

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. _____

LEVI PRUSS,

Plaintiff,

v.

URGENT RESPONSE TRAINING, LLC
D/B/A EMERGENCY TRAINING ACADEMY,
A Florida Corporation,

Defendant.

_____/

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiff, LEVI PRUSS (“Pruss”), through undersigned counsel, sues Defendant, URGENT RESPONSE TRAINING, LLC D/B/A EMERGENCY TRAINING ACADEMY (“ETA”), a Florida corporation and shows:

INTRODUCTION

1. This is an action by Levi Pruss under 42 U.S.C. §1981 who was subjected to intentional discrimination and unequal treatment by ETA who refused to allow him to complete their EMT Training program because Pruss is Jewish and would not agree to completely shave off his beard. Pruss sues for damages, including punitive damages, injunctive and declaratory relief, attorney’s fees and litigation expenses.

PARTIES

2. At all times material to this action, Plaintiff, LEVI PRUSS, was a citizen of the United States of America and the State of Florida and a resident of Broward County.

3. At all times material to this action, Defendant, Urgent Response Training, LLC d//b/a

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Emergency Training Academy is and was a Florida Limited Liability corporation, authorized to do and doing business in the State of Florida with its primary place of business located in Miami-Dade County, Florida.

JURISDICTION AND VENUE

4. This is an action arising under 42 U.S.C. § 1981. This court has federal-question jurisdiction over plaintiff's claims pursuant to 28 U.S.C. §1331. The Court has jurisdiction to grant declaratory and further relief pursuant to 28 U.S.C. §§ 2201 and 2202.

5. Venue is proper in the Miami Division of the Southern District of Florida, because the events giving rise to the claims occurred in Miami-Dade County, Florida, where Plaintiff was enrolled at the Defendant's primary place of business.

SATISFACTION OF CONDITIONS PRECEDENT

6. All conditions precedent to the filing of this action, if any, have been satisfied or waived.

GENERAL ALLEGATIONS

7. Pruss is a 33 year old man. He is Jewish, having been raised in an Orthodox Jewish family.

8. Pruss became interested in obtaining a license as an EMT in the State of Florida.

9. To obtain EMT Certification in the state of Florida, students applying for EMT licensure are required to complete an EMT training program whose "...course length shall be a minimum of 300 hours. EMT students shall not have less than five (5) patient contacts resulting in the student accompanying the patient to the hospital... See, F.A.C. 64J-1.020(6).

10. Pruss learned of ETA---an educational institution licensed by the State of Florida to train EMT's and paramedics. It is owned and/or operated by current and former members of fire rescue and law enforcement in Miami-Dade County.

11. ETA operates an EMT Training Program that fulfills the requirements for students to

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obtain EMT certification. As required, the program consists of classroom and lab instruction and training, followed by 72 hours of “clinical” experience, including students/trainees participating in “ride-alongs” with active ambulance or fire rescue services.

12. At the time Pruss was enrolled, ETA contracted with Miami-Dade County Fire Rescue for its students to fulfill the ambulance ride-along externship requirement necessary for certification as an EMT.

13. On August 11, 2023 Pruss went to ETA, in person, and enrolled in the EMT training course. To enroll, Pruss was required to sign a contract, specifically, a Student Enrollment Agreement (“SEG”) with ETA.

14. At the time he registered, Pruss had a beard of approximately 8mm in length.

15. August 17, 2023, was Orientation Day and ETA’s “Grooming Policy” was disclosed to Pruss, requiring trainees to be “clean shaven.”

16. Pruss asked David Nuñez, the Chief Operating Officer of ETA, for an exception to ETA’s grooming policy because of his beliefs as a Jewish person. Pruss requested that he not be required to be clean shaven, but that he be permitted to keep his beard trimmed to the (relatively short) length of 1.5mm.

17. Pruss showed COO Nuñez a peer reviewed scientific study that showed that N95 masks are similarly effective for beards of both 1.5 mm and 0mm in length.

18. In response, Nuñez told Pruss that he would be able to keep his beard if it was trimmed to 1.5mm in length. Nuñez then informed Rosel “Rossie” Martinez (“Martinez”), Pruss’ Instructor, of the agreed upon accommodation/exception.

19. Pruss attended the EMT Certification class without incident for several weeks starting on August 24, 2023.

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20. On September 7, 2023, when Pruss arrived for class in the morning, Martinez stopped him at the door and instructed him to purchase a razor from CVS and shave his beard if he wanted to join the class.

21. Pruss informed Martinez that his beard was trimmed to the agreed-upon length of 1.5mm as it had been every week of class since Orientation Day, based on his prior agreement with the school.

22. Martinez instructed Pruss to remain standing in front of the class, insisted that Pruss' beard was longer this week, and questioned his religious beliefs in front of the other trainees.

23. Katheryn Salina, ETA's Clinical Coordinator, then happened to walk into the classroom and Martinez raised the issue of Pruss' beard length to her, while telling Pruss to remain standing.

24. Salina responded that if the beard was for religious reasons Pruss would be permitted to maintain his beard while he completed his clinical externship with Miami-Dade Fire Rescue. Martinez then allowed Pruss to sit and join the class.

25. At lunch break that same day, Martinez called Pruss over and said he spoke with Nuñez who claims he never agreed to allow Pruss' beard to be trimmed to 1.5mm.

26. Martinez also stated the Pruss would not be able to complete his clinical rotation ambulance rides with Miami-Dade Fire Rescue and that Pruss would have to agree to complete his clinical externship hours doing "transport rides" or he would not be allowed to continue the program with his beard. "Transport rides" are ride-alongs with ambulance transport services that only transport patients in stable condition, e.g. from a skilled nursing facility to an assisted living facility for further care. They are not equivalent because Transport rides do not provide the same "experience" for a person seeking EMT Certification as they do not involve the variety of scenarios, and application of EMT skills to those scenarios, as ride-alongs with a Fire Rescue

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Unit such as those contracted for by ETA with Miami-Dade County Fire Rescue. Moreover, limiting Pruss to transport rides would not satisfy the requirement that the student have “not have less than five (5) patient contacts resulting in the student accompanying the patient to the *hospital*”, referenced above (emphasis added).

27. When Pruss responded that he wanted an equal opportunity to that of his peers to participate in Fire Rescue clinical ride alongs, Martinez told him to leave the school.

28. Later that day, Nuñez called Pruss and reiterated his claim that he never agreed to accommodate Pruss maintaining his beard at 1.5mm length, even though he acknowledged that he remembered looking at the study regarding 1.5mm length on Orientation Day.

29. Pruss asked if ETA was going to issue a refund of tuition paid, Nuñez refused and said ETA would process him as a “voluntary withdrawal” and only issue a partial refund.

30. Pruss explained that he was not withdrawing voluntarily, but Nuñez responded that “his [Nuñez’s] decision was final.”

31. Later that same day, August 7, 2023, Dr. Abid Chaudhry, ETA’s Medical Director, called Pruss and asked Pruss to send him a selfie of his current beard so he could understand the scope of the issue.

32. Pruss complied and sent Dr. Chaudhry the picture requested. After sending it, Chaudhry called him right back and stated that it was even shorter than his [Chaudhry’s] own beard and he would speak with Miami-Dade Fire Rescue to clarify the issue and get back to Pruss before the next scheduled class to re-admit him. Chaudhry also stated that Pruss should not discuss the matter with anyone other than him as he would handle it.

33. Pruss never heard back from Chaudhry as promised.

34. On September 27, 2023, Pruss received an email from ETA indicating he was “a

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withdrawal student” and as such was only entitled to a *pro rata* refund of \$751.58 out of \$2,200.00 paid.

35. ETA has previously allowed students who are not Jewish to complete their EMT Training Program, despite their having facial hair.

36. All conditions precedent, if any, have been performed or waived.

COUNT I - RACE DISCRIMINATION AND UNEQUAL TREATMENT
The Civil Rights Act of 1866, 42 U.S.C. §1981 et. seq.

37. The allegations contained in paragraphs 1- 36 inclusive are incorporated here by reference.

38. Pruss, because of his Jewish ancestry or ethnic characteristics, is a member of a race that is a protected class under §1981.

39. ETA discriminated against Pruss because of race in the making, performance, enforcement, or termination of a contract, specifically a contract for educational services, or for such reason denied him the enjoyment of the benefits, terms or conditions of the contractual relationship.

40. ETA, by and through its agents, representatives and officials intentionally subjected Pruss to unlawful race discrimination and intentionally discriminated against Pruss because of his membership in a protected class.

41. Pruss entered into a contract with ETA to complete its EMT Program and matriculated into ETA’s EMT Program, prior to being discriminated against based on his race and being forced to leave the program.

42. ETA’s principal(s), supervisor(s) and agents engaged in the course of conduct described above, while acting in the course, scope and furtherance of their agency, leadership roles and employment relationships with ETA.

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43. ETA's discriminatory acts denied Pruss the enjoyment of the benefits, terms or conditions of the contractual relationship with ETA.

44. As a direct and proximate result of ETA's unlawful discrimination, Pruss has suffered damages, including, but not limited to, emotional pain and suffering, mental anguish, humiliation, embarrassment, loss of his personal dignity and other intangible injuries and consequential damages.

WHEREFORE, Pruss demands judgment against Urgent Response Training, LLC d/b/a Emergency Training Academy, for injunctive and declaratory relief as well as actual, compensatory, and punitive damages for ETA's unlawful race discrimination and unequal treatment under Section 1981 together with interest, costs, litigation expenses, and attorneys' fees pursuant to 42 USC §1988, and such other relief as may be just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

DATED: March 19, 2024

By: /s/
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