

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

SGT. AMANDA J. ENSOR
13318 Unger Road
Hagerstown, MD 21742

Plaintiff,

v.

Civil Action No.

FREDERICK COUNTY SHERIFF
CHARLES A. JENKINS
in his official and individual capacities
Frederick County Law Enforcement Center
110 Airport Drive East
Frederick, MD 21701

and

FREDERICK COUNTY CAPT.
RONALD HIBBARD
in his official and individual capacities
Frederick County Law Enforcement Center
110 Airport Drive East
Frederick, MD 21701

and

FREDERICK COUNTY CAPT. JASON NULL
in his official and individual capacities
Frederick County Law Enforcement Center
110 Airport Drive East
Frederick, MD 21701

and

FREDERICK COUNTY LT. GREGORY WARNER
in his official and individual capacities
Frederick County Law Enforcement Center
110 Airport Drive East
Frederick, MD 21701

and

FREDERICK COUNTY, MARYLAND

**Serve: John Mathias, Esq.
Frederick County Attorney
12 East Church Street
Frederick, Maryland 21701**

and

FREDERICK COUNTY SHERIFF’S OFFICE

**Serve: Brian E. Frosh, Esquire
Maryland Attorney General
200 Saint Paul Place
Baltimore, MD 21202**

and

**Serve: Sheriff Charles A. Jenkins
110 Airport Drive East
Frederick, MD 21701**

Defendants.

COMPLAINT

Plaintiff, Sgt. Amanda J. Ensor by and through undersigned counsel, Janice B. Rockwell, hereby files her Complaint against Defendants, Frederick County Sheriff Charles A. Jenkins, Cpt. Ronald Hibbard, Capt. Jason Null and Lt. Gregory Warner in their official and individual capacities, Frederick County, Maryland and Frederick County Sheriff’s Office (together “Defendants”) and alleges as follows:

NATURE OF THE ACTION

1. Plaintiff, Sgt. Amanda J. Ensor (“Sgt. Ensor or Plaintiff”), by and through her undersigned counsel, brings this action against Defendants pursuant to Title VII of the Civil Rights

Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* (“Title VII”), the Family Medical Leave Act, as amended, 29 U.S.C. §2601, *et seq.* (“FMLA”) and the Maryland Fair Employment Practices Act, Maryland Code Ann., State Gov’t. §20-601, *et seq.* for injuries and damages she sustained as a result of Defendants’ discrimination, retaliation and interference with FMLA rights.

PARTIES

2. Plaintiff, Sgt. Amanda Ensor is a natural person who maintains her residence in Hagerstown, Maryland. At all times relevant to the allegations of the complaint, Sgt. Ensor was an employee of the Frederick County Sheriff’s Office in Maryland and had maintained her residence in Maryland.

3. Defendant, Charles A. Jenkins is the Sheriff of Frederick County, Maryland. Under state and municipal law, he is charged with ultimate responsibility for the training and supervision of Frederick County Sheriff’s Office (“FCSO”) personnel, as well as for establishing, administering, and implementing FCSO policies, practices and customs. Defendant Jenkins, in conjunction with Defendant Frederick County, has the authority to hire and fire personnel, including Sgt. Ensor. Defendant Jenkins and FCSO are responsible for day-to-day supervision of FCSO personnel, including Sgt. Ensor. Defendant Jenkins is sued in his official and individual capacities.

4. Defendant, Ronald Hibbard is a Captain serving as the Patrol Operations Commander of the FCSO. Sgt. Ensor was the only female patrol supervisor under his command. Defendant Hibbard targeted Sgt. Ensor with harassing and discriminatory treatment and displayed a total lack of respect toward Sgt. Ensor. He is sued in his official and individual capacities.

5. Defendant, Jason Null, now Captain of the FCSO, was then Lt. Null at all relevant times during this Complaint. Defendant Null became Sgt. Ensor's commanding officer after she was transferred to Judicial Services. Lt. Null subjected Sgt. Ensor to harassing and discriminatory treatment and displayed a total lack of respect toward Sgt. Ensor. He is sued in his official and individual capacities.

6. Defendant, Gregory Warner is a Lieutenant of the FCSO and is in charge of the Internal Affairs investigations. Defendant Warner conducted an IA investigation against Sgt. Ensor, including serving her with the complaint and requiring her to submit to an interrogation while she was on protected FMLA leave.

7. Defendant, Frederick County, Maryland is a political subdivision of the State of Maryland and is the corporate name designated by the Frederick County Charter in all actions and proceedings touching the County's rights, powers, properties, liabilities and duties. Frederick County has a County Charter form of government, consisting of a five-member County Council and a County Executive. The Frederick County Council has the power to influence and control the actions of the FCSO by appropriating funds for training deputies to carry out lawful police practices. Frederick County operates the courthouse building where Sgt. Ensor works and provides the equipment for Sgt. Ensor's office. The Frederick County Human Resources Department handles personnel administration for the FCSO, including responsibility over employment records and all payroll functions for Sgt. Ensor and FCSO employees. At all times relevant to this Complaint, FCSO employed more than 50 employees.

8. Defendant, Frederick County Sheriff's Office is the primary law enforcement agency in Frederick County, established under Maryland State law. It is the office currently held

by Defendant Jenkins. FCSO is legally required to abide by state and federal anti-discrimination laws and the FMLA. At all times relevant to this Complaint, FCSO employed more than 50 employees.

JURISDICTION AND VENUE

9. Under the authority of 28 U.S.C. §§1331 and 1343(a)(4), this Court has jurisdiction over the subject matter of Sgt. Ensor's claims under Title VII, 42 U.S.C. §2000e *et seq.* and FMLA, 29 U.S.C. §2601, *et seq.* because the claims arise under the laws of the United States.

10. Under the authority of 28 U.S.C. §1367, this Court also has supplemental jurisdiction over Sgt. Ensor's other claims in this action because they arise from the same core of operative facts from which the Title VII and FMLA claims arise.

11. Venue is properly laid in this judicial district because, pursuant to 28 U.S.C. §1391, all of the acts and omissions giving rise to the claims asserted herein occurred in the District of Maryland.

12. All applicable administrative and procedural requirements have been satisfied. The requisite Notice of Right to Sue was issued by the United States Equal Employment Opportunity Commission to Sgt. Ensor on February 20, 2020 which undersigned counsel received on Saturday, February 22, 2020 and sent to Sgt. Ensor on February 24, 2020. Sgt. Ensor has filed this Complaint within ninety (90) days of her receipt of the Notice of Right to Sue.

13. Sgt. Ensor satisfied the notice provisions of the Local Government Tort Claims Act and the Maryland Tort Claims Act by sending letters dated March 18, 2019 and July 24, 2019 to the Frederick County Attorney and a letter dated July 12, 2019 to Nancy K. Kopp, Treasurer with the State of Maryland.

FACTS COMMON TO ALL COUNTS

14. The sense of culture, coming from the top down, that pervades FCSO is one of discriminatory animus toward multiple protected characteristics, including sex. Currently, FCSO has approximately 200 sworn employees; only three females hold supervisory positions. Two of the three female supervisors never supervised anyone until the last few years. Defendant Jenkins has publicly expressed that females should not be in supervisory or command positions. He talks about women in a derogatory manner. Examples include referencing them as bimbos, making vulgar comments about certain females, and outright mocking the LGTBQ community. His discriminatory animus is part of a larger pattern that includes his disrespect toward minority races and ethnicities. In response to an announcement about renaming the dog at the Child Advocacy Center of Frederick from “Haji” to “Hodge” because “Haji” is a slur against Muslims, the Sheriff wrote “Read this PC crap about the name of the new ‘Comfort’ dog at the CAC! OMG we are done!” The Sheriff openly displays prejudice based on race to the point that there is a clear race divide within FCSO. He makes no secret of his inflammatory words and actions relative to the immigrant community which have translated into a practice of anti-immigrant policing, the subject of other lawsuits against him.

15. Sgt. Ensor began her employment with FCSO on or about October 13, 2002 as a Deputy Sheriff in the Law Enforcement Division. She has been a hard-working employee with FCSO for 18 years, regularly receiving accolades and “attaboys” from both internal and external contacts complimenting her for a job well done. At all relevant times, Sgt. Ensor was performing her job to, and above, FCSO’s legitimate expectations. Her performance evaluations have been excellent. She never had a bad evaluation until the 35B quarterly evaluation written by Lt. Null for

the first quarter of 2019, which was the result of discrimination and retaliation against Sgt. Ensor for pursuing her employment rights.

16. Until January 2019, Ms. Ensor was the only female sergeant of Patrol Team Operations with FSCO. As the Sergeant of Patrol Team 1, she was in charge of all discretionary calls. She oversaw between 15 and 30 deputies and provided supervisory responses on calls involving overdoses, deaths, serious crashes, and any crime involving communication with the States Attorney's Office, such as rape and homicide. In January 2019, after taking FMLA leave time for shoulder and arm surgery, Sgt. Ensor was reassigned to the Frederick County Courthouse with the Court Security Unit to an "emergency" position created to accommodate her assignment. In reality, there was no emergency; this was a demotion. The circumstances leading to her demotion give rise to her claims.

17. Defendant Jenkins disapproved of women taking leave time. The pattern of unduly scrutinizing Sgt. Ensor for using leave time began before the FMLA leave which is the subject of this action. In February 2017, Sgt. Ensor had serious medical surgery for which her doctors directed her to take 6 to 8 weeks off to recuperate. Because she knew the Sheriff wanted her to come back quickly and she feared retaliation if she did not, she shortened her leave time to two weeks. Upon her return, Lt. Grunwell asked her if her team was frustrated with her taking so much time off. Lt. Grunwell quizzed one of Sgt. Ensor's subordinates, Cpl. Keefer about why Sgt. Ensor was taking so much time off. Not only was that query unprofessional, it turns out Cpl. Keefer had taken more time off than Sgt. Ensor in the same timeframe.

18. On October 1, 2018, Sgt. Ensor underwent major surgery to her shoulder and arm to repair a torn labrum. As a consequence of her surgery and recovery, she was on FMLA leave

from October 1, 2018 through December 15, 2018. While Sgt. Ensor was on FMLA leave, Lt. Warner served her at home on November 15, 2018, during a snowstorm, with documents commencing an internal investigation (“IA”) against her. She was ordered by Lt. Warner to come to the Sheriff’s Office, while she was still recuperating, to submit to an interrogation. Despite being informed by Sgt. Ensor’s attorney that the Sheriff’s Office cannot conduct an interrogation while Sgt. Ensor is off duty and on leave, Lt. Warner and Sheriff Jenkins insisted that she report for the interrogation.

19. Sgt. Ensor complied as directed. The investigation concerned a prank video she participated in with two other officers and the Dobre brothers in September 2018 in an attempt to foster community goodwill. The Dobre brothers are famous YouTubers who live in Frederick County. They travel the world singing songs about anti-bullying and have a large following on YouTube. They asked if the Sheriff’s office would “prank” their brother, Marcus, by arresting him at their residence. Marcus was in on the prank. Sgt. Ensor did not record the video or post it on any social media sites. She participated in the staged prank to promote a positive relationship with the Dobre brothers in the community and to show that the police can interact with the public and have fun.

20. Having served as the Police Information Officer (“PIO”) in 2016, Sgt. Ensor had engaged in similar community building activities; thus, she was comfortable with the request, and she observed all appropriate boundaries. To the best of Sgt. Ensor’s knowledge, no citizen complained about the video. In fact, it has had 7.7 million views and approximately 90,000 “likes” as of May 2020 and despite her “serious misconduct,” Defendants have allowed the video to remain on YouTube amassing viewing after viewing.

21. Sgt. Ensor did not take any gratuities or receive any compensation for meeting with the brothers. She opened a card on the radio and continued to monitor radio transmissions throughout in the event she was needed at another call for service or requested by a deputy. At no time was she trying to hide the fact that she was interacting with the Dobre Brothers. She ensured that at the end of the prank, the brothers disclosed it as a prank, they acknowledged the Sheriff's office and thanked them for the help. Officers routinely sit in their cars for hours, "shooting the breeze" with people. Sgt. Ensor attempted to do something good with idle time, all the while alert to the radio. Sgt. Ensor did not intend for the video to shed false representation of the Sheriff's office. It would seem that none was taken as no citizen complaints were received by the Office of Policy and Compliance.

22. Sgt. Ensor's objective was to promote the FCSO through and with the Dobre Brothers. Sgt. Ensor's role as Public Information Officer for most of 2016 provides the backdrop against which her actions and intentions should have been evaluated. As PIO, Sgt. Ensor developed the online presence for the FCSO. She created different social media platforms for the agency and was commended by supervisors, deputies and the public on numerous occasions for her work. The Sheriff was not at all knowledgeable about social media. He constantly expressed how much he hated it and technology in general. At no time during her assignment as the PIO was Sgt. Ensor required to run anything by the Sheriff. He freely allowed Sgt. Ensor to post any video or information that she chose, without speaking to him first. His position was that he trusted her judgement and never monitored what she posted. The only time he expressed concern about posting was to ensure that she posted things for him pertaining to his political appearances.

23. As PIO, Sgt. Ensor looked for ways to promote a positive image of FCSO. She sought to highlight the good works of the FCSO and to interact with the community in a way that engendered respect. Sometimes that was as simple as showing the community that FCSO can have fun and be cool. One of the vehicles she used to accomplish this was posting photos and short videos. Earlier in 2018, FCSO was planning on participating in the viral lip sync challenge that was going on for many law enforcement agencies, and Lt. Eyler was in charge of orchestrating it. It seemed the public enjoyed watching law enforcement officers participate in good natured fun. Lt. Eyler sought assistance from Dep. Amber Blackmire (one of the deputies who participated in the Dobre Brothers prank arrest) to come up with ideas for the challenge. The Dobre Brothers were contacted, and they offered to assist. The lip sync challenge did not come to fruition; however, it is an example of the creative ideas used to foster community goodwill. In fact, someone thought enough of the Dobre Brothers then to believe their association with this project would have a positive effect.

24. Even if the Command staff simply thought the video did not achieve Sgt. Ensor's goal (the same Command staff that didn't care what she posted as PIO), that alone would not explain the FCSO's drastic reaction. FCSO handled Sgt. Ensor's well-intentioned effort by:

- a. electing to conduct an IA in lieu of counseling, even though IAs are usually triggered by citizen complaint;
- b. serving Sgt. Ensor while she was on FMLA leave;
- c. ordering her interrogation while she was still on FMLA leave;
- d. finding her guilty of egregious misconduct and incompetency; and

- e. suspending her without pay for 15 workdays (3 weeks), losing her take home vehicle for 30 days, and demoting her from Patrol Operations to Judicial Services, causing her to lose thousands of dollars in shift differential pay.

Consistent with the discrimination embedded in the culture, FCSO's response constituted a discriminatory attack on Sgt. Ensor.

25. FCSO's handling of the IA process reveals discriminatory animus toward Sgt. Ensor. The FCSO has one year to serve an officer with an IA complaint. They knew Sgt. Ensor was out on FMLA leave for surgery. They knew it was highly unusual to begin an investigation when an officer is out on protected leave. If they didn't already know this, Sgt. Ensor's attorney, Patrick McAndrew, wrote to Lt. Warner to remind him that under the Law Enforcement Officer Bill of Rights ("LEOBR") and FCSO's General Order 52.3, unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation shall be conducted at a reasonable hour, preferably when the officer is on duty and working. Mr. McAndrew further advised that an internal investigation cannot interfere with an employee's FMLA protections, absent specific circumstances. See letter dated November 15, 2018 from Patrick J. McAndrew to Lt. Gregg Warner, a copy of which is attached as Exhibit 1. FCSO chose to ignore Mr. McAndrew's request to conduct Sgt. Ensor's interrogation upon her return to full duty. As if to emphasize FCSO's unwillingness to grant Sgt. Ensor any courtesy, the same day he received Mr. McAndrew's letter, Lt. Warner came to Sgt. Ensor's home, during a snowstorm, to serve her with the IA complaint. She had to sign the document with her weak hand (due to her shoulder/bicep surgery) and go outside to receive this at a time when she had no use of one arm.

26. The Office of Policy and Compliance, led by Lt. Warner, is charged with conducting an independent review and investigation into alleged wrongdoing. The IA investigation against Sgt. Ensor was not independent because Command staff was allowed to alter the charges and findings reached by the Office of Compliance. The Office of Compliance investigated the allegations but then sent its findings back down to Captain Hibbard and permitted him to add charges and findings after the fact. Initially, Lt. Warner's sole finding of wrongdoing was that Sgt. Ensor did not obtain permission from the Sheriff, the result of which would be a written reprimand. When Sgt. Ensor received the Notification of Charges in January 2019, she was surprised to find two additional charges, including the serious, albeit nebulous, charge of "Incompetence." Instead of the investigation proceedings going through the proper chain of command, they went from Lt. Warner in the Office of Policy and Compliance back to Captain Hibbard in December 2018. Captain Hibbard added the serious allegations and offenses before sending it through the chain of command. This is not normal procedure. In the end, it permitted exactly what it is structured to prevent, a personal attack by Defendants Hibbard and Jenkins on Sgt. Ensor.

27. Captain Hibbard, at Sheriff Jenkins' direction and/or approval, went to lengths to permanently transfer Sgt. Ensor to the Frederick County Courthouse. Upon her return from FMLA leave on December 17, 2018, Sgt. Ensor was "temporarily" transferred out of Patrol to Judicial Services at the Courthouse. The IA discipline was officially issued on January 23, 2019. To make the transfer permanent, the Sheriff requested the County Executive's approval for a concocted emergency reclassification of the sworn Court Security Corporal's position to a sworn Court Security Sergeant's position. He represented in his March 5, 2019 letter to County Executive, Jan Gardner, a copy of which is attached as Exhibit 2 that "changes in the law have necessitated an

increased number of sworn personnel in Court Security.” In fact, no additional sworn personnel have been added to Court Security. The false representation was made solely to demote Sgt. Ensor. This was confirmed by Lt. Null on March 21, 2019 when he told Sgt. Ensor that the only way they could reclassify her position was to show that they needed another Sergeant’s position at the Courthouse. He said although SPO Sgt. Dana Hubble, who has been with the agency for 30 years and is the direct supervisor of the Court Security Unit, is truly in charge, if HR were to come over and ask her, she would have to say that she was in charge of the unit. Really, he said she was in charge only of the sworn personnel.

28. Since being transferred to the Courthouse, under the command of then Lt. Null, Sgt. Ensor was harassed, discriminated against and retaliated against in a multitude of ways. Lt. Null held her to standards to which the male employees, who are her subordinates, are not held, including, but not limited to prohibiting her from leaving the Courthouse for even a lunch break. Lt. Null has since been promoted to Captain.

29. Even without the harassment, the Courthouse transfer is not one that Sgt. Ensor desired. The Sheriff knew her true love was Patrol; that is why he purposefully and maliciously found a way to transfer her to the Courthouse. All the FCSO’s machinations to make her life miserable have achieved their purpose. She suffers from sleep deprivation, stress and anxiety, often waking up in a cold sweat, fearing what treatment next awaits her. She made multiple doctor visits and was prescribed an anxiety medication.

30. When compared to discipline, or lack thereof, meted out to her male counterparts for committing more egregious actions, it is clear that Sgt. Ensor’s discipline did not fit the infraction and was motivated by discriminatory and retaliatory animus. For example, an officer

who will be identified by the pseudonym, Officer Doe, violated a person's constitutional rights during a search and seizure by opening a safe in a residence without having a signed search warrant. He was the supervisor on the scene. There was nothing subjective about his action; the need for a search warrant is instilled from day one; young school students know this right; the officer knew this right. He committed a major violation, the type that causes commanders and peers to lose credibility in him and the public to lose credibility in the FCSO. Most officers would be fired for this violation. Officer Doe received a lesser punishment than Sgt. Ensor: 2 weeks suspension without pay. Sgt. Ensor received 3 weeks suspension without pay, plus loss of vehicle for 30 days, and a transfer/demotion off of Patrol to the Courthouse, with a significant loss in shift differential pay.

31. Another example of disparity in discipline involved an incident in Ocean City, MD around 2016 when the Ocean City Police Department ("OCPD") was dispatched to a burglary in a condo building in North Ocean City. Officer Smith, again a pseudonym, was intoxicated and broke into an occupied condo and stole a woman's alcohol. When OCPD located him, he told them he worked for FCSO. Defendant Hibbard happened to be in Ocean City, and he responded and retrieved Officer Smith from OCPD. Officer Smith was never charged criminally, nor did he receive a written reprimand or any discipline from FCSO. Instead, Defendant Jenkins hid it and verbally brushed it off.

32. Since Sgt. Ensor joined the FCSO, she has been treated differently because she is a woman. At times, the harassment has been of a sexual nature. In 2004, when she was a deputy on a patrol team, her superior, who will be referred to by the pseudonym, Officer Jones, requested to meet at Wawa on Ballenger Creek Pike one evening where he proceeded to tell her he had a "hit

list” for women at work he wanted to have sex with. He then asked her if she wanted to have sex with him. Sgt. Ensor refused but obviously felt extremely uncomfortable being asked that question. She told a few coworkers about this, including then Cpl. Grunwell, but nothing came of the incident. Officer Jones was respected by the FCSO commanders; Sgt. Ensor and the others she told understandably feared retaliation. A similar incident occurred with another supervisor a few years later.

33. Discrimination against Sgt. Ensor has been an ongoing pattern. She experienced discrimination based on gender when she became pregnant with her daughter in 2011. When she was approximately six months pregnant and working in the Narcotics section, she was placed on light duty in that section. They were working on a wiretap investigation of a suspected illicit drug dealer, and Sgt. Ensor (who was then Deputy Ensor) was responsible for transcribing the target’s phone calls. During the wire, they were each approved for 12 hours of overtime. This type of work comes fast and furious; it must be handled when the suspect acts. Sgt. Leone walked into the room where Dep. Ensor was transcribing and told her that she was not allowed to get overtime while she was on light duty and she’d have to give her hours to someone else. She found the general orders and the County handbook that contradicted his statement and remembered that a year prior, another Deputy worked light duty in Narcotics after tearing his ACL skiing, and he was afforded nearly 20 hours of overtime per week. Sgt. Leone became angry when Dep. Ensor advised him of her research and her conclusion that she could not be denied overtime just because she was pregnant (her doctor had placed no restrictions on her work hours). Shortly thereafter, Sgt. Leone transferred Dep. Ensor to the Criminal Investigations Division under different supervision.

34. When Sgt. Ensor returned from maternity leave, she returned to Narcotics, but Lt. Grunwell told her that her “family dynamics” had changed since they selected her, referencing her newborn child and the fact that she lived out of the county. Everyone in the unit at the time lived outside the county (except for Dep. Caliskan and Lt. Grunwell), yet Sgt. Ensor was the only one Lt. Grunwell singled out and forced out of the Narcotics unit, again.

35. In early 2011, when Sgt. Ensor was first selected to be a member of the Narcotic’s Task Force, Lt. Grunwell displayed animus toward her before she even worked under his command. Although she had lived in Hagerstown, Washington County since 2005 and had always been allowed to take her patrol vehicle out of county (she was grandfathered in when the policy changed to prohibit cars from being taken out of county), Lt. Grunwell and Sgt. Leone forced her to park her vehicle at the Thurmont Police Department every day. Finally, about a year later, Personnel Services Commander, Lt. Geesey said she absolutely could take her car out of county because she had been grandfathered in under the current policy.

36. FCSO’s internal investigation against Sgt. Ensor was merely a pretext for discrimination and harassment against her, a fact that became further evident by the Sheriff’s handling of a similar prank in which Lt. Eyler participated around the same time as the Dobre brothers. Specifically, on June 20, 2018, Lt. Jeffrey Eyler and Deputy Doug Story responded to a call for an alarm at the Frederick Christian Fellowship Church in Frederick during an evening church session. An attractive, young female met them outside the church and asked them to place her in handcuffs and pretend to arrest her by walking her inside, in handcuffs, in front of the entire congregation to “prank” them. Dep. Story declined but Lt. Eyler agreed and placed the female in handcuffs. He proceeded to walk her into the church, past a group of members, to the front of the

church. Sgt. Ensor sought an internal investigation against Lt. Eyler for violating the same rules for which she was so harshly punished. She submitted the paperwork to her then supervisor, Lt. Null on February 26, 2019. By March 7, 2019, she received a letter from Sheriff Jenkins stating that the appropriate action was taken. Upon information and belief, Lt. Eyler was not reprimanded or punished in any way. Another lieutenant advised that Lt. Eyler's internal investigation was "quashed." It appears no investigation was conducted.

37. Sgt. Ensor has incurred lost wages, loss of reputation and loss of career opportunity now and in the future, and has suffered emotional pain, suffering, inconvenience, loss of enjoyment of life and other non-pecuniary losses. She has further experienced severe emotional and physical distress.

COUNT I
(Disparate Treatment based on Sex/Gender in
Violation of Title VII of The Civil Rights Act of 1964,
42 U.S.C. §2000e, et seq.)

(Plaintiff against all individual Defendants in their personal and official capacities and Frederick County and the Frederick County Sheriff's Office)

38. Sgt. Ensor incorporates the allegations in the preceding paragraphs as if they were fully stated herein.

39. Sgt. Ensor is a female and thus is a member of a protected class under Title VII.

40. Defendants, through their own actions and those of their authorized agents, controlled the terms and conditions of Sgt. Ensor's employment, including the discipline meted out to her for a well-intended community service pitch, about which no one complained.

41. Defendants Jenkins, Hibbard and Warner brought an IA investigation against Sgt. Ensor yet refused to do so when a male officer, Lt. Eyler, engaged in very similar conduct. Defendant Warner personally served the IA complaint on Sgt. Ensor during a snowstorm while

Sgt. Ensor was convalescing on FMLA leave. Defendant Warner compelled Sgt. Ensor to appear for interrogation while she was on FMLA leave.

42. Defendants transferred Sgt. Ensor out of Patrol Operations to Judicial Services at the Courthouse because of their discrimination against her on the basis of her sex.

43. Defendants discriminated against Sgt. Ensor in her position at Judicial Services on the terms and conditions of her employment on the basis of her sex.

44. Defendants Jenkins, Hibbard and Warner imposed severe discipline upon Sgt. Ensor for the Dobre Brothers incident with no reason other than to hurt and punish her. Their chosen punishment of her was excessively harsh, willful and malicious. As such, their actions were *ultra vires*, outside of the scope of Defendant Jenkins' employment and taken with malice or gross negligence.

45. Defendant Null's discriminatory treatment of Sgt. Ensor at the Courthouse in depriving her of lunch and other privileges accorded male employees were *ultra vires* acts and outside the scope of Defendant Null's employment. His actions were taken with malice or gross negligence.

WHEREFORE, Sgt. Ensor demands judgment against Defendants comprising: (a) appropriate back pay with prejudgment interest, in amounts to be determined at trial; (b) other affirmative relief necessary to eradicate the effects of Defendants' unlawful employment practices, including but not limited to front pay and reinstatement; (c) compensation for past and future pecuniary losses resulting from the unlawful employment practices, in amounts to be determined at trial; (d) compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, mental

anguish, loss of enjoyment of life, and other non-pecuniary losses, in the amount of \$300,000; (e) punitive damages for Defendants' malicious and reckless conduct described above, in the amount of \$300,000; (f) attorney's fees, costs and expenses; and (g) such other, further, and general relief as to the Court seems just and proper.

COUNT II

(Disparate Treatment based on Sex/Gender in Violation of the Maryland Fair Employment Practices Act, Md. Code Ann., State Gov't § 20-606, et seq.)
(Plaintiff against all individual Defendants in their personal and official capacities and Frederick County and the Frederick County Sheriff's Office)

46. Sgt. Ensor incorporates the allegations in the preceding paragraphs as if they were fully stated herein.

47. Sgt. Ensor is a female and thus is a member of a protected class under the Maryland Fair Employment Practices Act.

48. Defendants, through their own actions and those of their authorized agents, controlled the terms and conditions of Sgt. Ensor's employment, including the discipline meted out to her for a well-intended community service pitch, for which no one complained.

49. Defendants Jenkins, Hibbard and Warner brought an IA investigation against Sgt. Ensor yet refused to do so when a male officer, Lt. Eyler, engaged in very similar conduct. Defendant Warner personally served the IA complaint on Sgt. Ensor during a snowstorm while Sgt. Ensor was convalescing on FMLA leave. Defendant Warner compelled Sgt. Ensor to appear for interrogation while she was on FMLA leave.

50. Defendants transferred Sgt. Ensor out of Patrol Operations to Judicial Services at the Courthouse because of their discrimination against her on the basis of her sex.

51. Defendants discriminated against Sgt. Ensor in her position at Judicial Services on the terms and conditions of her employment on the basis of her sex.

52. Defendants Jenkins, Hibbard and Warner imposed severe discipline upon Sgt. Ensor for the Dobre Brothers incident with no reason other than to hurt and punish her. Their chosen punishment of her was excessively harsh, willful and malicious. As such, their actions were *ultra vires*, outside of the scope of Defendant Jenkins' employment and taken with malice or gross negligence.

53. Defendant Null's discriminatory treatment of Sgt. Ensor at the Courthouse in depriving her of lunch and other privileges accorded male employees were *ultra vires* acts and outside the scope of Defendant Null's employment. His actions were taken with malice or gross negligence.

WHEREFORE, Sgt. Ensor demands judgment against Defendants comprising: (a) appropriate back pay with prejudgment interest, in amounts to be determined at trial; (b) other affirmative relief necessary to eradicate the effects of Defendants' unlawful employment practices, including but not limited to front pay and reinstatement; (c) compensation for past and future pecuniary losses resulting from the unlawful employment practices, in amounts to be determined at trial; (d) compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, in the amount of \$300,000; (e) punitive damages for Defendants' malicious and reckless conduct described above, in the amount of \$300,000; (f) attorney's fees, costs and expenses; and (g) such other, further, and general relief as to the Court seems just and proper.

COUNT III
(Unlawful Interference and Denial of FMLA Benefits Due to Transfer/Demotion
in Violation of 29 U.S.C. §2615(a)(1))
(Plaintiff against Defendants Frederick County and Frederick County Sheriff's Office)

54. Sgt. Ensor incorporates the allegations in the preceding paragraphs as if they were fully stated herein.

55. Defendant Frederick County and Defendant Frederick County Sheriff's Office are "employers" covered by the FMLA as they employ fifty (50) or more employees for each workday during each of twenty (20) or more calendar workweeks.

56. Under the FMLA, Defendants Frederick County and Frederick County Sheriff's Office are considered "joint employers" of Plaintiff.

57. Sgt. Ensor is an eligible "employee" under the FMLA as she has been employed by Defendant Frederick County and has been working under the supervision and control of Defendant Frederick County Sheriff's Office for more than twelve (12) consecutive months, and during this time period has worked at least 1,250 hours within the twelve (12) month period immediately preceding Sgt. Ensor's need for leave in October 2018.

58. Sgt. Ensor worked the required number of hours, during the required time period, and worked for joint employers both of which qualify as "employers" under the FMLA, and Sgt. Ensor was entitled to take FMLA leave for her surgery and recovery in October 2018.

59. Sgt. Ensor's surgery in October 2018 constituted a "serious health condition" as defined by the FMLA. In addition to the surgery itself which left her arm immobilized, her recovery necessitated weeks of convalescence at home and physical therapy. As such, Sgt. Ensor was entitled to use her FMLA leave for this surgery and recuperation.

60. Sgt. Ensor provided adequate notice to Defendants to take FMLA leave, and Defendants granted FMLA leave to Sgt. Ensor.

61. The FMLA makes it unlawful for an employer to “interfere with, restrain, or deny the existence of or the attempt to exercise, any right provided under [the FMLA].” 29 U.S.C. §2615. An employee is entitled to be relieved of all duties while on FMLA leave.

62. Defendants violated the FMLA by serving Sgt. Ensor with an internal affairs complaint and requiring her to attend a retaliatory internal affairs interrogation of her while she was out on protected leave, both of which should have been done when she was on duty and working. Naturally, these actions disturbed her greatly at a time when she was convalescing.

63. Under the FMLA, 29 U.S.C. §2614, an eligible employee is entitled to return from leave to be restored to the position held by the employee when the leave commenced or be restored to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

64. Defendants violated the FMLA by failing to restore Sgt. Ensor to the same or an equivalent position at the conclusion of her FMLA qualified medical leave by transferring her from Patrol to Judicial Services to a completely different job without pay differential. As a result, Sgt. Ensor has experienced a reduction in her pay.

65. Defendants unlawfully interfered with, restrained and/or denied rights afforded Sgt. Ensor under the FMLA by serving her with an internal affairs investigation, requiring her to submit to an interrogation at Defendants’ offices without pay during her leave time, and transferring her to Judicial Services at the conclusion of her leave rather than reinstating her in her same job or an equivalent position.

66. As a direct and proximate cause of Defendants' unlawful actions, Sgt. Ensor has been prejudiced and harmed by suffering substantial wage loss, loss of working conditions and benefits, and other damages.

WHEREFORE, Sgt. Ensor demands judgment against Defendants and for the Court to award her all available relief under the law and all equitable relief as may be appropriate, including but not limited to, reinstatement, lost wages and benefits, liquidated damages, interest on all applicable sums, attorneys fees, costs, front pay if not reinstated, and all other relief this Court deems fair and just.

COUNT IV

**(Discrimination/Retaliation for taking FMLA Leave
in Violation of 29 U.S.C. §2615(a)(2))**

(Plaintiff against Defendants Frederick County, Frederick County Sheriff's Office and individual Defendants, Jenkins, Hibbard and Null in their personal and official capacities)

67. Sgt. Ensor incorporates the allegations in the preceding paragraphs as if they were fully stated herein.

68. Defendant Frederick County and Defendant Frederick County Sheriff's Office are "employers" covered by the FMLA as they employ fifty (50) or more employees for each workday during each of twenty (20) or more calendar workweeks.

69. Under the FMLA, Defendants Frederick County and Frederick County Sheriff's Office are considered "joint employers" of Plaintiff.

70. Sgt. Ensor is an eligible "employee" under the FMLA as she has been employed by Defendant Frederick County and has been working under the supervision and control of Defendant Frederick County Sheriff's Office for more than twelve (12) consecutive months, and during this

time period has worked at least 1,250 hours within the twelve (12) month period immediately preceding Sgt. Ensor's need for leave in October 2018.

71. When Sgt. Ensor gave Defendants notice of her need for FMLA leave and was granted such leave, these actions constitute protected action under the FMLA.

72. As a direct result of Sgt. Ensor taking protected action by requesting and using FMLA leave, Defendants retaliated against her by removing her take-home vehicle from her residence, conducting and serving her with an internal affairs investigation, ordering her interrogation while she was still on FMLA protected leave, finding her guilty of egregious misconduct and incompetency, and disciplining her by suspending her without pay for 15 days, losing her take-home vehicle for 30 days and demoting and transferring her from Patrol Operations to Judicial Services, resulting in lost wages and shift differential pay.

73. Defendants took the above actions because Sgt. Ensor took protected action in the form of FMLA leave to which she was entitled.

As a direct and proximate cause of Defendants unlawful actions, Sgt. Ensor has been prejudiced and harmed by suffering substantial wage loss, loss of working conditions and benefits, and other damages.

WHEREFORE, Sgt. Ensor demands judgment against Defendants and for the Court to award her all available relief under the law and all equitable relief as may be appropriate, including but not limited to, reinstatement, lost wages and benefits, liquidated damages, interest on all applicable sums, attorneys fees, costs, front pay if not reinstated, and all other relief this Court deems fair and just.

COUNT V
(Discrimination/Retaliation for taking FMLA Leave
in Violation of 29 U.S.C. §2615(a)(2))
(Plaintiff against Defendants Frederick County and Frederick County Sheriff's Office
and individual Defendants, Jenkins, Hibbard and Warner in their personal and
official capacities)

74. Sgt. Ensor incorporates the allegations in the preceding paragraphs as if they were fully stated herein.

75. Defendant Frederick County and Defendant Frederick County Sheriff's Office are "employers" covered by the FMLA as they employ fifty (50) or more employees for each workday during each of twenty (20) or more calendar workweeks.

76. Under the FMLA, Defendants Frederick County and Frederick County Sheriff's Office are considered "joint employers" of Plaintiff.

77. Sgt. Ensor is an eligible "employee" under the FMLA as she has been employed by Defendant Frederick County and has been working under the supervision and control of Defendant Frederick County Sheriff's Office for more than twelve (12) consecutive months, and during this time period has worked at least 1,250 hours within the twelve (12) month period immediately preceding Sgt. Ensor's need for leave in March 2020.

78. On March 20, 2020, Sgt. Ensor had hernia surgery. She had previously requested and had been approved for FMLA leave for the surgery and her recovery. Her doctor also approved her to work on restricted duty during her recovery, which written request her supervisor, Lt. Benner, made to Defendant Null on March 15, 2020. A copy of Lt. Benner's request is attached as Exhibit 3. Defendant Null verbally denied the request. However, Sgt. Trevor Hajjar recently had surgery, and he has been allowed to work a restricted duty assignment in the same time period that

Sgt. Ensor was denied such work. Accordingly, she was forced to use her sick leave to cover time off when she was capable of working a restricted duty assignment.

79. When Sgt. Ensor gave Defendants notice of her need for FMLA leave and was granted such leave, these actions constitute protected action under the FMLA.

80. As a direct result of Sgt. Ensor taking protected action by requesting and using FMLA leave, Defendants retaliated against her by denying her request for a restricted duty assignment upon her return but granting a male colleague the same request.

81. Defendants took the above actions because Sgt. Ensor took protected action in the form of FMLA leave to which she was entitled.

82. As a direct and proximate cause of Defendants' unlawful actions, Sgt. Ensor has been prejudiced and harmed by suffering substantial wage loss, benefits, and other damages.

WHEREFORE, Sgt. Ensor demands judgment against Defendants and for the Court to award her all available relief under the law and all equitable relief as may be appropriate, including but not limited to, reinstatement, lost wages and benefits, liquidated damages, interest on all applicable sums, attorneys fees, costs, front pay if not reinstated, and all other relief this Court deems fair and just.

DEMAND FOR JURY TRIAL

Plaintiff, Sgt. Amanda J. Ensor, by undersigned counsel and in accordance with Rule 38(b) of the Federal Rules of Civil Procedure, hereby demands a trial by jury as to all issues raised by her claims in this action that are triable as of right by a jury.

/s/ Janice B. Rockwell _____
Janice B. Rockwell, Esquire
Federal Bar No. 04814

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