

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

SUPERIOR COURT
C.A. NO.

14 00751

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CLERK OF THE COURTS
NORFOLK COUNTY

MATTHEW BARRETT,)
Plaintiff)
v.)
FONTBONNE ACADEMY,)
Defendant)
)

COMPLAINT

1. This is a Complaint under Massachusetts General Law Chapter 151B, Section 4 for discrimination on the basis of sexual orientation and sex against a school that terminated the employment of plaintiff Matthew Barrett after learning that he is gay and married to a man.

JURISDICTION

2. The plaintiff, Matthew Barrett, filed a complaint for discrimination with the Massachusetts Commission Against Discrimination on January 30, 2014, more than ninety days prior to the filing of this action.

3. This Court has jurisdiction pursuant to Massachusetts General Law Chapter 151B, Section 9.

PARTIES

- 4. The plaintiff, Matthew Barrett, lives at [REDACTED]
- 5. The defendant, Fontbonne Academy ("Fontbonne"), is a secondary school for young women located at 930 Brook Road, Milton, MA 02186.
- 6. Fontbonne has approximately 60 employees.
- 7. Fontbonne was founded in 1954 by the Sisters of St. Joseph.

8. Fontbonne is governed by a 19-member Board of Trustees. Currently, five of the Trustees are Sisters of St. Joseph.

STATEMENT OF FACTS

9. In June 2013, Mr. Barrett applied for the position of Food Services Director at Fontbonne Academy.

10. Mr. Barrett has over twenty years of experience in the food services industry, including as the Food Services Director of the cafeteria at the JFK Federal Building in Boston and as a cook for the Milton Public Schools. The Food Services Director position was the perfect job for Mr. Barrett. It was close to his home, provided him with full-time employment, offered a higher salary than he was making at the time, and had a significant level of responsibility.

11. Mr. Barrett was called for an interview soon after submitting his resume.

12. During the first week of July 2013, Mr. Barrett went to Fontbonne for a first interview with Maryann Enright (“Enright”), who was overseeing the Food Services Director position at the time.

13. Enright was enthusiastic about Mr. Barrett’s candidacy.

14. She told him in their first meeting that he was her first choice for the job.

15. Enright called Mr. Barrett later that week for a second interview. Enright wanted Mr. Barrett to meet Karen Risso (“Risso”), the Fontbonne employee who would be his cafeteria assistant if he were hired.

16. Mr. Barrett told Enright that he was on vacation, but she insisted on meeting as soon as possible. Enright said that she and Risso would meet Mr. Barrett close to where he was vacationing. They then arranged to meet at a Dunkin Donuts on the South Shore of Massachusetts.

17. On July 9, 2013, after Mr. Barrett returned from vacation, Mr. Barrett went to Fontbonne for a third interview with Enright and Mary Ellen Barnes (“Barnes”), the Head of School at Fontbonne.

18. On July 9, Fontbonne offered Mr. Barrett the job as Food Services Director.

19. Mr. Barrett accepted the position at the July 9 meeting.

20. At the July 9 meeting, Mr. Barrett was asked to fill out standard paperwork for a new employee. One of the forms asked for the name of an emergency contact and the relationship of that person to him.

21. Mr. Barrett listed Ed Suplee as his emergency contact. Under “relationship,” Mr. Barrett wrote “husband.”

22. Mr. Barrett and Mr. Suplee are gay men in a long-term committed relationship. They were married in Massachusetts on September 29, 2012 in front of 110 of their family, friends, neighbors, and coworkers.

23. On July 9, after accepting Fontbonne's offer of employment, Mr. Barrett gave notice to his current employer, the Milton Public Schools.

24. On July 11, after learning that Mr. Barrett is gay and married to a man, Enright sent him an email stating that there was an “issue” with his employment and asking him to come to Fontbonne to meet with her and Barnes.

25. Mr. Barrett met with Enright and Barnes on July 12 in Barnes's office at Fontbonne.

26. At that meeting, Barnes told Mr. Barrett that Fontbonne would no longer employ him because he is gay and married to a man.

27. Barnes rescinded the employment offer and terminated Mr. Barrett’s employment for that reason alone.

28. Fontbonne does not limit admission to students who are Catholic but rather welcomes students of all faiths.

29. Fontbonne does not limit employment to members of the Catholic religion.

30. Fontbonne describes itself as an “inclusive community” that “embraces diversity in many forms.”

31. Fontbonne represents that its “core values” will “help to create an environment that values and respects diversity of all kinds.”

32. Fontbonne bills itself as an equal employment opportunity employer.

33. Fontbonne represents and advertises that “[c]onsistent with those religious exemptions provided in statutory and constitutional law, employment decisions are based on merit, job requirements and qualifications, and organizational needs, and not on race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.”

34. The Catechism of the Catholic Church takes no position on civil marriage by same-sex couples as a matter of faith or morals.

COUNT I: DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION IN VIOLATION OF M.G.L. C. 151B, SECTION 4.

35. Plaintiff Matthew Barrett repeats and realleges each and every fact set forth in paragraphs 1-34 of this Complaint and incorporates them by reference herein.

36. Defendant Fontbonne Academy discriminated against plaintiff Matthew Barrett in employment on the basis of his sexual orientation in violation of Massachusetts General Law Chapter 151B, Section 4.

**COUNT II: DISCRIMINATION ON THE BASIS OF SEX IN
VIOLATION OF M.G.L. C. 151B, SECTION 4.**

37. Plaintiff Matthew Barrett repeats and realleges each and every fact set forth in paragraphs 1-34 of this Complainant and incorporates them by reference herein.

38. Defendant Fontbonne Academy discriminated against plaintiff Matthew Barrett in employment on the basis of his sex in violation of Massachusetts General Law Chapter 151B, Section 4.

RELIEF REQUESTED

WHEREFORE, Plaintiff Matthew Barrett requests that the Court:

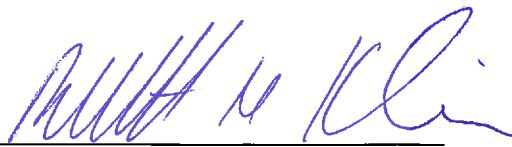
- (1) Award him actual damages, including but not limited to back pay, front pay, emotional distress damages, and all other remedies in law and equity available under Massachusetts General Law Chapter 151B, Section 9;
- (2) Award him punitive damages;
- (3) Award him reasonable attorneys' fees and costs; and
- (4) Provide all other relief that is just and proper.

Respectfully submitted,

MATTHEW BARRETT,
By his attorneys,

5/27/14

Dated



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