

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

Andrew Pecaut	)	
	)	CaseNo.:
Plaintiff,	)	
v.	)	
	)	
City of Port Orange,	)	
	)	
Defendant.	)	

COMPLAINT AND DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

The Plaintiff, Andrew Pecaut, by and through his undersigned counsel, alleges the following:

1. This action meets the jurisdictional requirements of the Rules of Civil Procedure and the jurisdiction conferred on this Court by Fla. Stat. §440.205.
2. All of the discriminatory acts complained of herein occurred within the jurisdiction of this Court.
3. This action arises pursuant to the Florida Workers’ Compensation Act, Fla. Stat. §440.205.
4. At all times relevant to this complaint, the plaintiff, Mr. Pecaut, was employed by City of Port Orange, in Volusia County, Florida.
5. At all times relevant to this complaint, the defendant is a municipality in Volusia County, Florida.

6. At all times relevant to this complaint, the defendant qualifies as a covered employer for purposes of the Florida Workers' Compensation Act.

7. All administrative remedies have been exhausted and all other conditions precedent have been met in order to file this lawsuit.

8. This lawsuit is timely filed.

FACTUAL ALLEGATIONS

9. Mr. Pecaut was an employee of City of Port Orange, working in the public works department.

10. Mr. Pecaut suffered an accident, as defined by the Florida Workers' Compensation Law, on or about September 8, 2023, within the course and scope of his employment, when he experienced the symptoms of bilateral carpal tunnel syndrome.

11. Mr. Pecaut made a valid claim for workers' compensation due to the accident.

12. Mr. Pecaut attempted to seek care through the workers' compensation system through his employer on September 8, 2023.

13. While awaiting a response, Mr. Pecaut was instructed to not engage in his regular work that day.

14. Mr. Pecaut was directed to a room within a building owned and occupied by the City of Port Orange immediately after he reported his symptoms on September 8, 2023.

15. Mr. Pecaut, while awaiting the response to his request for care and treatment, was informed his employment was being terminated on September 8, 2023.

16. Mr. Pecaut was discharged in retaliation for filing a claim for, and continuing to pursue, workers' compensation benefits.

17. There is no legitimate business purpose for terminating Mr. Pecaut.

18. Had Mr. Pecaut not filed a valid claim for workers' compensation and followed through with it, he would not have been terminated from employment by City of Port Orange.

COUNT I

VIOLATION BY THE DEFENDANT OF FLA. STAT. §440.205

19. Mr. Pecaut restates and realleges all factual allegations contained in paragraphs 1 through 18.

20. Fla. Stat. §440.205 states:

"No employer shall discharge, threaten to discharge, intimidate, or coerce any employee by reason of such employee's valid claim for compensation of attempt to claim compensation under the Workers' Compensation Law."

21. Mr. Pecaut filed a valid claim for compensation and attempted to claim continued compensation under the workers' compensation law.

22. Mr. Pecaut was an employee in good standing with City of Port Orange, and there is no legitimate, non-pretextual reason for his discharge from employment.

23. City of Port Orange's discharge of Mr. Pecaut from employment was in violation of Fla. Stat. §440.205 and was willful, malicious, and made with indifference to Mr. Pecaut's rights.

24. As a result of Mr. Pecaut's discharge, Mr. Pecaut has suffered damages.

WHEREFORE, the Plaintiff, Andrew Pecaut, demands judgment in excess of \$50,000.00 against the Defendant in the form of economic damages, including back pay with interest, front pay and compensatory damages, including, but not limited to, damages from mental anguish, loss of dignity, and any other intangible injuries, costs, and any other relief the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues so triable.

/s/Matthew E. Romanik
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