

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

MARGARET GONZALEZ,

Plaintiff,

Case Number:

v.

WALMART STORES, INC.

Defendant.

VERIFIED
COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, sues Defendant, a Foreign Corporation, and brings this action for retaliatory discharge in violation of Florida Statutes § 440.205.

1. Plaintiff was an employee of Defendant and resides in Hillsborough County, Florida.

2. Defendant is a Florida Corporation that operates and conducts business in, among others, Hillsborough County, Florida, and is therefore within the jurisdiction of the Court.

3. This is an action for damages in excess of \$15,000.00 and is within the jurisdiction of this Court.

4. At all times material hereto, Defendant was an employer with over four (4) employees and was therefore required to carry workers' compensation insurance pursuant to Florida Statutes Chapter 440.

5. At all times material hereto, Plaintiff was a statutory employee of Defendant.

6. Upon information and belief, the records, to the extent any exist, concerning the dates of employment, hours worked, date of injury and date of wrongful termination are in the possession and custody of Defendant.

7. Plaintiff suffered a work two related injuries and duly reported said injuries.

8. The first date of accident with this employer, in regards to Plaintiff, was November, 2016.

9. The second date of injury was on March 4, 2017.

10. Defendant properly took note of the first notice of injury and medical care was provided to Plaintiff under Chapter 440 of the Florida Statutes.

11. In regards to the second date of injury, Plaintiff timely reported the same to her immediate supervisor.

12. Said supervisor failed, refused and/or neglected to take note of the second injury date.

13. Plaintiff provided, for a second time, notice of the second injury for a second time on within three days to her immediate supervisor.

14. At this point, Defendant falsely accused Plaintiff of failing to report the second injury in a timely manner, and then fired Plaintiff for "insubordination", in retaliation for Plaintiff having sought to report the workers compensation

injury and for Plaintiff attempting to file a valid workers' compensation claim under Florida law.

15. The reason given for Defendant's termination of Plaintiff was merely a pretext as Plaintiff had not been insubordinate in any manner with respect to Defendant.

16. Defendant has a policy that requires employees to report work place injuries to said employees supervisors.

17. Defendant terminated Plaintiff after nearly twenty years of gainful employment because Plaintiff attempted to file a valid claim for workers compensation benefits a second time.

18. The above referenced work related injury and subsequent attempt to obtain workers compensation benefits was the direct and proximate cause of Plaintiff's termination and resulting damages.

19. Defendant's termination of Plaintiff, as set forth above, constitutes retaliatory discharge

pursuant to Florida Statutes, Section 440.205 which states: "No employer shall discharge, threaten to discharge, intimidate, or coerce any employee by reason of such employee's valid claim for compensation or attempt to claim compensation under the Workers' Compensation Law."

20. As a result of the Defendant's actions, Plaintiff has suffered various financial and emotional losses, including back pay, front pay, consequential damages and emotional distress.

21. Plaintiff has mitigated her damages.

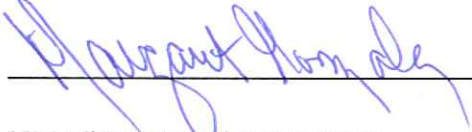
22. Plaintiff demands trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendant for back pay, front pay, compensatory damages, reinstatement of employment, injunctive relief and any and all further relief that this Court determines to be just and appropriate.

DATED this 31stth day of August September

2017.

I hereby certify that the factual allegations set forth above are true and accurate under penalty of perjury.



MARGARET GONZALEZ

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