

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 12 CVS _____

<p>STEVEN CHAFFIN,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MASTEC NORTH AMERICA, INC. d/b/a ADVANCED TECHNOLOGIES, MASTEC SERVICES COMPANY, INC., and MASTEC, INC.</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>RY</p> <p>COMPLAINT</p>	<p>2012 JAN 27 PM 4:18 WAKE COUNTY, C.S.C.</p>
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NOW COMES plaintiff, complaining of the defendants as follows:

INTRODUCTION

1. This is a civil action seeking to recover damages and equitable relief from defendants MasTec North America, Inc., d/b/a Advanced Technologies, MasTec Services Company, Inc., and MasTec, Inc. on account of their unlawful and willful retaliation against plaintiff in violation of the Retaliatory Employment Discrimination Act ("REDA"), N.C. Gen. Stat. § 95-240 *et seq.*.

THE PARTIES

2. Plaintiff Steven Chaffin is a resident of Wake County, North Carolina. Plaintiff was employed by MasTec from March 2005 to mid-August 2008. During that period, plaintiff was an "employee" of MasTec, within the meaning of N.C. Gen Stat. §95-241 and within the meaning of the common law.

3. Defendant MasTec North America, Inc. is a foreign corporation with a

principal office located in Florida, d/b/a Advanced Technologies and licensed to do business within the State of North Carolina.

4. Defendant MasTec Services Company, Inc. is a foreign corporation with a principal office located in Florida and licensed to do business within the State of North Carolina.

5. Defendant MasTec, Inc., is a corporation organized and existing under the laws of the State of Florida with a place of business in Coral Gables, Florida, and is named as a party to this action in its capacity as parent company for MasTec North America, Inc. d/b/a Advanced Technologies and MasTec Services Company, Inc.

6. MasTec North America, Inc. d/b/a Advanced Technologies, MasTec Services Company, Inc. and MasTec, Inc., shall be referred to herein collectively as "MasTec".

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter and the parties to this action pursuant to N.C. Gen. Stat. § 95-243. Venue is proper in Wake County under N.C. Gen. Stat. § 95-243 (a) because plaintiff is a resident of Wake County.

FACTS

8. Upon information and belief, MasTec, North America, Inc. d/b/a Advanced Technologies, MasTec Services Company, Inc. and MasTec, Inc., jointly and severally, are engaged in the telecommunications industry, among others, at a warehouse located at 540 Pylon Drive in Raleigh, North Carolina (the Raleigh facility").

9. The Raleigh facility, upon information and belief, is occupied, managed and maintained by MasTec.

10. At all times relevant, the named defendants, jointly, severally, and by and through their respective agents, servants, and employees, managed, controlled, operated and/or administered the business activities and operations of the Raleigh facility.

11. MasTec hired plaintiff as a technician in March 2005. In July 2005

MasTec moved plaintiff into the position of warehouse assistant.

12. At all times relevant to this complaint, plaintiff was performing his job in a satisfactory manner.

13. On or about the morning of July 21, 2008, while performing work for MasTec, plaintiff injured his right shoulder when he tried to catch a falling box containing a satellite dish. Plaintiff reported his workplace injury to his supervisor later that same morning after the supervisor's arrival.

14. Plaintiff received medical treatment for his injured shoulder from his personal physician. Plaintiff's doctor placed him in a sling, and prescribed physical therapy and pain medication. Plaintiff was advised by his doctor not to work with his right arm, and to keep it in the sling.

15. Plaintiff returned to work the day following his injury wearing his sling, and he worked performing light duty tasks while wearing the sling until August 14, 2008. On August 14, 2008 plaintiff informed his manager that he needed to have an MRI the following week because his doctor had ordered it. Plaintiff explained to his manager that he had been informed by his doctor's office that he would possibly he would need surgery to his right shoulder.

16. On August 15, 2008, MasTec terminated plaintiff's employment.

17. MasTec terminated plaintiff's employment because he suffered a workplace injury and because MasTec anticipated that plaintiff would file a workers' compensation claim for his injury.

18. MasTec had no legitimate reason to terminate plaintiff's employment.

19. On January 12, 2009, plaintiff filed a claim for workers' compensation with the North Carolina Industrial Commission based on the injuries he suffered on July 21, 2008. A hearing was held before a deputy commissioner of the Industrial Commission on September 24, 2009 in Raleigh. On January 14, 2010, the Deputy Commissioner issued an Opinion and Award, finding and holding that plaintiff was terminated because of his injury and because he had notified MasTec about a change in his condition that would entitle him to workers' compensation benefits.

20. In terminating plaintiff's employment, MasTec unlawfully discriminated against plaintiff and retaliated against him for having a workplace injury requiring

treatment, because MasTec anticipated that plaintiff would file a workers' compensation claim for his injury, and because MasTec anticipated that plaintiff would be entitled to workers' compensation benefits as a result of his injury.

21. Upon information and belief, MasTec, through its corporate management, has deliberately trained, supervised, instructed, and authorized its managers to engage in the above unlawful practices, and has approved and ratified their actions in order to enhance corporate profits and reduce labor costs.

CLAIM FOR RELIEF
Violation of REDA, N.C. Gen. Stat. § 95-240 *et seq.*

22. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

23. In terminating plaintiff, MasTec unlawfully discriminated against him and retaliated against him for exercising his rights by filing or causing to be filed a claim or complaint, initiating an inquiry, investigation, proceeding, or other action, or providing information with respect to Chapter 97 of the North Carolina General Statutes (the North Carolina Workers' Compensation Act), N.C. Gen. Stat. § 97-1 *et seq.*, in violation of N.C. Gen. Stat. § 95-241(a).

24. MasTec's termination of plaintiff's employment on August 15, 2008, was a "retaliatory action" within the meaning of N.C. Gen. Stat. § 95-240(2) and was a discriminatory act against plaintiff within the meaning of N.C. Gen. Stat. § 95-241(a). The termination of plaintiff's employment was therefore unlawful.

25. In accordance with N.C. Gen Stat. § 95-242, plaintiff timely filed an administrative complaint with the Department of Labor against MasTec alleging unlawful retaliation and discrimination against him for asserting his rights under the Workers' Compensation Act.

26. The Commissioner of Labor issued plaintiff a Right-to-Sue Letter on November 1, 2011.

27. This action is timely filed within ninety days of November 1, 2011, as provided by N.C. Gen. Stat. § 95-243(b).

28. MasTec's retaliatory and discriminatory behavior proximately caused

plaintiff to suffer damages in excess of \$10,000 in lost wages, lost benefits, and other economic losses.

29. MasTec's termination of plaintiff because of his exercise of his rights under the Workers' Compensation Act was intentional and willful, within the meaning of N.C. Gen. Stat. § 95-243, entitling plaintiff to recover treble damages.

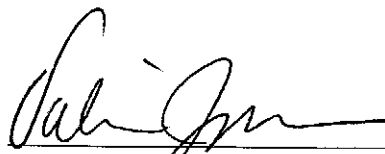
PRAYER FOR RELIEF

WHEREFORE, plaintiff requests the following relief:

- (1) A declaratory judgment that the practices complained of herein are unlawful under REDA;
- (2) Compensatory damages, including lost wages, lost benefits, and other economic losses for MasTec's violation of N.C. Gen. Stat. § 95-240 *et seq.*, as alleged in plaintiff's Claim for Relief;
- (3) Treble damages in accordance with N.C. Gen. Stat. § 95-243(c), on account of MasTec's willful violation of N.C. Gen. Stat. § 95-241(a);
- (4) A permanent injunction enjoining MasTec from violating the provisions of N.C. Gen. Stat. § 95-241(a);
- (5) An order requiring MasTec to purge all employment records of plaintiff of any adverse references to his termination, and to provide all prospective employers with job references free of any reference to such termination;
- (6) Costs of this action, including reasonable attorneys' fees pursuant to the N.C. Gen. Stat. § 95-243(c);
- (7) Pre-judgment and post-judgment interest, as provided by law; and
- (8) Such other and further legal and equitable relief as this Court deems necessary, just, and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues presented herein.



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