

FILED

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SX-2022-CV-00295

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

NADINE NOORHASAN,

Plaintiff,

v.

VIRGIN ISLANDS WASTE
MANAGEMENT AUTHORITY AND
ROGER E. MERRITT, JR.,

Defendants.

Civil No. _____

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, Nadine Noorhasan, by and through undersigned counsel, and files her Complaint against Defendants Virgin Islands Waste Management Authority and Roger E. Merritt, Jr., and alleges the following:

1. This Court has jurisdiction pursuant to the Civil Rights Statutes of the Virgin Island. The jurisdiction of this Court is invoked to secure protection of and to redress deprivation of rights secured by Civil Rights Statutes of the Virgin Islands, providing for injunctive and other relief against racial, religious, national origin, and sex discrimination in employment, and by 42 U.S.C.A. § 1981, provides for equal rights of all persons in every state and territory within the jurisdiction of the United States. This Complaint is also brought pursuant to the Virgin Islands Whistle Blower Act and taxpayer cause of action.
2. Plaintiff, Nadine Noorhasan, is a resident of St. Croix, U.S. Virgin Islands.
3. She is a female over 40.

4. Plaintiff holds an Associate's Degree in Science and Physics, a Bachelor of Science in Chemistry, and a PhD in Analytical Chemistry.
5. Defendant, Virgin Islands Waste Management Authority (VIWMA), is a body politic of the Government of the Virgin Islands with the ability to sue and be sued.
6. Based on information and belief, Roger E. Merritt Jr., is a resident of St. Croix, U.S. Virgin Islands.
7. Upon information and belief, Defendant Merritt, Jr. possesses a Bachelor's Degree in Civil Engineering and a Master's Degree in Business Administration.
8. Plaintiff began employment with VIWMA on October 15, 2013, as the Compliance Manager with a starting salary of \$65,000.00 a year plus benefits.
9. From November 2016 to March 2018, Roger E. Merritt Jr., was the Executive Director of VIWMA
10. Plaintiff was recommended by previous Executive Director, May Adams Cornwall as the Compliance and Enforcement Director and as of March 2017, at a salary of \$85,000.00.
11. During the period early 2017, Plaintiff and Defendant Merritt, Jr. entered into a personal relationship. While no such relationship can be completely consensual, given Merritt, Jr.'s position over Plaintiff, Plaintiff believed it was a consensual relationship.

12. Plaintiff believed Merritt, Jr. when he represented to Plaintiff that they were in a committed romantic relationship and Plaintiff fell in love with Merritt.
13. Plaintiff learned that Merritt, Jr. was also engaging in a relationship with another WMA employee, whom he also represented that their relationship was committed, and exclusive, and realized that she had been deceived by Merritt, Jr., and that Merritt, Jr. was only using Plaintiff to do the majority of his work at VIWMA.
14. Plaintiff learned in the mid part of 2017, that Defendant Merritt, Jr. was sleeping with other female members of VIWMA including Alice Krall.
15. During that period of time Plaintiff performed all of Defendant Merritt, Jr.'s work such as writing his testimonies and presentations.
16. Plaintiff represented Defendant Merritt, Jr. in meetings and worked outside of her job scope of Compliance Management and Environmental Enforcement Director.
17. Plaintiff attempted to get Defendant to be in an exclusive relationship with her, and he would hold out hope that he would do so, but never intended to do so.
18. At the end of 2017 into early 2018, Defendant Merritt, Jr. was brought in front of the VIWMA Board for his inappropriate behavior with women in the office, specifically Plaintiff and Alice Krall, as well as his poor performance.
19. The Board was specifically concerned with Defendant Merritt, Jr.'s relationship with Alice Krall, as she accompanied Defendant Merritt, Jr. everywhere even though her job did not require her to be with Defendant

Merritt 24/7.

20. March 1, 2018, the Board voted to remove Defendant Merritt as Executive Director and asked him to resign.
21. Defendant Merritt, Jr. left the Authority in March of 2018.
22. While the relationship between the parties had ended, and Plaintiff discontinued communicating with Defendant Merritt for some time, she began to again communicate on a professional basis only because she finally felt that it was safe to do so, because he was no longer at the Authority.
23. Defendant Merritt continued to text and call Plaintiff, but Plaintiff ignored Defendant Merritt because she finally felt that it was safe to do so because he was no longer at the Authority.
24. Plaintiff no longer wanted any involvement with Defendant Merritt.
25. In May 2019, Plaintiff was laterally transferred from Compliance Management and Environmental Enforcement Director to Compliance Management Director.
26. Plaintiff was told by Interim Executive Director, Adrian Wade Taylor, to focus on all major permitting, including the permitting of the landfills, which were never permitted in the past.
27. In January 2020, Defendant Merritt began texting and calling Plaintiff again frequently. Plaintiff believed they had established a friendly relationship.
28. On May 5, 2020, the Interim Executive Director, Adrian Wade Taylor, resigned from the Authority.

29. Unbeknownst to Plaintiff at the time, Defendant Merritt approached the VIWMA Board about trying to get the Executive Director position back and requested a \$165,000 per year salary, bonuses, and housing.
30. On May 17, 2020, Plaintiff applied for the vacant Executive Director position within VIWMA, and an interview was scheduled for May 28, 2020.
31. At no time was the Executive Director position advertised internally or externally as it should have been to allow qualified persons to apply.
32. On May 21, 2020, Plaintiff was informed that Defendant Merritt had arrived at the airport in St. Thomas and was transported to Government House.
33. Upon arrival at the Government House, Defendant Merritt met with Governor Albert Bryan, who arranged for Defendant Merritt to retake the position as Executive Director of VIWMA.
34. Defendant Merritt's meeting with the Governor was confirmed by a member of the Board of VIWMA.
35. The meeting between Defendant Merritt and the Governor and discussion to place Merritt in the Executive Director position was done without the knowledge or approval of the majority of the Board.
36. In July of 2020, despite Plaintiff receiving the majority of votes from the VIWMA Board in favor of her being appointed Executive Director of VIWMA, Roger E. Merritt, Jr., was placed in the position of Executive Director.
37. As a result of this action, Board Member Norbert Rosado, resigned from the VIWMA Board, and wrote a letter to the Chairman of the Board explaining

why he resigned.

38. Rosado's rationale for his resignation was that the Governor over-rode the Board vote and reinstated an Executive Director who was previously asked to resign by the prior administration for inappropriate sexual relationships with his subordinates.
39. Defendant Merritt did not physically return to the office of the Executive Director until September of 2020 and brought Alice Krall with him.
40. In October of 2020, Defendant Merritt began calling Plaintiff's personal and government cell phone with inappropriate, flirtatious inquiries and harassment which Plaintiff refused to engage in and rejected.
41. Shortly after Defendant Merritt began making calls to Plaintiff's personal cell phone, he and the Chief Administrative Officer, Sadie Clendenin, informed Plaintiff that the environmental enforcement duties would return to the Compliance Management Division as part of her duties.
42. Plaintiff indicated to Defendant Merritt and Clendenin that due to the increased duties, she would require an increase in salary to which Defendant Merritt and Clendenin agreed.
43. However, in January of 2021, Plaintiff was told that she would return as the Compliance Management and Environmental Enforcement Director with no increase in salary and would additionally be placed on probation for the position, despite the fact she had already held the position previously and successfully completed the requisite probation period.

44. Plaintiff countered that there should be no additional probationary period term and made Defendant Merritt a counteroffer to accept the change with a salary increase of \$99,000.00 and no probationary period, which has to date gone unanswered.
45. In March 2021, Defendant Merritt came to Plaintiff's office and began to make flirtations statements and actions in hopes she would return to the prior relationship, but Plaintiff kept her interaction professional, which upset Defendant Merritt.
46. Defendant Merritt once again came into Plaintiff's personal space and put his hand on Plaintiff's leg.
47. Plaintiff immediately rolled her chair out of Defendant Merritt's reach, rejecting his advances.
48. As a result of Plaintiff's refusal of Defendant's numerous advances since his return, he has retaliated against her in a campaign of targeting her for discipline and retaliating against her.
49. In April of 2021, Plaintiff questioned Defendant Merritt regarding electronic waste on St. Croix as part of her compliance duties.
50. Defendant Merritt lied to Plaintiff and said the waste was being "stored" at the Peter's Rest Convenience Center.
51. Plaintiff knew Defendant Merritt was lying but chose to leave it alone because by April of 2021, Merritt had fired nine (9) other VIWMA employees and Plaintiff was especially afraid to lose her job due to rejecting Merritt's

advances.

52. In June 2021, Defendant Merritt began to improperly criticize and belittle Plaintiff in front of her colleagues.
53. Defendant Merritt attacked Plaintiff for engineers not submitting their reports on a timely basis, which is not Plaintiff's job.
54. Defendant Merritt belittled Plaintiff in front of her colleagues by saying "you're not perfect Nadine, nothing about you is perfect" and "you are a failure".
55. In July 2021, VIWMA advertised the Environmental Enforcement Manager position opening.
56. Vince Hendrickson, is a male who has no experience in compliance or enforcement.
57. Vince Hendrickson's work experience is in security and only recently he became a Peace Officer and most recently worked as security for the Office of the Governor.
58. Vince Hendrickson was not qualified for the position of Enforcement Manager.
59. Even though Hendrickson was not even qualified for the Enforcement Manager position, he was offered the Compliance Management and Environmental Enforcement Director position that had been offered to Plaintiff, but earning a salary of \$100,000 per year and a new vehicle, a job Plaintiff previously held for less money.
60. Defendant Merritt's retaliation of Plaintiff continued into August when he improperly demanded to sign off on all permits that went out of VIWMA which

he had never done in the past and which was Plaintiff's job.

61. Plaintiff complied with Defendant Merritt's request.
62. Once Plaintiff started giving the permits to Defendant Merritt to sign, Merritt intentionally sat on the permits for sometimes twenty-eight or twenty-nine days of the thirty days that Plaintiff had to review and approve the permits.
63. While Ms. Noorhasan was dealing with Defendant Merritt's retaliation for rejection of his sexual overtures, on November 3, 2021, she also began to receive data from BioImpact in an Excel Spreadsheet with supporting lab analyses and chain of custody as it pertained to the sampling of the soil at the VIHA Donoe site.
64. Ms. Noorhasan discussed with BioImpact (Amy Dempsey) that the soil was contaminated with heavy metals, and VIWMA could not accept this soil at the Bovoni Landfill.
65. BioImpact also indicated that the soil would contain asbestos as no abatement was done on the site prior to demolition.
66. Plaintiff knew asbestos cannot be filtered or contained as soil migrates and is continually disturbed and BioImpact agreed.
67. Ms. Noorhasan discussed with BioImpact that BioImpact were mainly hired to conduct soil sampling and another contractor will be doing the clean-up where the VIHA had federal monies to ship the contaminated soil off-island.
68. On November 17, 2021, Plaintiff received an email from the human resources division stating to "see the attached directive".

69. The attached directive revealed that Defendant Merritt had demoted Plaintiff from Compliance Management Director to Compliance Manager, a position Plaintiff had already held and completed the requisite probation for.
70. In addition to the demotion, Defendant Merritt cut Plaintiff's salary by \$8,000.00.
71. Plaintiff received the demotion and pay cut despite the fact that she performed her job as Compliance Management Director as well as the job duties for the positions of Wastewater Administrative Assistant, Compliance Administrative Assistant and Legal Counsel, with no extra pay or benefits.
72. Additionally, Defendant Merritt altered Plaintiff's job description to state that her duties include "having to do everything she is told".
73. On November 22, 2021, Plaintiff filed a grievance with Human Resources challenging the demotion, pay cut, and new job specifications.
74. On November 24, 2021, Plaintiff met with Human Resources to discuss her grievance. Erika Callwood of Human Resources indicated that Plaintiff had no recourse as to her complaints and the Executive Director could do whatever he wanted. Plaintiff reminded Human Resources that she was going on vacation and could not respond until her return.
75. Plaintiff's vacation was previously requested on February 5, 2021, for December 2, 2021-December 23, 2021.
76. On November 29, 2021, Human Resources informed Plaintiff that the demotion and pay cut would not move forward pending "further investigation".

77. On December 3, 2021, Human Resources and Defendant Merritt then moved forward with Plaintiff's demotion while she was on preapproved vacation.
78. On December 16, 2021, Plaintiff's demotion and pay cut became effective.
79. On December 23, 2021, Plaintiff had an attorney write to VIWMA and Merritt to request a meeting regarding Plaintiff's demotion and pay cut.
80. To date neither VIWMA nor Merritt have responded to that request.
81. On January 26, 2022, Plaintiff wrote to Merritt informing him that she could no longer perform the additional job duties of Wastewater Administrative Assistant, Compliance Administrative Assistant or Legal Counsel as she was not being paid to perform those duties and they were not part of her job in her new demoted position.
82. On January 28, 2022, Plaintiff received an email from Defendant Merritt stating that Vince Hendrickson was not taking the Director of Compliance Management and Environmental Enforcement position (a position not advertised), but rather Anderson Poleon would fill that position.
83. Anderson Poleon is a peace officer, was the Governor's chief of security, and has no experience in environmental enforcement or compliance work.
84. Under the leadership of Mr. Merritt, Human Resources (HR) conveniently "lost" the original job specifications for the Compliance Management and Environmental Enforcement Director.
85. A new job spec was prepared for the Compliance Management Environment Enforcement Director's position, and was signed by Mr. Merritt, which

requires the CMEE Director to have a science background and to be qualified to review analytical data, none of which Poleon possesses.

86. In the same January 28, 2022, email, Merritt demanded that Plaintiff provide him and Poleon with a list of all her projects.
87. Plaintiff complied with the request and sent a detailed chart of all of her projects to Merritt and Poleon.
88. In response to Plaintiff's compliance with his demand, Merritt accused Plaintiff of "refusing to work" due to Plaintiff indicating that she could no longer perform the job duties of four positions without requisite pay despite her being demoted and her pay cut.
89. Plaintiff never "refused to work", she has always done and continues to do her job as Compliance Manager.
90. Defendant Merritt's response to Plaintiff was to have the newly appointed Poleon write Plaintiff up for "refusal to obey orders of supervisor or insubordination except in cases of life-threatening situation" and "restricting operations or otherwise impeding or compromising the integrity of the work process". Those allegations were false.
91. Defendants, except for conclusory statements, provided absolutely no factual evidence of Plaintiff's violations and did not specify what actions of Plaintiff equated to the violations and in fact the allegations were false.
92. Defendants mandated that Plaintiff attend and complete an Employee Assistance Program to "manage the stress of work and deal with changes to

the work environment” by March 6, 2022, or she would be terminated.

93. Plaintiff did not violate any of the Authority’s Employee Conduct and Work Rules, rather Defendant Merritt is retaliating against Plaintiff for refusing his sexual advances and refusing to do his work, and Defendant VIWMA is allowing the retaliation to happen.
94. Despite Plaintiff’s disagreement with the reprimand and mandated participation in the EAP, she contacted Cigna to enroll in the program and was told that Defendant VIWMA had not processed the referral for her to do so, therefore Plaintiff was not able to comply with Defendants’ mandate.
95. Defendants did this intentionally to terminate Plaintiff on a pretext.
96. On March 16, 2022, as Defendant Merritt and Poleon (at Merritt’s direction) continued to harass and retaliate against Ms. Noorhasan, she received a Non-Hazardous Special Waste Application from Ms. Lydia Pelle of VIHA as it pertained to the disposal of the soil at the Donoe site.
97. Even though it was known that the soil was contaminated with heavy metals and asbestos, VIHA indicated that if the soil was disposed at the Bovoni Landfill, it would be a cost savings for the project.
98. On March 17, 2022, Ms. Noorhasan responded to Ms. Lydia Pelle of VIHA indicating that based on the earlier data of heavy metals, and other contaminants in the soil, the soil from the VIHA Donoe site cannot be disposed at the Bovoni Landfill.
99. Further, Ms. Noorhasan requested for VIHA to submit the new sampling data

from the new contractor, as to the soil contents.

100. On May 13, 2022, while Ms. Noorhasan was in a meeting to discuss updates with Mr. Poleon, a discussion was then held about the concerns of the contaminated soil at the VIHA Donoe Site.
101. Mr. Poleon is not qualified to review analytical data, nor did he understand the analytical data as Mr. Poleon's background is as a Chief Security Guard and police officer without any rank, whose highest level of education is high school.
102. Hence, Mr. Poleon should have not been in the CMEE Director position based on the job specifications.
103. The only data with supporting lab information available for the VIHA Donoe site was from BioImpact study dated November 3, 2021, which showed heavy metals and that it could not be placed in the dump.
104. Ms. Noorhasan indicated to Mr. Poleon that VIWMA could not accept the material (soil) from the VIHA Donoe Site based on earlier data, and the fact VIHA had provided no appropriate updated data.
105. Based on the meeting with Mr. Poleon, Ms. Noorhasan resent the email dated March 17, 2022, to Ms. Lydia Pelle of VIHA since as of May 13, 2022, there was no response from VIHA to the March 17, 2022 email that the soil could not be dumped.
106. On May 13, 2022, Ms. Lydia Pelle of VIHA responded indicating that Tysam Tech had conducted re-testing of the VIHA Donoe Soil.

107. No information was provided on why there was the need for resampling with a different company when prior sampling had been properly done and showed the soil was contaminated.
108. BioImpact is a well-known environmental company that has existed in the Territory for over thirty years and Tysam Tech just came into existence roughly about the end of 2019.
109. Tysam Tech, for some unknown reason, which is believed to be dubious, was awarded the contract for the clean-up and the sampling of Donoe site.
110. On May 13, 2022, Ms. Trinity Granger of Tysam Tech emailed data to Ms. Noorhasan in table format with no supporting lab information or chain of custody, which made the validity of the data questionable.
111. No empirical information was provided on the sampling or re-sampling.
112. There was no way to verify that the samples were actually taken from the Donoe site or taken from someone's backyard.
113. No information was even provided on the sampling techniques.
114. No explanation was provided in regard to the data collected.
115. No background information was provided as why the VIHA Donoe site contained high levels of heavy metals and asbestos in the last testing, but now supposedly did not.
116. On May 16, 2022, Ms. Noorhasan responded to Ms. Trinity Granger of Tysam Tech requesting additional information in regard to the data in order to issue a Non-Hazardous Special Waste Permit for the Demolition site.

117. Ms. Granger of Tysam responded, explaining the types of testing done such as TCLP, SCLP, and Total metal.
118. Ms. Noorhasan had no idea what "Total metal" meant.
119. Ms. Granger never actually provided the lab analyses from the Certified Lab, chain of custody or another information such as sampling, background, and provided no discussion of the results.
120. In this e-mail, Ms. Granger indicated that she had a VIWMA permit for disposal of the soil at the Bovoni Landfill from the VIHA Donoe contaminated soil site.
121. Ms. Noorhasan responded to Ms. Granger explaining the different test methods and asked why all the data was not transmitted to VIWMA.
122. Ms. Noorhasan also indicated that she was unaware that Ms. Granger had a permit for the disposal of soil from the VIHA Donoe contaminated soil site as the proper listing information had not been provided.
123. Ms. Noorhasan was in disbelief that a permit could have even been issued.
124. There was no way Ms. Granger could have a permit when, as of Monday, May 16, 2022, VIWMA never received the actual lab data and chain of custody, sampling information, and background information.
125. VIWMA never received the asbestos data, the DPNR clearance letter as it pertained to the asbestos no longer being present on the buildings, a copy of the demolition permit from DPNR for the demolishing of the buildings, and the manifests showing that the asbestos containing material was shipped off-

island.

126. Again, the buildings were demolished on site “as is”, so all the soil would contain asbestos.
127. Moreover, on Friday, May 13, 2022, Ms. Noorhasan had a discussion with Mr. Poleon where she explicitly advised not to issue any permit in regards to the VIHA Donoe contaminated soil site.
128. On May 24, 2022, VIWMA finally received the actual certified lab data and chain of custody for the VIHA Donoe contaminated soil that was re-sampled by Tysam Tech.
129. The data from the lab was finally certified, but there still was no information as to how the sampling was provided.
130. On June 2, 2022, Ms. Noorhasan responded to Mr. Benjamin Keularts of Tysam Tech indicating that the material from the Donoe site had high concentrations of heavy metals, which will contaminate the Island’s aquifer, and could not be placed in the dump.
131. Based on the information, there was potentially hazardous waste as well and Ms. Noorhasan indicated to Tysam Tech that she would refer their case to DPNR and EPA.
132. Tysam Tech continued to be persistent with their demands to Ms. Noorhasan even though she indicated that VIWMA could not accept the contaminated VIHA Donoe soil on June 2, 2022.
133. On June 7, 2022, without any consultation from Ms. Noorhasan, Tysam Tech

and Mr. Poleon arranged a conference call.

134. The conference call was unprofessional and undocumented, and the participants were not even identified on the call.
135. Ms. Granger claimed that the soil from the VIHA Donoe contaminated soil site was now “good”, and she could get a letter from DPNR stating that the soil is good soil and can be disposed at the Bovoni Landfill.
136. Ms. Noorhasan stated to Ms. Granger that once she received this letter from DPNR, VIWMA could proceed with considering the application.
137. Ms. Granger then stated that she already had a permit from Mr. Poleon.
138. Ms. Noorhasan was not certain what type of permit Mr. Poleon issued to Ms. Granger as these permits are specific to the type of waste and not just the regular template hauler’s permit that Mr. Poleon has in his possession.
139. Ms. Noorhasan told Ms. Granger that Mr. Poleon was new and such an application would have been submitted to Ms. Noorhasan’s desk as she is the only one who reviews the analytical data and prepares this type of permit.
140. At the end of the call, Mr. Poleon told Ms. Granger to obtain the letter from DPNR.
141. By June 7, 2022, Ms. Granger was still harassing Ms. Noorhasan via email regarding her demands for a permit and stating that DPNR would state that the soil from the Donoe site was “good”.
142. Ms. Noorhasan responded to Ms. Granger’s email stating that the contamination of heavy metal would affect the Island’s groundwater aquifer

and the material could not be disposed at the Bovoni Landfill.

143. Ms. Noorhasan reiterated that once VIWMA received a clearance letter from DPNR then VIWMA could proceed with considering the permits.
144. On June 9, 2022, Ms. Noorhasan learned that Mr. Poleon, without the DPNR letter or proper testing, had, in fact, issued a permit for the disposal of contaminated soil with heavy metals and asbestos from the VIHA Donoe site for disposal at the Bovoni Landfill.
145. Ms. Noorhasan's job responsibilities include reporting all non-compliance with environmental regulations to DPNR and RPA, independently, within 24 hours of learning about the non-compliance. She is also tasked with notice of violations of the Court's consent decree.
146. As such, Ms. Noorhasan sent an e-mail to DPNR and EPA reporting the non-compliance violations of VIWMA.
147. On June 10, 2022, an official complaint by Ms. Noorhasan, was hand delivered to DPNR by a Noorhasan family member in regard to the issuance of a permit of the VIHA Donoe contaminated soil for disposal at the Bovoni Landfill.
148. On June 14, 2022, Ms. Noorhasan sent an email to Lenny Grossman of USEPA in regard to having a conference call about the Donoe contaminated soil on June 15, 2022.
149. On June 15, 2022, Ms. Noorhasan sent an email to Lenny Grossman of USEPA about the main highlights of their call, which was the improper

permitting of the Donoe soil.

150. Mr. Grossman and Ms. Noorhasan discussed that formal complaints needed to be made as it pertained to VIWMA's environmental violations of DPNR and EPA regulations by issuing the VIHA permit to dispose of contaminated soil at Bovoni landfill.
151. Mr. Grossman then also brought up VIWMA's environmental violations of DPNR and EPA regulations of the storage and handling of fluorescent light bulbs at the Peter's Rest Convenience Center in addition of the burial of electronic waste at the Anguilla Landfill.
152. On June 16, 2022, Ms. Noorhasan followed up with Dr. Pelle of DPNR regarding her discussion with the EPA that VIHA Donoe contaminated soil has high levels of heavy metal concentrations and asbestos and therefore the soil could not be accepted at the Bovoni landfill, and any attempt to do so would be a violation of the WMA consent decree.
153. On June 16, 2022, Ms. Noorhasan filed formal complaints with DPNR via email and hand delivery as she was required to do so in her position with WMA, pertaining to the environmental violations of the storage and handling of fluorescent light bulbs at Peter's Rest Convenience Center and the burial of electronic waste at the Anguilla Landfill.
154. On June 23, 2022, Ms. Noorhasan spoke with DPNR and learned that Tysam Tech improperly dumped sixty-five (65) loads of contaminated soil from the VIHA Donoe site at the Bovoni Landfill without any clearance from DPNR.

155. Tysam Tech was never issued an earth change permit by DPNR which would have been required prior to moving the soil from the site to the landfill.
156. Tysam Tech was never issued the asbestos clearance letter by DPNR that they claimed they had.
157. Ms. Granger never complied with the agreement that she would provide the letter from DPNR providing clearance prior to VIHA Donoe contaminated soil disposal at the Bovoni Landfill.
158. VIWMA is in violation of DPNR and EPA regulations for issuing such a permit as well as in violation of the WMA consent decree without the qualified individuals involved.
159. On June 27, 2022, Ms. Noorhasan was bombarded in her Office by Mr. Poleon and HR demanding that she sign a letter from Mr. Merritt.
160. Ms. Noorhasan told Mr. Poleon that she was not obligated to sign anything.
161. Mr. Poleon, who was extremely angry, advised Ms. Noorhasan to collect her personal belongings, return any government equipment, and to evacuate the building immediately.
162. Embarrassed and humiliated, Ms. Noorhasan complied with the request.
163. The letter from Mr. Merritt made conclusory allegations that Ms. Noorhasan was restricting operations and had a lack of job effort without any factual basis.
164. Ms. Noorhasan was placed on administrative leave with pay.
165. Plaintiff appealed the suspension and provided the Board of WMA

documentation to confirm the allegations in the suspension letter signed by Merritt are false.

166. To date, Plaintiff has not received a response to her appeal.
167. Defendants Merritt, Jr. and VIWMA suspension of Ms. Noorhasan is in retaliation for reporting her sexual harassment at the hands of Merritt, Jr. and for properly reporting VIWMA's violations of DPNR and EPA regulations and violations of the consent decree.
168. As a result of Defendants' actions Plaintiff has suffered damages including but not limited to, economic, physical injuries, mental anguish, and pain and suffering and loss of enjoyment of life.

COUNT I

169. Plaintiff re-alleges and incorporates by reference each of paragraphs 1 through 168, above.
170. Plaintiff was and is being discriminated against on the basis of sex by Defendant VIWMA and Defendant Merritt, Jr., in violation of the statutes of the Virgin Islands.
171. As a result, Plaintiff suffered damages as alleged herein.

COUNT II

172. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-171, above.
173. Plaintiff endured sexual harassment in violation of the statutes of the Virgin Islands at the hands of Defendant Merritt, Jr., which was known by Defendant

VIWMA to be occurring, and Defendant VIWMA ratified such conduct.

174. As a result, Plaintiff suffered damages as alleged herein.

COUNT III

175. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-174, above.

176. Plaintiff was retaliated against, in violation of the statutes of the Virgin Islands, by Defendant Merritt, Jr., for refusing his illegal sexual advances and Defendant VIWMA was complicit in the retaliation by upholding Plaintiff's demotion and salary cut.

177. As a result, Plaintiff suffered Damages herein.

COUNT IV

178. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-177, above.

179. Defendants have breached their duty of good faith and fair dealing to Plaintiff.

180. As a result, Plaintiff has suffered damages.

COUNT V

181. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-180 above.

182. One of the other reasons Defendant Merritt, Jr. determined to refuse to provide Plaintiff the position of Compliance and Enforcement Director's position is that Merritt, Jr. knew she would not allow Merritt, Jr. to enter into

“sweetheart deals” with applicants for permits.

183. Instead, he sought to, and did hire a completely unqualified person, Poleon for that position, so that Poleon would just do what Merritt, Jr. told him to do.
184. Upon information Merritt, Jr. has received benefits, of some sort, to allow applicants to violate WMA’s and the consent decrees permits applicants, and restrictions as to what may be placed in the dump.
185. By issuing these improper permits, it has caused the unlined dump to become contaminated, which will contaminate the aquifer.
186. WMA has condoned and allowed this illegal activity, and the retaliation against Plaintiff for reporting the illegal activity.
187. Defendants are in violation of the Virgin Islands Whistleblowers Protection Act pursuant to 10 V.I.C. §122 for suspending Plaintiff after reporting VIWMA’s continued violations of DPNR and EPA regulations, and the consent decree.
188. As a result, Plaintiff has suffered damages.

COUNT VI

189. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-188 above.
190. Plaintiff is taxpayer in the Virgin Islands.
191. The actions of placing an unqualified person, Poleon in the Director’s position has caused economic damages to the taxpayers of the Virgin Islands.
192. The acts of violation of the WMA permit procedures and requirements of DPNR and EPA rules and restrictions, and the consent decree has caused

damages to the taxpayers of the Virgin Islands.

193. The damage to the aquifer at the dump will cause economic damages to the taxpayers of the Virgin Islands.

194. As such, Plaintiff is entitled to enjoin the actions of Merritt, Jr. and the WMA.

195. As a result, Plaintiff has suffered damages.

WHEREFORE, Plaintiff prays for damages, compensatory and punitive against Defendant Merritt, as they may appear, and for pre and post judgment interest, and for costs and fees, and for such other relief as this court deems fair and just.

LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiff

DATED: August 2, 2022

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