

IN THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

JANICE ANTOINE,

CASE NO.:

Plaintiff,

CIRCUIT CIVIL DIVISION

vs.

PHILIP BIEN-AIME a/k/a  
COUNCILMAN PHILIPPE BIEN-AIME,

Defendant.

**VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, JANICE ANTOINE (“Antoine”), files this Verified Complaint and sues the Defendant, Philip Bien-Aime a/k/a Councilman Philippe Bien-Aime (“Bien-Aime”) in his individual capacity, for sexual assault, battery, false imprisonment, and intentional infliction of emotional distress, and as grounds thereof, would state as follows:

**INTRODUCTION**

This case concerns a powerful public official who imprisoned an innocent employee in his car and committed a horrific sexual assault. Philip Bien-Aime, a City Commissioner and candidate for Mayor of North Miami forced himself on Janice Antoine sexually after he ordered her to accompany him on a personal errand at a time when she was under his control as a City Commissioner assistant. When Antoine refused to give in to his sexual advances, Bien-Aime blocked her from full-time employment with the City and tried to force himself on her on two further occasions, all the time offering her job security in the City that he hoped to lead as Mayor.

This lawsuit seeks to hold Bien-Aime accountable in his individual capacity for his sexual assaults and the intentional duress that he subjected Antoine to because she had the courage to refuse his advances.

1. This lawsuit seeks damages in excess of \$5,000,000.00 exclusive of prejudgment interest, attorneys' fees and costs against Bien-Aime personally.

2. Venue is proper in Miami-Dade County, Florida in that the Plaintiff and Defendant reside in North Miami, Florida, and the incidents giving rise to this cause of action took place in this City.

3. Antoine, the Plaintiff, has been an employee with the City of North Miami ("City") since June 2016 and is otherwise *sui juris*.

4. Bien-Aime is a Councilman in the City and current mayoral candidate and is otherwise *sui juris*.

5. All conditions precedent to this cause of action have been met, waived, excused, occurred, or would be otherwise futile.

6. Antoine is a loving mother and wife, as well as a dedicated civil servant with a master's degree and a wonderful family, who has had her career and dreams destroyed and her life made a living hell by a brutal pattern of sexual harassment in the City conducted by this Defendant, current City Councilman Bien-Aime. This included horrific sexual assault, false imprisonment, and ongoing acts of sexual harassment that shocks the conscience.

7. Antoine was hired as a contract employee in June of 2016 to assist City Council Members in North Miami. She had a dream of public service that would make her husband and adoring children proud. All she wanted to do was service the public in a job that would put her

master's degree to good use. But, her life unraveled, and has continued to unravel, since she was subjected to an onslaught of sexual advances.

8. Antoine began work in the City on June 6, 2016 as a constituent service aid for District Four Councilman, Alex Desulme ("Desulme").

9. In the Fall of 2016, when Desulme was out of town and Bien-Aime's assistant was in Haiti, Plaintiff ran into Bien-Aime, then a North Miami councilman, in City Hall.

10. Councilman Bien-Aime offered to get her full-time employment at the City.

11. But Plaintiff became suspicious when his promises of full-time employment never materialized, yet he kept making inappropriate, sexualized comments about her personal appearance, her clothes, and her body parts.

12. Bien-Aime made Plaintiff meet him at restaurants.

13. Bien-Aime somehow obtained Plaintiff's personal cellphone number without her permission.

14. Then Bien-Aime told Plaintiff to meet him at his house to have sexual relations, all the time dangling an offer of a full-time position at the City, as opposed to her contract job, which was for less money and limited job security.

15. Throughout the Fall of 2016, Bien-Aime called the Plaintiff constantly and talked about Plaintiff's physical appearance.

16. Bien-Aime made ongoing, uncomfortable highly sexualized advances in addition to dozens of improper phone calls about her appearance. This behavior was ongoing and severe and pervasive and altered her job environment.

## **THE SEXUAL ASSAULT OF THE FALL OF 2016**

17. In approximately October/November, 2016, Bien-Aime told her he needed a ride to Doral to drop off his election check.

18. Plaintiff was ordered to go with Bien-Aime and was not free to leave his vehicle.

19. Bien-Aime drove to an isolated warehouse area and assaulted the Plaintiff.

20. Bien-Aime told her how beautiful she was and how good she smelled.

21. Bien-Aime told her that he wanted to have sex with her.

22. Bien-Aime touched her lap, and repeatedly tried to touch other body parts against her will.

23. This unwanted, unsolicited conduct constituted a sexual assault.

24. Plaintiff wanted to get out of the vehicle, but Bien-Aime did not permit her to do so, and the doors were locked.

25. At that point, Plaintiff was being held as a prisoner in his car, as Bien-Aime subjected her to this sexual assault.

26. After it became clear that she would not give in, Bien-Aime drove the Plaintiff back to City Hall.

27. Antoine was ashamed, humiliated, embarrassed and afraid, like most sexual assault victims.

28. Plaintiff also knew that Bien-Aime was a powerful commissioner and she needed the income from her job at the City, and career advancement, to support her family.

## **THE CONSTANT PHONE CALLS**

29. Between the Fall of 2016 through February, 2018, Bien-Aime called the Plaintiff thirty (30) or forty (40) times.

30. During these calls, Bien-Aime offered her a full-time job in exchange for sex.

31. The harassment was almost daily, it was ongoing, and it was so severe and pervasive that it radically altered her employment experience and made her life a living hell in addition to making her employment at the City intolerable and untenable.

#### **THE INCIDENT OF JANUARY 2017**

32. On January 29, 2017, the City had its first Mardi Gras event, and Defendant Bien-Aime had been drinking alcohol because Plaintiff smelled the heavy alcohol on his breathe when he approached her against her will. Bien-Aime stopped her near the second floor balcony and said –“don’t go home after Mardi Gras tonight-meet with me after Mardi Gras.”

33. Bien-Aime cornered her, and propositioned her and again, and demanded sex in exchange for the full-time job she needed and wanted with the City.

34. At that point, Plaintiff immediately blocked Bien-Aime’s number from her work and personal mobile phone, because Plaintiff realized he was not going to stop.

#### **THE INCIDENT OF OCTOBER 2017**

35. October 2017, Plaintiff was coming out of the City Hall stairwell when confronted by Defendant Bien-Aime, who asked her why she no longer speaks to him since the City Manager moved her away.

36. Defendant Bien-Aime also proceeded to question Plaintiff and demanded to know why his phone calls were going straight to the Plaintiff’s voicemail.

37. The Plaintiff informed the Defendant that his number had been blocked because he kept calling her and demanding sexual favors, that she was not interested, and because her husband sees the calls because they share family mobile services. Yet again- the Defendant cornered her, this time at City Hall, to try to force her to have unwanted sex with him.

## **THE DENIAL OF JOBS AND DESTRUCTION OF PLAINTIFF'S CAREER**

38. In March 6, 2017, Plaintiff returned back to work after taking Friday off. She was called to the office of Deputy City Manager Sorey, and was advised Plaintiff per City Manager that the Plaintiff was being transferred to the City's Personnel Department effective immediately. The look on Sorey face was as if he was upset that the Plaintiff went over his head to the City Manager with her complaint. This was retaliation with no effort to assist her.

39. On September 27, 2017, just when Plaintiff thought she had a chance at full-time employment with the City as promised, Personnel Specialist/Administrator, Sorey came downstairs to Plaintiff's new supervisor Joseph Roglieri, Jr. Mr. Roglieri, the City's Personnel Administration Director, advised that Sorey ordered him not to hire Plaintiff full-time for the new fiscal year, and ordered him to terminate Plaintiff as of the next day (September 28, 2017).

40. Plaintiff is the only contract employee of her tenure and with her qualifications whom has been denied an opportunity to obtain full-time employment.

41. On more than one occasion, Antoine was humiliated when she was offered full-time employment, only to have it rescinded.

42. After she filed Complaints, the City officials advised the Plaintiff that they intended to eliminate even her contract position, and actually held a "farewell" party for her, only to rescind this decision after the Plaintiff publicized her treatment by City officials. Thus, Plaintiff went through the emotional duress of losing her job and giving tearful farewells to her colleagues, only to keep her part-time contract position after the humiliation.

### **COUNT I ASSAULT**

43. Plaintiff restates the allegations in paragraphs 1 through 42 as if fully set forth herein.

44. Defendant Bien-Aime intentionally attacked and assaulted Plaintiff without provocation; Defendant Bien-Aime committed said attack with the intent to create apprehension of imminent physical or bodily harm to Plaintiff.

45. Plaintiff had a reasonable fear that she was going to be the victim of battery.

46. Due to Defendant Bien-Aime's actions, Plaintiff was in reasonable apprehension and feared imminent physical or bodily harm.

47. Defendant Bien-Aime had an ability present by the attacker.

48. The threat or attempt of harm was intentional.

49. Defendant Bien-Aime acted in bad faith, with malicious purpose, and in a manner exhibiting wanton and willful disregard of Plaintiff's rights and safety.

50. As a direct and proximate result, Plaintiff has been damaged by Defendant, Bien-Aime including mental anguish, emotional distress, inconvenience, and loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands judgment for damages against Defendant Bien-Aime, costs, and all other available relief as the Court deems just and proper.

**COUNT II**  
**BATTERY**

51. Plaintiff restates the allegations in paragraphs 1 through 42 as if fully set forth herein.

52. Defendant Bien-Aime made improper contact with Plaintiff, intentionally attacked and made said offensive contact with Plaintiff without provocation.

53. The contact was offensive, harmful, and illegal.

54. The contact was intentional, willful, and malicious, and said attack was made with the intent to cause harmful or offensive contact to Plaintiff and without Plaintiff's consent.

55. Defendant Bien-Aime acted in bad faith, with malicious purpose, and in a manner exhibiting wanton and willful disregard for Plaintiff's rights and safety.

56. As a direct and proximate result, Plaintiff has been damaged by Defendant, Bien-Aime, including mental anguish, emotional distress, inconvenience, and loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands judgment for damages against Defendant Bien-Aime, costs, and all other available relief as the Court deems just and proper.

**COUNT III**  
**FALSE IMPRISONMENT**

57. Plaintiff restates the allegations in paragraphs 1 through 42 as if fully set forth herein.

58. Defendant Bien-Aime forcibly, and by threats, confined, abducted, imprisoned, and restrained the Plaintiff without lawful authority and confined Plaintiff against her will, intentionally restraining Plaintiff without provocation

59. Defendant Bien-Aime confined, abducted, imprisoned, and restrained the Plaintiff without lawful authority and against her will.

60. Such actions of intentionally restraining Plaintiff were unreasonable, unwarranted, and illegal.

61. Defendant Bien-Aime acted in bad faith, with malicious purpose, and in a manner exhibiting wanton and willful disregard of Plaintiff's rights and safety.



62. As a direct and proximate result, Plaintiff has been damaged by Defendant, Bien-Aime, including mental anguish, emotional distress, inconvenience, and loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands judgment for damages against Defendant Bien-Aime, costs, and all other available relief as the Court deems just and proper.

**COUNT IV**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

63. Plaintiff restates the allegations in paragraphs 1 through 42 as if fully set forth herein.

64. Defendant intentionally attacked and deliberately inflicted emotional distress on Plaintiff without provocation.

65. Defendant's conduct was outrageous and extreme in degree.

66. The conduct was intended to inflict harm on the Plaintiff.

67. As a result of the Defendant's outrageous conduct, the Plaintiff has suffered both severe emotional and physical duress.

68. At all times material, Defendant acted in bad faith, with malicious purpose and in a manner exhibiting wanton and reckless disregard of Plaintiff's human rights, safety and property.

69. Such conduct by Defendant was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

70. As a direct and proximate cause of Defendant's intentional infliction of emotional distress, Plaintiff has suffered damages, severe emotional distress, pain and suffering, mental anguish, emotional distress, inconvenience, and loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands judgment against Defendant, an award of compensatory damages, costs, prejudgment interest and any further relief this Court deems equitable and just.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury of all issues triable as of right by jury.

**VERIFICATION**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



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**JANICE ANTOINE**

Dated this 5<sup>th</sup> day of February, 2019, by Janice Antoine, Plaintiff.

DATED: February 5, 2019

Respectfully submitted,

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