

**IN THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT
FOR ORANGE COUNTY
STATE OF FLORIDA**

CHRISTINE JANNING,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
SOUTHWEST AIRLINES, CO.,)	
SOUTHWEST AIRLINES PILOTS’)	
ASSOCIATION, and MICHAEL HAAK,)	
)	
Defendants.)	

COMPLAINT

Christine Janning hereby files this complaint against Southwest Airlines, Co. (hereafter, “Southwest”); Southwest Airlines Pilots’ Association (hereafter, “SWAPA”); and Michael Haak, as follows.

NATURE OF THE ACTION

1. This is an action for damages for violation of the Florida Civil Rights Act, Negligent Retention, Negligent Supervision, Sexual Assault, and Conspiracy stemming from the sexual assault of Captain Michael Haak on Captain Christine Janning, and the events that followed thereafter.

PARTIES

2. Christine Janning is an individual resident of Brevard County, State of Florida, and submits herself to the jurisdiction of this Court.

3. Southwest Airlines Co. is a foreign for-profit corporation, with its principal place of business at 2702 Love Field Drive, Dallas, Texas 75235-1908. Southwest may be served by serving its registered agent The Prentice-Hall Corporation System, Inc. at its registered office, which is located at 1201 Hays Street, Tallahassee, Florida 32301.

4. Southwest Airlines Pilots' Association is a foreign unincorporated nonprofit entity, formed under the laws of the State of Texas, with its principal place of business at 1450 Empire Central, Suite 737, Dallas, Texas 75247. SWAPA may be served by serving its registered agent Therese A. Curro at its registered office, which is located at 1450 Empire Central, Suite 737, Dallas, Texas 75247.

5. Michael Haak is an individual resident of the State of Florida, and may be served at his home address 3345 Messina Drive, Lake Mary, Florida 32746.

JURISDICTION AND VENUE

6. This is an action for damages in excess of \$30,000.00, exclusive of interest, costs and attorneys' fees.

7. Pursuant to Fla. Stat. § 47.011, jurisdiction and venue are appropriate in this Court because the vast majority of the events giving rise to the causes of action stated within this Complaint occurred within Orange County, State of Florida.

FACTUAL BACKGROUND

A. Cpt. Haak's History.

8. Cpt. Haak had been a long-time pilot with Southwest, having been hired on January 1, 1994.

9. During Cpt. Haak's tenure, it was Southwest's policy to refer and send all employees who had been accused of sexual assault and/or sexual harassment to Richardson Management Associates, Ltd., located at 104-4710 Saint-Ambroise, Montreal, Quebec H4C 2C7, Canada.

10. Richardson Management Associates, Ltd. was colloquially known as "Charm School" by the employees of Southwest.

11. The mission of Richardson Management Associates, Ltd. (hereafter, the "Charm School") was to teach employees to avoid improprieties in the workplace.

12. Southwest used the Charm School as a slap on the wrist for its pilots caught in disreputable acts in an effort to avoid meaningful discipline and to keep their indiscretions out of the public eye.

13. Prior to his interactions with Ms. Janning, Cpt. Haak had been sent to the Charm School at least once in his career following an incident in 2008 during which Cpt. Haak sexually assaulted a Southwest flight attendant after forcing himself into her hotel room.

14. Cpt. Haak's trip to the Charm School followed several complaints and other instances of sexual assaults and sexual harassment performed by Cpt. Haak.

15. Also prior to his interactions with Ms. Janning, Cpt. Haak had been reported for exposing himself to flight attendants and other pilots in a hotel following a flight, and for disseminating nude photographs of his wife to flight attendants in a misguided effort to convince them to have sex with him.

16. Following Cpt. Haak's trip to the Charm School, Cpt. Haak performed several other instances of sexual assaults and sexual harassment, and the complaints by other employees to Southwest were routinely ignored by Southwest.

17. This also includes a Seminole County (Florida) matter alleging repeated acts of domestic violence and stalking by Cpt. Haak against a woman to whom Cpt. Haak was not married.

18. Despite the many complaints and instances of Cpt. Haak's sexual predation prior to Cpt. Haak's meeting Ms. Janning, Southwest did absolutely nothing to forestall Cpt. Haak's misdeeds, apart from sending him on vacation to Montreal.

B. The Incident.

19. On August 10, 2020, Ms. Janning (then, First Officer Janning) had been scheduled to fly from Philadelphia to Orlando, for Southwest, with her scheduled partner Captain Del Mann (hereafter, the "Flight").

20. In the days prior, Cpt. Haak, who was retiring and had considerable seniority, put in for the Flight and assumed the role as Captain with then-F.O. Janning.

21. Cpt. Haak and Ms. Janning had never met prior to August 9, 2020.¹

22. Cpt. Haak was the Captain of the August 10, 2020 Flight and Ms. Janning was the First Officer.

23. As a result, Cpt. Haak was Ms. Janning's superior.

24. On the Flight, Cpt. Haak announced to Ms. Janning that this was to be his final flight, and that there was "something [he] wanted to do before retiring."

25. Cpt. Haak then bolt-locked the cockpit door, in violation of Federal Law, such that only he and Ms. Janning were inside and such that no one else could enter.

26. Then, Cpt. Haak placed the plane on autopilot, stripped off his clothing, and masturbated in front of Ms. Janning while watching pornography on a tablet.

¹ Southwest has incorrectly concluded that the two had flown together on May 1 and 2, 2019. Southwest's own flight logs (published by SWAPA) show that this is untrue as Ms. Janning was not flying at all on these dates. Moreover, Cpt. Haak signed a sworn statement as part of the FBI investigation admitting that he had never previously flown with Ms. Janning.

27. Cpt. Haak took several photographs and videos of himself masturbating in the cockpit in front of Ms. Janning, and encouraged her to do the same.

28. Horrified, Ms. Janning also took photographs in order to create a record.

29. This event took place over more than thirty (30) minutes until Cpt. Haak ejaculated and redressed.

C. Ms. Janning Reports the Incident and Southwest's Retaliation.

30. On November 6, 2020, Ms. Janning reported the Incident on the Flight via formal complaint of sexual harassment to Julie O'Grady, who served as Senior Employee Relations Investigator for Southwest.

31. On November 12, 2020, Southwest informed Ms. Janning that no internal investigation of Cpt. Haak's actions would take place due to the fact that Cpt. Haak had retired and that Southwest was unwilling to contact him further for questioning.

32. Also on November 12, 2020, Ms. O'Grady informed Ms. Janning that Southwest was closing Ms. Janning's case, but that per Southwest protocol, Ms. Janning's Orlando Chief Pilot, Mike Hawkes, would be contacting her to officially inform Ms. Janning that the sexual harassment investigation was complete.

33. Ms. Janning specifically requested that Ms. O'Grady not involve Mr. Hawkes due to a prior incident in which Mr. Hawkes had disparaged Ms. Janning to a male Captain, which was the principal reason for which Ms. Janning delayed in reporting the incident with Cpt. Haak in the first place.

34. Specifically, Ms. Janning feared retaliation from Mr. Hawkes.

35. On November 13, 2020, Southwest forwarded the matter to Ann Marie Donalson of Southwest's Corporate Security Department.

36. Also due to fear of retaliation, Ms. Janning specifically requested that Ms. Donalson not involve base management.

37. Ms. Janning advised Ms. Donalson that she intended to contact the Federal Bureau of Investigation (hereafter, the "FBI").

38. Then on December 2, 2020, Ms. Janning met with the FBI.

39. The FBI investigation was handled discretely and privately by Ms. Janning.

40. Southwest, on the other hand, published the events and negative information regarding the victim, Ms. Janning, to at least twenty-five employees at Southwest, including individuals working within Southwest's flight operations department, each and every member of the Orlando chief pilots and staff, the entire labor relations department, and several of the pilots' union officials and staff.

41. On December 9, 2020, Marsha Kinsley, a manager with Southwest Labor Relations, published a “convenience pull notification” letter (hereafter, the “2C Letter”), allegedly pursuant to Section 2.C of the Collective Bargaining Agreement (hereafter, the “CBA”) more than twenty-five employees at Southwest.

42. The 2C Letter identified private information, including Ms. Janning’s name, employee number, home address, and made baseless allegations about Ms. Janning’s competency to fly.

43. Also on December 9, 2020, a week after Ms. Janning testified before the FBI, Ms. Janning was in Denver, Colorado, performing her scheduled Southwest flights.

44. Southwest had issued Ms. Janning a “Letter of Warning,” apparently for the sin of being subjected to Cpt. Haak’s perversions and having the audacity to complain about it.

45. Upon landing in Denver, David Newton, Headquarters Chief Pilot for Southwest Operations, phoned Ms. Janning to advise her that Flight Operations leaders had been briefed the night before and collectively decided to remove Ms. Janning from flight status effective immediately and indefinitely after being made aware of a “possible lawsuit.”

46. Mr. Newton insinuated that the Federal Aviation Administration (hereafter, the “FAA”) deemed Ms. Janning unsafe and would consider her “an accident.”

47. This intimidated Ms. Janning into thinking that the FAA was involved in the decision to ground her.

48. Ms. Janning later discovered that Mr. Newton had never reported to, or consulted with the FAA regarding Ms. Janning and/or the Incident.

49. Mr. Newton had not secured any return flight for Ms. Janning to her home base, rendering Ms. Janning stranded until the FBI interceded and offered to return Ms. Janning to Orlando on a United Airlines flight as a Federal victim/witness the next morning.

50. On December 10, 2020, Ms. Janning advised Orlando Chief Pilot Mike Hawkes that her FBI interview had been completed and speculated that it could be months before she had to speak with the FBI again, and that this was likely to take place only in the event of a grand jury subpoena.

51. Mr. Hawkes stated that he was not involved in the decision to ground Ms. Janning, but that he would inquire with Mr. Newton to determine whether Ms. Janning’s grounding was due to her being “mentally” unfit.

52. Despite Ms. Janning’s advising Southwest that her portion of the FBI investigation was complete, that she was mentally sound, and that she did not wish

to be grounded, Southwest continued with grounding Ms. Janning “for her benefit.”

53. Thereafter, Southwest provided a different basis for her grounding each time she requested an explanation.

54. It is notable that the grounding occurred five weeks after her report of the Incident, and months after the actual Incident, during which time Ms. Janning did not experience any issues in-flight whatsoever or exhibit any grounds to suspect that there were any issues with Ms. Janning.

55. Although Ms. Janning was paid during her grounding, Southwest paid her less than her earnings as a flying pilot and disparate to her peers.

56. Following her grounding, Ms. Janning reported the compounding monthly pay discrepancies to Mr. Hawkes on multiple occasions.

57. Ms. Janning endured an accrued pay loss from December 2020 through June of 2021 in the amount of nearly \$30,000.00, of which she has collected approximately half of what she is due, and Ms. Janning also suffered the loss of sick-bank accrual, retirement and profit sharing contributions that are associated with the incorrect calculations of her gross pay.

58. Eventually, on March 25, 2021, after a three and a half (3.5) month involuntary grounding, Southwest gave Ms. Janning less than 48-hours to arrive in Dallas, Texas for coerced unnecessary simulator training.

59. As a result of her involuntary grounding, Ms. Janning's annual recurrent training, which was scheduled each February, was removed from her schedule, and her takeoff and landing currency with the FAA had expired on March 7, 2021 as a consequence.

60. As a result of this, Southwest forced Ms. Janning to endure training before being eligible to fly again.

61. Beyond this, due to the Covid-19 Pandemic, the FAA afforded a 180-day extension to pilots (instead of the standard 90-day period) for these currency requirements.

62. This special FAA rule was in effect through and including March 31, 2021.

63. Southwest had implemented this 180-day extension for pilots at risk of exceeding their 90 day period without logging a takeoff or landing.

64. In March of 2021, Ms. Janning requested that she be allowed to make use of this extension.

65. Southwest denied Ms. Janning, and compelled her to complete simulator training in Dallas, Texas on March 25 and 26, 2021.

D. SWAPA Becomes Involved.

66. In December of 2020, Ms. Janning informed Helen Yu, the lead attorney for SWAPA, Ms. Janning's Union, of the Incident and the pending FBI investigation.

67. At this stage, SWAPA did nothing.

68. SWAPA refused to advocate on Ms. Janning's behalf even when Ms. Janning actively sought her union's assistance in determining a legitimate basis for her grounding.

69. At no stage did SWAPA support or even offer support for Ms. Janning.

70. SWAPA did nothing to assist Ms. Janning when Southwest stranded her in Denver, despite the fact that Ms. Janning contacted her SWAPA representative, Scott Thatcher for assistance.

71. Instead, when Cpt. Haak faced criminal charges (for which he eventually pled guilty to a misdemeanor) for the Incident, Mike Santoro, a Vice President of SWAPA, actually wrote to Magistrate Judge J. Mark Coulson of the District of Maryland stating that Cpt. Haak enjoyed a "spotless employment and training record" and that he "did not have any employment related issues **nor complaints** for which he would have required union representation."

72. Rather than support Ms. Janning, SWAPA actually assisted Cpt. Haak and Southwest in the criminal investigation before the FBI and the criminal action that followed by concealing the reports of no fewer than three female victims that SWAPA representatives had interviewed as part of the SWAPA Professional Standards Committee's investigation into the sexual assault and/or harassment claims against Cpt. Haak.

E. Southwest Doubles Down.

73. While the FBI investigation of Cpt. Haak and Southwest was pending, Southwest and its employees received numerous summonses and requests for statements by the FBI.

74. Staggeringly, rather than simply complying with the FBI investigation, Southwest issued an internal memorandum to its employees instructing them not to cooperate with the FBI.

75. When the FBI advised Southwest that it was committing the crime of obstruction of a Federal Investigation, Southwest recanted its unlawful stance.

76. Despite this, Southwest continued its harassment and retaliation against Ms. Janning.

F. Continuing Disparate Treatment.

77. On April 30, 2021, Ms. Janning informed Assistant Chief Pilot of Southwest, Paul Kury, that her son may have been exposed to Covid-19 and that he was symptomatic, noting that as a result, she may also have been exposed.

78. Mr. Kury advised Ms. Janning that Southwest policy was to remove Ms. Janning from duty for twenty (20) days due to a family exposure and locked Ms. Janning out of the flight selection boards for pilots.

79. Interestingly, also on April 30, 2021, Ms. Janning's ex-husband (who is also a pilot for Southwest) called Mr. Kury and advised him that he had also potentially been exposed as a result of sharing this same son with Ms. Janning.

80. Mr. Kury did not implement Southwest's "policy" to remove him from duty for twenty (20) days due to a family exposure, nor did Mr. Kury lock him out of the flight selection boards for pilots.

81. As a result, Ms. Janning has the first twenty-two (22) days of her schedule removed, some being subtracted from her sick-bank, which caused Ms. Janning to incur a loss of \$2,500.00 in sick-bank value, while her ex-husband's schedule and pay and sick-bank was not impacted, despite the fact that both were equally exposed to the same family member.

82. Mr. Kury's explanation as to the disparate treatment was that Southwest "had to make a decision."

83. In other words, there was no clearly stated grounds afforded for the disparate treatment.

84. Of course, only one of the two participated in an FBI investigation for sexual predation on a Southwest flight.

85. Since the Incident in which sexual predator Cpt. Haak exposed himself and masturbated in front of Ms. Janning, while flying a plane full of passengers, Southwest has sought every avenue of retaliation it could develop, including, but not limited to, removing the victim from duty twice and slandering her name.

86. Southwest has created an extremely hostile work environment for Ms. Janning, in which she is a pariah.

87. Prior to these events, Ms. Janning was already an extreme minority in a boys' club of pilots.

88. Only three-point-six percent (3.60%) of Southwest pilots are women.

89. Now, for the mortal sin of being the woman Cpt. Haak chose to sexually assault (this time), Ms. Janning is the scourge of Southwest.

G. Exhaustion of Administrative Remedies.

90. On April 2, 2021, Ms. Janning filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission (hereafter, the

“EEOC”) stating the claims raised herein, as well as violations of the Federal Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*

91. On November 2, 2021, the EEOC dismissed the EEOC charges raised by Ms. Janning and issued Ms. Janning a “right to sue” notice.

92. While Ms. Janning’s then-counsel declined to pursue the violations of the Federal Civil Rights Act within the allowed 90 days, and while those claims are now barred, the claims presented herein are unaffected by this decision.

93. Ms. Janning has now exhausted her administrative remedies as required per the Florida Civil Rights Act, Fla. Stat. § 760.01, *et seq.*

94. Ms. Janning now sues for damages.

COUNT I
Negligent Supervision
Against Southwest Airlines, Co.

95. Ms. Janning restates paragraphs 1-94 and incorporates said paragraphs herein by reference.

96. Cpt. Haak began his employment with Southwest in 1994.

97. Between 1994 and August 10, 2020, Southwest became aware (through employee complaints) of at least three separate instances of Cpt. Haak sexually molesting, sexually assaulting, and/or sexually harassing female employees of Southwest.

98. During this period, Southwest also became aware that Cpt. Haak had been committing acts of domestic violence against a woman to whom he was not married.

99. Instead of imposing real consequences or actually supervising Cpt. Haak, Southwest brushed the instances under the rug and sent him on paid vacation to Charm School in Montreal.

100. Encouraged by this lack of action, Cpt. Haak denuded himself and masturbated on a plane, in air, in front of Ms. Janning in a bolt-locked cockpit, secured by her superior officer.

101. Southwest did nothing to prevent or curtail Cpt. Haak's sexual predation prior to his sexual assault on Ms. Janning.

102. Southwest is liable to Ms. Janning for negligent supervision.

COUNT II
Negligent Retention
Against Southwest Airlines, Co.

103. Ms. Janning restates paragraphs 1-102 and incorporates said paragraphs herein by reference.

104. Cpt. Haak began his employment with Southwest in 1994.

105. Between 1994 and August 10, 2020, Southwest became aware (through employee complaints) of at least three separate instances of Cpt. Haak

sexually molesting, sexually assaulting, and/or sexually harassing female employees of Southwest.

106. During this period, Southwest also became aware that Cpt. Haak had been committing acts of domestic violence against a woman to whom he was not married.

107. Instead of imposing real consequences or actually supervising Cpt. Haak, Southwest brushed the instances under the rug and sent him on paid vacation to Charm School in Montreal.

108. Encouraged by this lack of action, Cpt. Haak denuded himself and masturbated on a plane, in air, in front of Ms. Janning in a bolt-locked cockpit, secured by her superior officer.

109. Southwest did nothing to prevent or curtail Cpt. Haak's sexual predation prior to his sexual assault on Ms. Janning.

110. Southwest is liable to Ms. Janning for negligent retention.

COUNT III
Sexual Assault
Against Captain Michael Haak

111. Ms. Janning restates paragraphs 1-111 and incorporates said paragraphs herein by reference.

112. On the Flight, Cpt. Haak bolt-locked the cockpit door, such that only he and Ms. Janning were inside, and such that no one else could enter the cockpit.

113. Then, Cpt. Haak placed the plane on autopilot, stripped off his clothing, and masturbated in front of Ms. Janning while watching pornography on a tablet.

114. Cpt. Haak took several photographs and videos of himself masturbating in the cockpit in front of Ms. Janning, and encouraged her to do the same.

115. This event took place over more than thirty (30) minutes until Cpt. Haak ejaculated and redressed.

116. Cpt. Haak is liable to Ms. Janning for sexual assault.

COUNT IV
Retaliation
Florida Civil Rights Act, Fla. Stat. § 760.01, *et seq.*
Against Southwest

117. Ms. Janning restates paragraphs 1-116 and incorporates said paragraphs herein by reference.

118. On November 6, 2020, following the Incident, Ms. Janning reported the Incident to Southwest.

119. On December 2, 2020, Ms. Janning also gave an interview to the FBI relating to the Incident.

120. On December 9, 2020, a week later, Southwest grounded Ms. Janning and removed her from flight.

121. Also on December 9, 2020, Marsha Kinsley, a manager with Southwest Labor Relations, published the 2C Letter to more than twenty-five employees at Southwest.

122. Thereafter, Southwest took numerous measures to punish Ms. Janning, including, but not limited to, refusing her the FAA's 180-day extension to return to flight without simulator training, and handling her self-reporting of her son's suspected Covid-19 infection differently than that of her ex-husband, despite the fact that both pilots reported the suspected infection to the same person, the same day.

123. Southwest's retaliatory actions cost Ms. Janning thousands of dollars in pay, benefits and sick-pay credit.

124. Southwest is liable to Ms. Janning for retaliation under the Florida Civil Rights Act.

COUNT V
Hostile Work Environment
Florida Civil Rights Act, Fla. Stat. § 760.01, *et seq.*
Against Southwest

125. Ms. Janning restates paragraphs 1-124 and incorporates said paragraphs herein by reference.

126. Ms. Janning is a woman.

127. Women comprise only three-point-six percent (3.60%) of the pilots at Southwest.

128. On the Flight, Cpt. Haak bolt-locked the cockpit door, such that only he and Ms. Janning were inside, and such that no one else could enter the cockpit.

129. Then, Cpt. Haak placed the plane on autopilot, stripped off his clothing, and masturbated in front of Ms. Janning while watching pornography on a tablet.

130. Cpt. Haak took several photographs and videos of himself masturbating in the cockpit in front of Ms. Janning, and encouraged her to do the same.

131. This event took place over more than thirty (30) minutes until Cpt. Haak ejaculated and redressed.

132. Cpt. Haak selected this Flight with Ms. Janning because she was a woman.

133. Cpt. Haak had never flown with Ms. Janning before the Flight and replaced Cpt. Mann from the Flight.

134. Cpt. Haak's in-flight masturbation was an extremely severe and pervasive form of abuse, occurring in-air, with a plane full of passengers, in a bolt-locked cockpit.

135. The Incident itself, and Southwest's response thereto, massively altered the terms and conditions of the employment for Ms. Janning and created a discriminatorily abusive working environment.

136. Between 1994 and August 10, 2020, Southwest became aware (through employee complaints) of at least three separate instances of Cpt. Haak sexually molesting, sexually assaulting, and/or sexually harassing female employees of Southwest.

137. During this period, Southwest also became aware that Cpt. Haak had been committing acts of domestic violence against a woman to whom he was not married.

138. Instead of imposing real consequences or actually supervising Cpt. Haak, Southwest brushed the instances under the rug and sent him on paid vacation to Charm School in Montreal.

139. Encouraged by Southwest's lack of action, Cpt. Haak abused Ms. Janning in-flight.

140. During this Flight, Cpt. Haak was flying for Southwest.

141. Southwest is liable to Ms. Janning for creating a hostile work environment under the Florida Civil Rights Act.

COUNT VI
Conspiracy to Retaliate
Against Southwest and SWAPA

142. Ms. Janning restates paragraphs 1-141 and incorporates said paragraphs herein by reference.

143. The presumptive (and for that matter, contractual) role of SWAPA is to stand up for and defend its members in disputes with Southwest.

144. SWAPA may have done so on behalf of Cpt. Haak, but SWAPA absolutely failed to do so in support of the victim of the Incident, Ms. Janning.

145. In December of 2020, Ms. Janning informed Helen Yu, the lead attorney for SWAPA, Ms. Janning's Union, of the Incident and the pending FBI investigation.

146. At this stage, SWAPA did nothing.

147. SWAPA refused to advocate for Ms. Janning, even where Ms. Janning sought SWAPA's support for her involuntary grounding.

148. At no stage did SWAPA support or even offer support for Ms. Janning.

149. SWAPA failed to assist Ms. Janning while she was stranded in Denver, even when Ms. Janning sought assistance from her SWAPA representative, Mr. Thatcher.

150. Instead, when Cpt. Haak faced criminal charges (for which he eventually pled guilty to a misdemeanor) for the Incident, Mike Santoro, a Vice President of SWAPA, actually wrote to Magistrate Judge J. Mark Coulson of the District of Maryland stating that Cpt. Haak enjoyed a "spotless employment and

training record” and that he “did not have any employment related issues **nor complaints** for which he would have required union representation.”

151. Rather than support Ms. Janning, SWAPA actually assisted Cpt. Haak and Southwest in the criminal investigation before the FBI and the criminal action that followed by concealing the reports of three other female victims of Mr. Haak’s sexual predation.

152. This was done to further protect the boys’ club that is SWAPA and its nearly all-male pilot membership.

153. SWAPA and Southwest conspired to protect its male membership from the unwanted complaints of women, including Ms. Janning.

154. This further aided and emboldened Southwest in retaliating against Ms. Janning by grounding her without basis, denying her the 180-day exemption to simulator training, and treating her differently from her ex-husband in handling the Covid-19 protocol, and maintaining disparate pay from her male colleagues, among other things.

155. Southwest and SWAPA are liable to Ms. Janning for conspiracy to retaliate.

COUNT VII
Slander / Slander Per Se / Libel / Libel Per Se
Against Southwest

156. Ms. Janning restates paragraphs 1-155 and incorporates said paragraphs herein by reference.

157. Following the Incident, Southwest took up the flag of blame and shame the victim.

158. Southwest shamed the victim, Ms. Janning, and published numerous oral and written statements to numerous parties asserting the false claim that Ms. Janning was mentally unfit to perform her duties as a pilot and otherwise physiologically unfit for duty.

159. On December 9, 2020, Marsha Kinsley, a manager with Southwest Labor Relations, published the 2C Letter to more than twenty-five employees at Southwest.

160. The 2C Letter identified private information, including Ms. Janning's home address, and made baseless allegations about Ms. Janning's competency to fly.

161. The 2C Letter stated, in no uncertain terms, to Ms. Janning's coworkers that Ms. Janning was mentally unstable and incapable of being trusted with an aircraft.

162. Each and every one of Southwest's defamatory statements, was demonstrably false and made with malice.

163. This severely damaged, and continues to severely damage Ms. Janning's reputation.

164. Southwest is liable to Ms. Janning for slander and slander *per se*.

COUNT VIII
Gender Discrimination
Florida Civil Rights Act, Fla. Stat. § 760.01, et seq.
Against Southwest

165. Ms. Janning restates paragraphs 1-164 and incorporates said paragraphs herein by reference.

166. Ms. Janning is a woman.

167. Women comprise only three-point-six percent (3.60%) of the pilots at Southwest.

168. On April 30, 2021, Ms. Janning informed Assistant Chief Pilot of Southwest, Paul Kury, that her son may have been exposed to Covid-19 and that he was symptomatic, noting that as a result, she may also have been exposed.

169. Mr. Kury advised Ms. Janning that Southwest policy was to remove Ms. Janning from duty for twenty (20) days due to a family exposure and locked Ms. Janning out of the flight selection boards for pilots.

170. Interestingly, also on April 30, 2021, Ms. Janning's ex-husband (who is also a pilot for Southwest) called Mr. Kury and advised him that he had also potentially been exposed as a result of sharing this same son with Ms. Janning.

171. Mr. Kury did not implement Southwest's "policy" to remove him from duty for twenty (20) days due to a family exposure, nor did Mr. Kury lock him out of the flight selection boards for pilots.

172. As a result, Ms. Janning has the first twenty-two (22) days of her schedule removed, some being subtracted from her sick-bank, which caused Ms. Janning to incur a loss of \$2,500.00 in sick-bank value, while her ex-husband's schedule and pay and sick-bank was not impacted, despite the fact that both were equally exposed to the same family member.

173. Mr. Kury's explanation as to the disparate treatment was that Southwest "had to make a decision."

174. In other words, there was no clearly stated grounds afforded for the disparate treatment.

175. Prior to these events, Ms. Janning was already an extreme minority in a boys' club of pilots.

176. Southwest is liable to Ms. Janning for creating a gender discrimination under the Florida Civil Rights Act.

PRAYER FOR RELIEF

WHEREFORE, Christine Janning prays for judgment as requested above against all Defendants and further requests:

- a. An award of damages as stated per this Complaint;
- b. Incidental and consequential damages;
- c. Punitive damages;
- d. Exemplary damages;
- e. Economic damages;
- f. An award of attorneys' fees and costs in bringing and maintaining this action; and
- g. Any other relief as this Court may deem just and reasonable.

DEMAND FOR JURY TRIAL

Christine Janning requests a trial by jury on all issues so triable.

Respectfully submitted, this 26th day of September, 2022.

FGP LAW, LLC

/s/ Frank G. Podesta

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