

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

LAWRENCE GREENBERG,

Case No.:

Plaintiff,

JURY TRIAL DEMANDED

v.

FED EX GROUND PACKAGE SYSTEM, INC.,
A wholly owned subsidiary of FEDEX CORP.

Defendant.

_____/

Plaintiff, LAWRENCE GREENBERG, by his attorneys, ROSENTHAL, LEVY, SIMON & SOSA, hereby complains of the Defendant, upon information and belief, as follows:

NATURE OF THE CASE

1. Plaintiff complains pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17, *et seq.* ("Title VII") and seeks damages to redress the injuries Plaintiff has suffered as a result of being discriminated against on the basis of his religion, and retaliation.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is proper under 42 U.S.C. § 2000e-5(f)(3), and 28 U.S.C. §§ 1331 and 1343.
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) as this is a judicial district in which a substantial part of the events or omissions giving rise to the claims occurred.
4. On June 15, 2021, Plaintiff filed a timely charge of discrimination based on religion, and

employment retaliation with the Equal Employment Opportunity Commission ("EEOC").

See charge of discrimination attached hereto as Exhibit "A."

PROCEDURAL PREREQUISITES

5. On or about December 8, 2021, Plaintiff received a Dismissal and Notice of Rights with respect to the aforementioned charge of discrimination. See attached Dismissal and Notice of Rights attached hereto as Exhibit "B."
6. This action is being commenced within ninety (90) days of receipt of the Dismissal and Notice of Rights.

PARTIES

7. Plaintiff is a resident of the State of Florida, County of Palm Beach.
8. At all times material, Defendant FED EX GROUND, a wholly owned subsidiary of FED EX CORPORATION ("FED EX") was and is a domestic professional corporation duly incorporated under the laws of the State of Delaware.

MATERIAL FACTS

9. At all times material, Defendant, FED EX GROUND has locations throughout the United States, whose core business is the pick-up and delivery of packages.
10. Plaintiff began working for Defendant as an operations manager at it's facility in West Palm Beach, Florida on July 18, 2019.
11. In the Fall of 2019, Plaintiff began to complain to his supervisors about idling trucks in the building where he worked that resulted in a build-up of toxic gases, including carbon monoxide, resulting in the Plaintiff and other employees becoming sick.

12. In January, 2020, in direct response to Plaintiff's complaint, a co-worker insulted him and made derogatory comments about him being a "Jew."
13. Plaintiff complained to management, and in response, the co-worker and him were sent to "training" in March, 2020.
14. Subsequent to the aforementioned training, Plaintiff's direct supervisor began verbally attacking him and making derogatory comments about him being a "Jew."
15. Plaintiff did not initially complain about his supervisor's comments as he was afraid to lose his job.
16. In early October, 2020, Plaintiff was interviewed as part of an investigation and during questioning, his manager and the investigator attacked and insulted him for being a "Jew."
17. On October 13, 2020, for no reason, and without cause, Plaintiff was terminated by the Defendant.
18. Defendant retaliated against and terminated Plaintiff because he complained about and objected to unsafe working conditions at the jobsite and because he was a "Jew."
19. Defendant knew or should have known of the discriminatory and retaliatory conduct and failed to take corrective measures within its control.
20. The above are just some of the examples of the discrimination and retaliation Plaintiff had to endure.
21. Defendant acted intentionally and intended to harm Plaintiff.
22. As a result of the acts and conduct complained of herein, Plaintiff has suffered a loss of employment, income, the loss of a salary, loss of bonus, loss of benefits, other compensation which such employment entails, special damages, great inconvenience, loss of rights, and emotional distress.

23. Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

**AS A FIRST CAUSE OF ACTION
FOR DISCRIMINATION UNDER TITLE VII**

24. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.
25. This claim is authorized and instituted pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, for relief based upon the unlawful employment practices of the above-named Defendant. Plaintiff complains of the Defendant's violation of Title VII's prohibition against discrimination in employment based, in whole or in part, upon an employee's religion (religious discrimination).
26. Defendant engaged in unlawful employment practices prohibited by 42 U.S.C. § 2000e, *et seq.*, by discriminating against Plaintiff because of his religion (religious discrimination).

**AS A SECOND CAUSE OF ACTION
FOR RETALIATION UNDER TITLE VII**

27. Plaintiff repeats and re-alleges each and every allegation made in the above paragraphs of this complaint.
28. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3 (a) provides that it shall be an unlawful employment practice for an employer: "(1) to . . . discriminate against any of his employees . . . because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this

subchapter.”

29. Defendant engaged in unlawful employment practice prohibited by 42 U.S.C. §§ 2000e, *et seq.* by retaliating against Plaintiff with respect to the terms, conditions or privileges of employment because of Plaintiff’s opposition to the unlawful employment practices of Defendant.

JURY DEMAND

30. Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against Defendant:

- A. Declaring that Defendant engaged in unlawful employment practices prohibited by Title VII of the Civil Rights Act of 1964, in that Defendant discriminated against Plaintiff based on his religion and retaliated against Plaintiff for complaining of and objecting to unsafe working conditions and the discrimination he faced because he was a “Jew.”
- B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendant’s unlawful discrimination and conduct and to otherwise make him whole for any losses suffered because of such unlawful employment practices and conduct;
- C. Awarding Plaintiff compensatory damages for mental, emotional, and physical injury, distress, pain, suffering, and injury to his reputation;
- D. Awarding Plaintiff attorneys’ fees, costs, and expenses incurred in the prosecution of the action; and
- E. Awarding Plaintiff such other and further relief as the Court may deem equitable, just, and proper to remedy Defendant’s unlawful employment practices and conduct.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined at the time of trial; and for such other relief as the Court deems just and proper.

Respectfully submitted,

Rosenthal, Levy, Simon & Sosa

1401 Forum Way, Sixth Floor

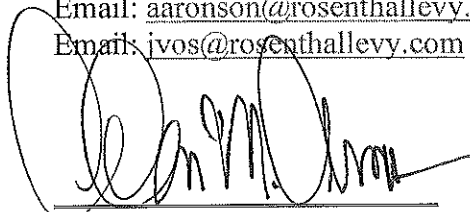
West Palm Beach, FL 33401-2289

Telephone: (561) 478-2500

Facsimile: (561) 478-3111

Email: aaronson@rosenthallevy.com

Email: jvos@rosenthallevy.com

A handwritten signature in black ink, appearing to read 'Alan M. Aronson', is written over a horizontal line.

Alan M. Aronson, Esquire

Florida Bar No.: 0895997

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Florida Commission On Human Relations and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
MR. LAWRENCE GREENBERG c/o Rosenthal Levy Simon & Sosa		(561) 478-2500	04-17-1985
Street Address		City, State and ZIP Code	
1401 FORUM WAY, SIXTH FLOOR		WEST PALM BEACH, FL 33401	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
FEDERAL EXPRESS, INC.		15+	(800) 463-3339
Street Address		City, State and ZIP Code	
942 SOUTH SHADY GROVE ROAD		MEMPHIS, TN 38120	
Name		No. Employees, Members	Phone No. (Include Area Code)
FedEx GROUND		15+	(800) 463-3339
Street Address		City, State and ZIP Code	
7358 7 TH PLACE NORTH		WEST PALM BEACH, FL 33411	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest 01/20/2020 10/13/2020 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>THE CHARGING PARTY (LAWRENCE GREENBERG), WAS EMPLOYED BY THE RESPONDENT EMPLOYER (FEDERAL EXPRESS), AS AN OPERATIONS MANAGER AT ITS FACILITY IN WEST PALM BEACH, NEAR FLORIDA'S TURNPIKE FROM 07/18/2019 THROUGH HIS DATE OF TERMINATION ON 10/13/2020. IN THE FALL OF 2019, CHARGING PARTY BEGAN TO COMPLAIN ABOUT IDLING TRUCKS IN THE BUILDING WHERE HE WORKED THAT RESULTED IN A BUILD UP OF POISONOUS GASES, INCLUDING CARBON MONOXIDE RESULTING IN EMPLOYEES AND THE CHARGING PARTY GETTING SICK. IN JANUARY 2020, IN DIRECT RESPONSE TO CHARGING PARTY'S COMPLAINT, A CO-WORKER INSULTED HIM AND MADE DEROGATORY COMMENTS ABOUT HIM BEING A "JEW". CHARGING PARTY COMPLAINED TO MANAGEMENT, AND IN RESPONSE, THE CHARGING PARTY AND HIS CO-WORKER WERE SENT TO TRAINING. AFTER TRAINING, WHICH WAS IN MARCH 2020,</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date <u>3/22/21</u> Charging Party Signature <u>[Signature]</u>		SIGNATURE OF COMPLAINANT <u>[Signature]</u> x SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <u>3/22/21</u> (month, day, year) Notary Public - State of Florida Commission # HH 30802 My Comm. Expires Aug 10, 2024 Bonded through National Notary Assn.	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**Florida Commission On Human Relations**

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet)

CHARGING PARTY'S DIRECT SUPERVISOR BEGAN VERBALLY ATTACKING HIM AND MAKING DEROGATORY COMMENTS ABOUT CHARGING PARTY BEING A "JEW". THE CHARGING PARTY DID NOT INITIALLY COMPLAIN ABOUT HIS SUPERVISOR'S COMMENTS, AS HE WAS AFRAID TO LOSE HIS JOB. IN EARLY OCTOBER 2020, THE CHARGING PARTY WAS INTERVIEWED AS PART OF THE INVESTIGATION, AND DURING QUESTIONING, HIS MANAGER AND THE INVESTIGATOR ATTACKED AND INSULTED HIM FOR BEING A "JEW". SOON THERE AFTER, ON 10-13-2020, THE CHARGING PARTY (LAWRENCE GREENBERG) WAS TERMINATED BY THE RESPONDENT/EMPLOYER. CHARGING PARTY WAS DISCRIMINATED AGAINST FOR BEING A "JEW" AND RETALIATED AGAINST AS WELL FOR HAVING INITIALLY COMPLAINED ABOUT THE AFOREMENTIONED DISCRIMINATION AND UNSAFE WORKING CONDITIONS.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

3/22/21
Date

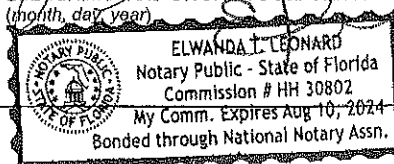
Lawrence Greenberg
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Lawrence Greenberg
x SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 3/22/21
(month, day, year)



EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lawrence Greenberg**
c/o Alan Aronson, Esq.
1401 Forum Way, Ste 600
West Palm Beach, FL 33401

From: **Miami District Office**
Miami Tower, 100 S E 2nd Street
Suite 1500
Miami, FL 33131



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

510-2021-03333

Susan Diaz,
Investigator

(786) 648-5870

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Jacqueline Gabriel for

12/08/2021

Enclosures(s)

Paul Valenti,
District Director

(Date Issued)

cc:

Respondent Representative

Maureen S. Hopbell, Esq.
FEDERAL EXPRESS, INC.
1000 Fed Ex Drive
Moon Township, PA 15108

Charging Party Representative

Alan Aronson, Esq.
1401 Forum Way, Suite 600
West Palm Beach, FL 33401

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosures(s)

cc: