

**IN THE CIRCUIT COURT OF THE 9TH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA**

GERRY REALIN,

CASE NO.:

Plaintiff,

DIVISION:

vs.

CITY OF ORLANDO,
ORLANDO POLICE DEPARTMENT,

Defendant.

**COMPLAINT FOR DAMAGES PURSUANT TO
SECTION 440.205, FLORIDA STATUTES AND DEMAND FOR JURY TRIAL**

The Plaintiff, Gerry Realin, by and through counsel, Jeffrey E. Appel, Esquire and Paolo Longo, Jr., of Bichler, Oliver, Longo & Fox, PLLC, and, hereby demands damages from the his former Employer, Defendant, City of Orlando Police Department, (hereinafter "Employer," "Defendant," "OPD" or "the Department"), and hereby files this claim against the above named Defendant under the authority of Section 440.205, Florida Statutes, and in support thereof states as follows:

1. This court has jurisdiction over all parties.
2. Venue is proper in Orange County, Florida, as all events set out below occurred within Orange County, Florida.
3. At all times relevant, Plaintiff was over 18 years old and therefore an adult under Florida law and worked in Orange County, Florida.
4. At all times relevant the City of Orlando Police Department was a governmental agency operating in Orlando, Orange County, Florida.
5. This is an action for damages in excess of \$1,000,000.00

GENERAL ALLEGATIONS

6. Gerry Realin, (hereinafter "Employee," "Officer Realin," "Plaintiff,"), was hired by the Defendant on December 6, 2004.

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7. On or about June 12, 2016, Officer Realin was tasked by his Employer, OPD, to be included in a small group of HAZMAT officers assigned the gruesome task to prepare and transport the bodies of 49 victims slaughtered at the Pulse Nightclub to the medical examiner's office after an active shooter massacre.
8. Officer Realin was tasked with preparing, wrapping, and moving the bullet riddled bodies of the deceased victims to be transported from the scene.
9. During the clean up and processing of the Pulse massacre victims, OPD disregarded, ignored, regulations which require the work be performed in a safe and healthful manner, by not activating the Emergency Response Team ("ERT") assigned to fatalities per established protocol and bypassing OSHA and NIOSH Procedures for emergency situations—which were warranted by an event of this magnitude. A copy of the Occupational Safety and Health Administration ("OSHA")/ National Institute for Occupational Safety and Health ("NIOSH") Procedures titled "Attention Emergency Responders" is attached as Exhibit A.
10. Officer Realin, along with other members of the HAZMAT team, were at the scene of the Pulse massacre for approximately sixteen (16) or more hours on June 12, 2016.
11. During those sixteen (16) hours the HAZMAT team was inside the Pulse Night Club for approximately five (5) hours with no relief.
12. OSHA and/or NIOSH standard precautions concerning blood borne pathogens, were disregarded, ignored, violated, and overlooked during the cleanup operation of the Pulse massacre by OPD.
13. There was no communication of tasks to be performed at the site of the massacre by supervising officers or officials to the HAZMAT Team.
14. Lt. Frank Nunez did not permit the use of the ERT for the cleanup process and required the HAZMAT team to perform activities beyond the scope of their training and duties.

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15. When questioned about this by member of the HAZMAT team, Lt. Nunez ignored them and simply responded "I out rank you."
16. Lt. Nunez, although not being federally certified to be in charge of such an operation, was nevertheless placed in charge of the operation by OPD.
17. Lt. Nunez knowingly or negligently failed to give appropriate orders to the HAZMAT team.
18. The HAZMAT Team was required to wear the wrong protective suits during the cleanup operation according to OSHA/NIOSH regulations.
19. OPD kept no documentation about the HAZMAT team's operations at the scene against OSHA/NIOSH regulations.
20. OPD provided no protective eyewear to Officer Realin or any of the members of the HAZMAT team at the scene of the massacre against OSHA/NIOSH regulations.
21. OPD provided no rescue or assistance which would have consisted of a two man firefighter team to monitor and provide paramedic support to Officer Realin or any of the members of the HAZMAT team at the scene.
22. This team would have recorded the HAZMAT teams entry and exit times, monitored their vital signs, done blood draws before and after entry and exit, providing a level of security sense of wellbeing for the HAZMAT team while they performed their horrific duties.
23. No bathroom facilities were accessible to Officer Realin or any of the members of the HAZMAT team at the scene.
24. There was no air monitoring at the scene in violation of OSHA/NIOSH regulations.
25. There was no proper lighting at the scene to conduct the cleanup.
26. There was no air circulation at the site of the massacre during cleanup in violation of OSHA/NIOSH regulations.

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27. Officer Realin did not receive appropriate counseling after his exposure to the massacre as required by OSHA/NIOSH guidelines and OPD procedures when officers respond to unusually stressful situations in the line of duty.
28. Employee Assistance Program (EAP) resources through OPD were not fully offered or provided after the traumatic event to Officer Realin.
29. OPD did not offer a suitable alternative to EAP or offer treatment by a City assigned physician.
30. Only after a request for services directly to Mayor Buddy Dyer by Officer Realin's wife, Jessica Realin, on or about June 22, 2016 did the City/OPD offer EAP services and other resources to Officer Realin. Exhibit B
31. Office Realin was not relieved from duty at any time during approximately the sixteen (16) hours he was at the scene of the massacre.
32. There were no unit checks conducted by OPD during the cleanup while Officer Realin was at the scene of the Pulse massacre, leaving them unguided and unrelieved.
33. There was no radio monitoring of the HAZMAT team operations while at the scene of the Pulse massacre, again leaving them unguided, unrelieved and under great stress.
34. Under standard procedures all teams working at the scene would have used the same radio frequency to coordinate efforts and the lack of this coordination created unnecessary chaos at the scene, causing stress to the Officer Realin and the rest of the HAZMAT team.
35. Officer Realin stayed for an overextended time period in the protective suit without being allowed to check whether the suit had been compromised or breached while at the scene of the massacre in violation of OSHA/NIOSH regulations.
36. The protective suits provided to the HAZMAT unit were inappropriate for the conditions of hazardous conditions in that they were only certified to be worn for an hour.

37. Officer Realin was forced to use such an inappropriate and ineffective protective suit for five hours, allowing it to become saturated with body fluids of the Pulse massacre victims. Exhibit C.
38. There was a breach in some of the protective suits, and some of the HAZMAT members were exposed to blood borne pathogens.
39. No reports of these breaches were made until done so at the request of Officer Realin.
40. Access to replacement or proper protective suits was not available during cleanup at the scene of the Pulse massacre causing exposure to body fluids and stress and anxiety for Officer Realin.
41. OPD failed to provide mass decontamination was not near the scene of the massacre in violation of OSHA/NIOSH regulations.
42. OPD did not provide Officer Realin a health screen or medical check-up before, during or after the cleanup and transportation of the bodies from the scene of the Pulse massacre.
43. As direct result of this grisly body clearing activity, Officer Realin suffered irreparable psychological damage and has been diagnosed with Post Traumatic Stress Disorder, (hereinafter "PTSD") and an Anxiety Disorder.
44. On July 25, 2016, Officer Realin received an email to stating he could be terminated if he does not contact his chain of command at OPD. See Exhibit D.
45. At this time Officer Realin was out on the Family Medical Leave Act.
46. On or about June 28, 2016, Officer Realin was placed on "no work status" by Dr. Dr. Giorgis. See Exhibit E He was still on a now work status as of July 12, 2016. Exhibit F.
47. Because of his psychiatric condition, PTSD, Officer Realin became unable to perform his duties as a police officer.
48. Following his involvement in the cleanup of the Pulse massacre, Officer Realin has also been diagnosed with hypertension on or about July 19, 2016.

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49. Officer Realin sought benefits under Florida Workers' Compensation Act for PTSD.
50. Because of his cardiac hypertensive condition, Officer Realin sought benefits under Florida Workers' Compensation Law.
51. After filing for workers' compensation benefits for his PTSD and hypertension, Officer Realin was repeatedly harassed, intimidated, threatened with discharge, and coerced by Employer representatives, including but not limited to:
 - a. Grace Peek
 - b. Orlando Rolon
 - c. Susan Brown
 - d. Frank Nunez
 - e. John Mina
 - f. Cindy Lane
 - g. Lovetta Quinn-Henry
52. Officer Realin's Employer, OPD, via several agents, including officers, treating facilities, and counsel, engaged in retaliatory and discriminatory tactics and techniques against Officer Realin, inclusive of, but not limited to emails, text messages and phone calls. (Composite Exhibit G.
53. Prior to filing his workers' compensation claims, Officer Realin's Performance Appraisals indicated he exceeded standards. Exhibit H.
54. These actions occurred while Officer Realin was pursuing a valid claim for compensation under Florida's Workers' Compensation Act.
55. These actions violate Section 440.205, Florida Statutes.
56. These actions exacerbated Officer Realin's already existing medical conditions to the point he could no longer work for the police department.

57. These actions caused Officer Realin's medical conditions, including his psychiatric condition to worsen.
58. These actions caused great and continuing emotional distress to Officer Realin.
59. These actions caused Officer Realin to lose wages and he continues to suffer lost wages.
60. On or about July 25, 2016, Officer Realin was hospitalized due to experiencing acute symptoms of hypertension and PTSD.
61. Office Realin filed for FMLA leave on or about July 25, 2016.
62. While Officer Realin was hospitalized, Lieutenant Cindy Lane improperly questioned and probed Officer Realin while he was sedated.
63. The OPD agents improperly probed Officer Realin about his absence from work, his hospitalization and why he was not in touch with the department.
64. On or about September 8, 2016, Deputy Chief Orlando Rolon accosted Gerry Realin, Jessica Realin, and Realin's minor children at the Chevron gas station on the corner of Lee Road and Wymore Road. Rolon proceeded to threaten to Baker Act Officer Realin causing him to become upset. Rolon proceeded to describe a child suicide of a minor that had hung-himself in a closet where he responded in the past and that Officer Realin "needed to get over it and move on." This visibly upset Officer Realin, causing his minor children emotional distress which they expressed by crying.
65. Subsequently, Rolon gave an interview to Abe Aboraya from NPR Central Florida where he states, "It's hard to cover PTSD for First Responders because they sign up for this."
66. OPD agents would also show up at random locations where Officer Realin happened to be and probed him about his medical conditions and why he was off work.
67. On or about September 8, 2016, Officer Realin was threatened with "discipline up to and including termination" due to insubordination in a correspondence received from Lieutenant Lovetta Quinn-Henry. In this correspondence, Officer Realin was also ordered "to respond to

- the Orlando Police Headquarters TODAY at 2:30 p.m. to meet with Chief Deputy Rolon, in his office.” See Exhibit G.
68. On or about September 9, 2016, Plaintiff’s counsel corresponded with counsel for OPD regarding a request to end the harassment and threats made to Officer Realin by the Department.
 69. Also, on or about September 9, 2016, Dorcas Mercado released Officer Realin’s personnel file to the media.
 70. On or about September 9, 2016, and on or about September 13, 2016, Officer Realin, via his counsel filed motions for a protective injunction against the defendant.
 71. In October 2016, Officer Realin’s wife was admitted to the hospital. During this time, Deputy Chief Orlando Rolon continuously called and texted Officer Realin’s cell phone, despite having received a note from Officer Realin’s treating psychiatrist through workers’ compensation asking the OPD to communicate through Officer Realin’s attorneys or through his wife. Exhibit I.
 72. On January 3, 2017, Jessica Realin, in her capacity of power of attorney was ordered to produce herself for “Six Month Notice” or have Officer Realin face being written up for insubordination with grounds for termination. Exhibit J.
 73. On February 4, 2017 Grace Peek and Susan Brown contacted Officer Realin on a Saturday to order Officer Realin to subject himself to an outside evaluation. This was not approved by his workers’ compensation doctor.
 74. On March 2, 2017, Jessica Realin, acting as power of attorney for her husband, was ordered to a meeting within 45 minutes of an email or Officer Realin would be faced with being written up for insubordination again with grounds for termination. The meeting was ordered by Deputy Chief Orlando Rolon. Participants in the meeting included Deputy Chief Rolon, Captain Susan Brown, and Orlando Police City Attorney Austin Moore.

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75. In the meeting, the participants ordered Officer Realin to return to work and report to the "Orlando City Stops Program" despite Officer Realin being on a "no work" status by his treating workers' compensation physician.
76. Again, on Mach 3, 2017 and March 7, 2017, Jessica Realin is ordered to report to a meeting or Officer Realin could face termination. See Exhibit G.
77. On April 20, 2017, Officer Realin was ordered to report for an independent medical examination when one had already been completed on him before. Exhibit K.
78. On or about July 13, 2017, Officer Realin was granted In Line of Duty Disability Pension from the Orlando Police Pension Board due to his disabling psychiatric condition, PTSD. Exhibit L
79. After he was forced out of the department and constructively terminated because of ongoing harassment, Officer Realin has been arbitrarily denied his service weapon, with serial number U724057, without proper cause.
80. In other similar instances officers who took disability retirement were not treated the same.
81. This action was retaliatory and goes against past and current procedural history and customary behavior regarding matters similar to this.
82. In retaliation for his workers' compensation claims, Officer Realin was not treated the same as other OPD officers who have left the department in that he has been discriminated, denied access to, and excluded from ceremonies, events, recognition, plaques, badge, ID, service weapon, as well as other acknowledgments, benefits, and appreciation afforded to Pulse Shooting First Responders by the department.
83. Additionally, OPD has, intentionally and in a retaliatory fashion, neglected their contractual duties to Officer Realin by failing to submit relevant and time sensitive documentation regarding Officer Realin's disability to his life insurance carrier, The Standard Life, with

- value of 300,000.00 dollars, which has jeopardized Officer Realin's ability to pursue and receive benefits under this policy.
84. The City and OPD had an obligation to provide this information and make the application in certain time frames which they failed to do, placing the burden on Officer Realin.
 85. Because of OPD's retaliatory actions, Officer Realin was forced to exhaust his Deferred Comp, which was balanced at \$30,000.00, but had an estimated accrual value for the 20 year norm of \$60,000.00, due to Officer Realin's inability to work for the department, his work restrictions, both workers compensation claims denial, unpaid leave, and medical expenses incurred related to the conditions that resulted from responding to the Pulse Massacre.
 86. In retaliation by the department, approximately 200 hours of sick and vacation time previously accrued by Officer Realin have been deemed used or exhausted.
 87. As a result, Officer Realin did not receive the monetary value of these hours nor did he receive any benefit deriving thereof. Each hour was to be paid at an hourly rate of \$36.00, as such the 200 hours had an approximate value of \$7,200.00.
 88. Furthermore, Officer Realin's longevity pay has been deemed used or lost due to the continued department's retaliatory handling of his claim and the failure to properly record benefits owed to Officer Realin approximately valued at \$1,000.00.
 89. Also, PFIA disability insurance benefits valued at approximately \$4,500.00 have yet to be paid to Officer Realin because OPD never notified Officer Realin he was eligible after his initial injury despite the fact the agent representing this account works in the OPD office.
 90. In another harassing and retaliatory action, Officer Realin's personal and medical records and information were disseminated by the department to the public in violation of HIPAA and exemption laws found in Chapter 119, Florida Statute, which exempts law enforcement from such disclosures of "home addresses, telephone numbers, dates of birth, and photographs of

active or former sworn or civilian law enforcement personnel,” which have resulted in Officer Realin’s personal bank accounts being compromised.

91. During Officer Realin’s pension hearing, the City showed excerpts from his medical records which were confidential statements made to his treating physicians which were exposed to the media.

92. Furthermore, by OPD’s lack of action in this matter and their persecution of Officer Realin, OPD has permanently damaged Officer Realin’s ability to obtain future work in other fields where he was qualified for employment.

Violation of Fla. Stat. 440.205

93. Section 440.205, Florida Statutes reads:

Coercion of employees. – 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.

94. Accordingly, Employers cannot 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.

95. Officer Realin, by filing valid workers’ compensation claims, engaged in statutorily protected activities.

96. Defendant’s actions noted herein violated Section 440.205, Florida Statutes.

97. As a direct and proximate result of the Employer’s violations of Section 440.205, Florida Statutes, Officer Realin has suffered severe physical, mental emotional distress, lost wages and incurred other damages.

98. The aforementioned damages and losses are either permanent or continuing.

WHEREFORE, Plaintiff demands judgment against the Defendant for damages, costs, prejudgment interest and any other relief this Court deems appropriate.

DEMAND FOR JURY TRIAL

The Plaintiff requests a trial by jury for any and all issues so triable.

DATED: December 7th, 2017.



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