her staff with wrapped Christmas gifts.
13. After gathering the attention of the esteemed guests in attendance, Judge White instructed Tooke to open her gift so that everyone can see it.
14. Tooke was gifted an "Unwrap me Satin Bow Teddy" from Judge White. More specifically, an extremely revealing piece of lingerie, makeup, and peppermint oil. No other staff member received a gift of this nature. Other staff members received (2) two ties, a pair of earrings, and an electric massager.
15. At the end of the night, Tooke attempted to leave the party when she was again accosted by Judge White and her husband.
16. Judge White's husband again asked Tooke to spend the night, to which Ms. Tooke declined.
17. Very shortly thereafter, Judge White grabbed Tooke by the wrist and again asked if Tooke would spend the night, to which Tooke again declined. In response, Tooke asked Orleans Parish Sheriff Deputy K. Pope, who was working detail at the party, to drive Tooke and Ms. Warren to Tooke's vehicle.
18. While attempting to leave the area, Tooke was flagged down by Judge White asking Tooke to roll down her window, to which she obliged. Judge White then suggested to Tooke that she go and drop Ms. Warren off at her residence and then come back to Judge White's home.

19. It should be noted that above incidents took place in the presence of several Orleans Parish Criminal Court personnel including, but not limited to, multiple judges and judicial administration personnel. It should be further noted that the incident was not reported by anyone other than Tooke.
20. On December 9, 2021, Tooke made an official complaint to the Human Resources Department for the Orleans Parish Criminal Court. After officially submitting her complaint, Tooke was instructed to return to her normal assignment and duties in her role as secretary for her harasser, Judge White. No other information, neither verbal nor in writing, was provided to Tooke.
21. Later that day, Tooke received a text message from Judge White advising that Tooke was now expected to report to work Monday through Friday from 9 a.m. to 3 p.m.
22. It should be noted that all Section A staff was only required to be in the office on docket days. However, the new expected schedule only applied to Tooke, forcing Tooke, the complaining party, to work a less desirable shift different from other staff members.
23. Tooke's modified schedule requirement was expected to begin December 13, 2021.
24. Tooke and the rest of the staff, including Judge White left for the day on December 9th and would not be returning until January 5th.
25. Tooke did not hear back from Human Resources regarding her assignment upon her return to work, as such, she reached out to HR. Tooke was advised that the Judicial Administrator, Rob Kazik, decided that Tooke was to return to her normal duties in Section A, under the supervision of Judge White.
26. Tooke immediately relayed to Human Resources Department that in light of the circumstances of the harassment, she felt uncomfortable about returning to her normal role.

27. Despite a pending harassment complaint filed against the Judge to whom Tooke works directly under and in close proximity, Tooke was mandated by Mr. Kazik, through Human Resources to return back to Section A, under the supervision of Judge White.
28. Mr. Kazik, through Human Resources, advised Tooke that Judge White cannot be taken off the bench. In response Human Resources stated to Tooke, "You can do it. You are strong."
29. It should be noted that Human Resources instructed Tooke that she audio record her interactions with Judge White.
30. Tooke complied with the demand of Mr. Kazik and reported for duty on January 5, 2022. It should be noted that Tooke had yet to receive written documentation regarding her complaint.
31. Out of fear, Tooke did not park in her normal parking spot, and a member of Human Resources came out to walk her into the building.
32. Upon entering Section A, the other staff members would not talk or even so much as look at Tooke.
33. On that same day, Judge White held a staff meeting at the end of the day. The meeting was held in the Courtroom and Tooke was mandated by Judge White to sit at the Assistant District Attorney table, which is positioned directly in front of the Judge. The other staff members were allowed to sit wherever they pleased.
34. The meeting ensued, it became very apparent that the meeting was held for the sole purposes of belittling and embarrassing Tooke in front of the other staff members.
35. Judge White sat at the bench, directly across from Tooke, and shouted at her about several trivial topics. It should be noted that in concert with the instructions of Human Resources, Tooke audio recorded Judge White's commentary to her.

36. Directly after the meeting, Tooke contacted Human Resources and advised that she cannot continue to work in the office with Judge White. Tooke was advised to contact Mr. Kazik to ask if she could leave for the day. Mr. Kazik responded to Ms. Tooke, "have you reached out to Judge White for permission."
37. Tooke was later informed by Human Resources that despite her difficulties on January 5th, she was expected to return back to Section A on January 6th. Tooke was advised that someone will be available to walk her into the building from the parking lot to make her feel comfortable.
38. On January 6, 2022, Judge White called a meeting with Tooke, wherein Judge White inquired, "Do you have something you want to discuss with me?" and "You know you answer to me, right?" It should be noted that in concert with the instructions from Human Resources, Tooke audio recorded Judge White's commentary to her.
39. After the latest meeting with Judge White, Tooke again contacted Human Resources and reported the interaction, this time pleading that she is not made to go back to Section A.
40. Tooke was told to report directly to Human Resources on January 10, 2022, for a meeting.
41. It should be noted that during this time Judge White began to tell anyone who would listen that Ms. Tooke was lazy, sexually promiscuous, and generally not a good worker. Judge White unsuccessfully took actions to decrease Ms. Tooke's salary and/or rate of pay and made salacious remarks about Ms. Tooke's sexual history.
42. On January 10th, while in the Human Resources Department, Ms. Tooke received a phone call from Judge White. Ms. Tooke did not answer the phone call, Judge White left a voicemail indicating that she was looking for Ms. Tooke.
43. During the meeting with Human Resources and Mr. Kazik, Mr. Kazik mentioned that Judge White was looking for Ms. Tooke to fire her. Mr. Kazik further advised that Judge White would

not stop looking for her and for Ms. Tooke's safety, Tooke would be working in the Judicial Administrator's office starting January 13, 2022, under the supervision of Mr. Kazik.

44. Shortly thereafter, Tooke was advised by Mr. Kazik and/or Human Resources, as a safety precaution, to stay home until further notice.
45. Tooke officially began working under the Judicial Administrator on February 22, 2022, during the pendency of the internal investigation into the complaints.
46. The investigation ended and Tooke was made aware of the results, via a verbal conversation with the investigator hired by the Court, on March 17, 2022. Tooke was advised that the court's internal investigation yielded that the actions complained about did not amount to Sexual Harassment. There was no mention of hostile work environment, retaliation, or any other claims raised by Tooke.
47. To date, Tooke has never received any documentation regarding the findings of the investigation into her complaints against Judge White.
48. Tooke was notified by Human Resources on March 29, 2022, that due to budget constraints she was being transferred back to Section A under Judge White. Tooke was then immediately notified, during the same conversation, that the internal investigation uncovered that Tooke recorded the January 6, 2022, meeting between Tooke and Judge White, and for that Judge White has decided to terminate Tooke effective March 29, 2022.
49. Tooke was allegedly fired, by her harasser, for following the instructions of the Human Resources representative. But for those instructions, Tooke would not have recorded the conversations between her and Judge White.

COUNT ONE – VIOLATION OF TITLE VII AND LOUISIANA STATE LAW

50. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.
51. Tooke reported sexual harassment and gender discrimination that she believed she was experiencing to the Human Resources Department and the Judicial Administrator.
52. As such, Tooke clearly opposed said discrimination and participated in the opposition to said discrimination she witnessed occurring against herself.
53. The actions, conduct and procedures of Defendants complained of herein constitutes purposeful discrimination against Tooke based upon her gender and in retaliation for opposition to discrimination in violation of Title VII of the Civil Rights Act, as amended, 42 U.S.C. 2000e, La. R.S. 23:301 et. Seq, and La. R.S. 51:2256 and 23:967 as detailed below.
54. Defendants' actions complained of herein were performed with malice or reckless indifference to and in knowing violation or reckless disregard of Plaintiff's federally protected rights.
55. Tooke has no adequate remedy at law for the harm she has suffered as a result of the discriminatory practices of Defendant set forth herein.
56. As a result of the Defendant's actions, Tooke has been injured and has suffered or incurred damages and is entitled to recover statutory damages including compensatory damages, back pay, benefits, special damages, reinstatement, and reasonable attorney fees resulting from the illegal conduct.

COUNT TWO – VIOLATION OF LOUISIANA WHISTLEBLOWER STATUTE

57. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.

58. The Louisiana “whistleblower” statute, La. R.S. 23:967, provides that "an employer shall not take reprisal against an employee who in good faith, and after advising the employer of the violation of law... [the employee] discloses, objects to or refuses to participate in an employment act or practice that is in violation of law." La. R.S. 23:967(A)(3). The statute defines “reprisal” to include termination of employment or any discriminatory action the court finds was taken as result of an action by the employee that is protected under the statute. Statutory damages include compensatory damages, back pay, benefits, special damages, reinstatement, and reasonable attorney fees resulting from the reprisal.
59. Within the meaning of La. R.S. 23:967, Tooke, in good faith, advised the Court that an employment act or practice violated applicable law, namely; sexual harassment and gender discrimination.
60. Within the meaning of La. R.S. 23:967, Tooke, objected to an employment act or practice that was in violation of law, namely, sexual harassment and gender discrimination.
61. Within the meaning of La. R.S. 23:967, as a result of Tooke’s disclosure to her employer of the violation of law and her good faith objection to an employment act or practice that is in violation of law, Judge White specifically engaged in “reprisal” against Tooke and other discriminatory action. To be clear, Tooke was discriminated against because of her knowledge of an illegal workplace practice and her opposition to same, or intention to report it. *Kite v. Kite Bros.*, 74 So.3d 1266, 1271 (La.App.3rd Cir. 2011).
62. Defendants discriminated against Tooke because of her refusal to violate applicable law, including her disclosure of violation of state laws, her refusal to accept violations of state law, including sexual discrimination and retaliation for opposing same.

63. As a result of the Defendants' actions complained of herein, the Defendants are liable for damages resulting to Plaintiff from the violation of the Louisiana Whistleblower Statute, La. R.S. 23:967, including compensatory damages, back pay, benefits, special damages, reinstatement, and reasonable attorney fees resulting from the reprisal.

COUNT THREE – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

64. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.

65. In this case: (i) Defendants' conduct complained of herein was extreme and outrageous; (ii) the emotional distress suffered by Tooke was severe; and (iii) Defendants desired to inflict severe emotional distress or knew that severe emotional distress would be certain or substantially certain to result from their conduct. *White v. Monsanto*, 585 So.2d 1205 (La. 1991). Defendants' actions complained of herein were outrageous in character and extreme in degree, because said actions and conduct were atrocious and egregious and went "beyond all possible bounds of decency" and were "regarded as atrocious and utterly intolerable in a civilized community." *Arledge v. Sherrill*, 738 So.2d 1215, (La.App.2nd Cir. 1999).

66. The extreme and outrageous conduct of Defendants complained of herein was done in a willful and wanton manner, and constituted a disregard for the rights and well-being of Tooke and were substantially certain to cause Tooke severe emotional distress.

67. As a direct and proximate result of Defendants' actions complained of herein, Tooke has been injured and has suffered severe emotional distress and is entitled to recover for the injuries, offenses and damages to be proved at trial.

68. The conduct of Defendants complained of herein, directly and/or proximately caused Tooke to suffer severe and painful injuries and damages which presently include, but are not limited to:

- a. Severe emotional distress, mental anguish, embarrassment, humiliation;
- b. Physical pain and suffering;
- c. Past medical expenses;
- d. Future medical expenses;
- e. Loss of enjoyment of life;
- f. Loss of earnings and/or earning capacity; and
- g. all other elements of damages and injuries, as may be shown at the trial of this matter.

V. COUNT FOUR – VIOLATION OF 42 U.S.C. §1983 and La. R.S. 51:2256

69. Plaintiff reasserts and realleges the allegations contained in the foregoing paragraphs as though fully restated herein.
70. On suggesting to the Court that it has been long stated that acts to oppose discrimination are considered protected activity as long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws.
71. Following Tooke's opposition of the unlawful practice of sexual harassment and gender discrimination, Judge White retaliated against Tooke on multiple occasions.
72. Judge White made changes to Tooke's schedule, forcing Tooke to work a less desirable shift that was different from all other staff members.
73. Tooke was forced to attend a meeting where she was belittled in front of her peers without reason.
74. Judge White made efforts to have Tooke's rate of pay decreased.
75. Tooke was ultimately terminated without cause, but advised said termination was a result of information attained to during the investigation into her opposition to unlawful employment practices.

76. The Court aided Judge White in said retaliatory practices by delaying Tooke's removal from Section A, as Tooke repeatedly requested. But for the outright refusal of the Court to remove Tooke from Judge White during the pendency of the investigation, the aforementioned retaliation and subsequent harassment may have not been as feasible.

77. The Court was made aware of the retaliation by Judge White and tacitly approved Judge White's conduct by failing to remove Tooke for several weeks. The Court is liable compensatory damages, lost wages and benefits, costs, and attorney's fees, plus pre-judgment interest.

VI. ADMINISTRATIVE PREREQUISITES

78. Prior to the filing of this Complaint, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC"), alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. ("Title VII").

79. The EEOC investigation of this charge has been completed and Plaintiff was issued a notice of right to sue dated November 4, 2022.

80. Any and all other prerequisites to the filing of this suit have been met.

VII. JURY TRIAL DEMAND

81. Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

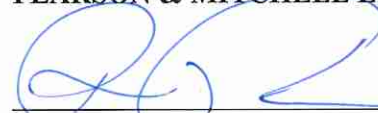
WHEREFORE, PLAINTIFF PRAYS:

A. That the Court declare the employment practices of which complaint is made to be in violation of 42 U.S.C. §2000e et. seq., 42 U.S.C. Section 1981, La. R.S. 39:1311, La. R.S. 23:301 et seq., La. R.S. 51:2256, La. R.S. 23:967, and La. Civ. Code Art. 2015 and otherwise inculpatory and illegal;

- B. That the Court order Defendants to cease the discriminatory and retaliatory practices enumerated herein and enjoin Defendants from engaging in further discrimination or retaliation against Plaintiff because of her disclosures and threat to disclose violations of state law, race discrimination or her efforts to oppose Defendants' discriminatory and retaliatory practices;
- C. That Plaintiff be awarded back pay, including prejudgment interest, and any other benefits or seniority to which she may have been entitled or which she may have lost as a result of the discrimination or retaliation against her.
- D. That Plaintiff be awarded compensatory damages pursuant to 42 U.S.C. Section 1981a, 42 U.S.C. Section 1981, La. R.S. 23:303, La. R.S. 51:2264, La. R.S. 23:967 and La. Civ. Code Art. 2015.
- E. That Plaintiff be awarded the costs of this action, including attorneys' fees pursuant to 42 U.S.C. §2000e-5(k), La. R.S. 23:303, La. R.S. 51:2264, La. R.S. 23:967 and La. Civ. Code Art. 2015.
- F. That Plaintiff be awarded punitive damages pursuant to 42 U.S.C. Section 1981a and 42 U.S.C. Section 1981.
- G. For trial by jury for those matters triable to a jury; and
- H. That the plaintiff be awarded such relief as the Court finds equitable, just and proper.

Respectfully Submitted:

PEARSON & MITCHELL LLC



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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT LOUISIANA**

EMILY TOOKE)	CIVIL ACTION NO.
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VERSUS)	
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JUDGE LAURIE A. WHITE)	JUDGE _____
In her official capacity as employment supervisor)	
and in her individual capacity, and)	
CRIMINAL DISTRICT COURT FOR THE)	
PARISH OF ORLEANS)	MAG. JUDGE

VERIFICATION

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned Notary Public, personally came and appeared:

EMILY TOOKE

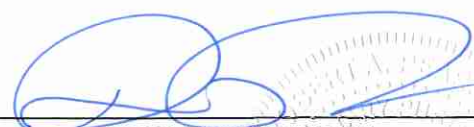
who, after being duly sworn did declare and state that he has reviewed the allegations of facts contained within the foregoing “**COMPLAINT**” and that the allegations contained therein are true and correct, to the best of her knowledge, information and belief.



EMILY TOOKE

SWORN TO AND SUBSCRIBED, before me, Notary Public, Parish of Orleans, State of

Louisiana, this 31st day of JANUARY, 2023.



NOTARY PUBLIC

ROBERT A. PEARSON
 NOTARY PUBLIC
 LA BAR No. 33492
 Parish of Orleans, State of Louisiana
 My Commission is issued for Life

