

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

56
~~NIGHT BOX
RECEIVED
AUG 20 1999
CARLOS JUENKE
CLERK, USDC / SDFL / MIA~~

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

PACIFIC INTERNATIONAL EQUITIES, INC.,
SOUTHEASTERN FLORIDA PROPERTIES, INC.
and SOUTHEASTERN FLORIDA MANAGE-
MENT, INC.,

Defendants.

CIVIL ACTION NO.
98-1458-CIV-SEITZ

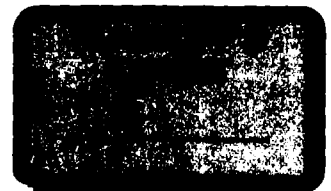
AMENDED COMPLAINT
JURY TRIAL DEMAND

INJUNCTIVE RELIEF
SOUGHT

FILED by _____ D.C.
OCT 15 1999
CARLOS JUENKE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Joelle DeSimone Sambino and any other similarly situated individuals who were adversely affected by such practices. As stated with greater particularity in paragraphs sixteen through eighteen, the Equal Employment Opportunity Commission (hereinafter the "EEOC" or "Commission") alleges that Joelle DeSimone Sambino, a woman, was sexually harassed by supervisors of Pacific International Equities, Inc., Southeastern Florida Properties, Inc. and Southeastern Florida Management, Inc., and was discriminated against on the basis of her gender. As a result of her reporting such unwelcome sexual harassment and gender discrimination, she was subsequently retaliated against by being terminated.



#29
HR

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Florida, Miami Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Pacific International Equities, Inc., (the "Employer"), has continuously been a Florida corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, Southeastern Florida Properties, Inc., (the "Employer"), has continuously been a Florida corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

6. At all relevant times, Defendant, Southeastern Florida Management, Inc., (the

“Employer”), has continuously been a Florida corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

7. At all relevant times, Defendant Employer, Pacific International Equities, Inc., has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

8. At all relevant times, Defendant Employer, Southeastern Florida Properties, Inc., has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

9. At all relevant times, Defendant Employer, Southeastern Florida Management, Inc., has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

10. At all relevant times, Defendants, Pacific International Equities, Inc., Southeastern Florida Properties, Inc. and Southeastern Florida Management, Inc., have had interrelation of operations.

11. At all relevant times, Defendants, Pacific International Equities, Inc., Southeastern Florida Properties, Inc. and Southeastern Florida Management, Inc., have had common management.

12. At all relevant times, Defendants, Pacific International Equities, Inc., Southeastern Florida Properties, Inc. and Southeastern Florida Management, Inc., have had centralized control of labor relations.

13. At all relevant times, Defendants, Pacific International Equities, Inc., Southeastern Florida Properties, Inc. and Southeastern Florida Management, Inc., have had common ownership

or financial control.

14. At all relevant times, Defendants, Pacific International Equities, Inc., Southeastern Florida Properties, Inc. and Southeastern Florida Management, Inc., have been a joint employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

15. More than thirty days prior to the institution of this lawsuit, Joelle DeSimone Sambino filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

16. Since at least November 1, 1995, Defendant Employer, Pacific International Equities, Inc., has engaged in unlawful employment practices at its Miami, Florida facility, in violation of Section 703(a)(1) and Section 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and Section 2000e-3(a) which included the following:

- a) Joelle DeSimone Sambino and any other similarly situated individuals were regularly subjected to vulgar language, abusive behavior and sexual remarks of a personal nature. Ms. Joelle DeSimone Sambino made it known to her immediate supervisors that such conduct was unwelcome. Defendant Employer failed to take prompt remedial action when it knew or should have known of the sexual harassment. Moreover, the harassers were managers. Defendant is liable for the behavior Ms. DeSimone was subjected to

during her employment.

- b) Joelle DeSimone Sambino and any other similarly situated individuals were subjected to gender discrimination, such as behavior where a file cabinet was thrown at Ms. Sambino. Male employees were not subjected to this or other similar behavior.
- c) Defendant Employer terminated Ms. Sambino the day she complained to the Senior Vice President about the sexual harassment and gender discrimination. Ms. Sambino had also previously complained to the managers who were harassing her and discriminating against her. Ms. Sambino's termination was in retaliation for her opposition to Defendant's sexual harassment and gender discrimination.

17. Since at least November 1, 1995, Defendant Employer, Southeastern Florida Properties, Inc., has engaged in unlawful employment practices at its Miami, Florida facility, in violation of Section 703(a)(1) and Section 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and Section 2000e-3(a) which included the following:

- a) Joelle DeSimone Sambino and any other similarly situated individuals were regularly subjected to vulgar language, abusive behavior and sexual remarks of a personal nature. Ms. Joelle DeSimone Sambino made it known to her immediate supervisors that such conduct was unwelcome. Defendant Employer failed to take

prompt remedial action when it knew or should have known of the sexual harassment. Moreover, the harassers were managers. Defendant is liable for the behavior Ms. DeSimone was subjected to during her employment.

- b) Joelle DeSimone Sambino and any other similarly situated individuals were subjected to gender discrimination, such as behavior where a file cabinet was thrown at Ms. Sambino. Male employees were not subjected to this or other similar behavior.
- c) Defendant Employer terminated Ms. Sambino the day she complained to the Senior Vice President about the sexual harassment and gender discrimination. Ms. Sambino had also previously complained to the managers who were harassing her and discriminating against her. Ms. Sambino's termination was in retaliation for her opposition to Defendant's sexual harassment and gender discrimination.

18. Since at least November 1, 1995, Defendant Employer, Southeastern Florida Management, Inc., has engaged in unlawful employment practices at its Miami, Florida facility, in violation of Section 703(a)(1) and Section 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and Section 2000e-3(a) which included the following:

- a) Joelle DeSimone Sambino and any other similarly situated individuals were regularly subjected to vulgar language, abusive

behavior and sexual remarks of a personal nature. Ms. Joelle DeSimone Sambino made it known to her immediate supervisors that such conduct was unwelcome. Defendant Employer failed to take prompt remedial action when it knew or should have known of the sexual harassment. Moreover, the harassers were managers. Defendant is liable for the behavior Ms. DeSimone was subjected to during her employment.

- b) Joelle DeSimone Sambino and any other similarly situated individuals were subjected to gender discrimination, such as behavior where a file cabinet was thrown at Ms. Sambino. Male employees were not subjected to this or other similar behavior.
- c) Defendant Employer terminated Ms. Sambino the day she complained to the Senior Vice President about the sexual harassment and gender discrimination. Ms. Sambino had also previously complained to the managers who were harassing her and discriminating against her. Ms. Sambino's termination was in retaliation for her opposition to Defendant's sexual harassment and gender discrimination.

19. The effect of the practice(s) complained of in paragraphs 16-18 above has been to deprive Joelle DeSimone Sambino and any other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and/or

in retaliation for their opposition to unlawful employment practices.

20. The unlawful employment practices complained of in paragraphs 16-18 above were intentional.

21. The unlawful employment practices complained of in paragraphs 16-18 above were done with malice or with reckless indifference to the federally protected rights of Joelle DeSimone Sambino and other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, Pacific International Equities, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment, gender discrimination and retaliatory conduct and any other employment practice which discriminates on the basis of sex and/or due to opposition to an unlawful employment practice.

B. Grant a permanent injunction enjoining Defendant Employer, Southeastern Florida Properties, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment, gender discrimination and retaliatory conduct and any other employment practice which discriminates on the basis of sex and/or due to opposition to an unlawful employment practice.

C. Grant a permanent injunction enjoining Defendant Employer, Southeastern Florida Management, Inc., its officers, successors, assigns, and all persons in active concert or

participation with it, from engaging in sexual harassment, gender discrimination and retaliatory conduct and any other employment practice which discriminates on the basis of sex and/or due to opposition to an unlawful employment practice.

D. Order Defendant Employer, Pacific International Equities, Inc., to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

E. Order Defendant Employer, Southeastern Florida Properties, Inc., to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

F. Order Defendant Employer, Southeastern Florida Management, Inc., to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

G. Order Defendant Employer, Pacific International Equities, Inc., to make whole Joelle DeSimone Sambino and any other similarly situated individuals, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, reinstatement and/or front pay, restoration of benefits and positive future employment references for Joelle DeSimone Sambino and any other similarly situated individuals.

H. Order Defendant Employer, Southeastern Florida Properties, Inc., to make whole Joelle DeSimone Sambino and any other similarly situated individuals, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief

necessary to eradicate the effects of its unlawful employment practices, including but not limited to, reinstatement and/or front pay, restoration of benefits and positive future employment references for Joelle DeSimone Sambino and any other similarly situated individuals.

I. Order Defendant Employer, Southeastern Florida Management, Inc., to make whole Joelle DeSimone Sambino and any other similarly situated individuals, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, reinstatement and/or front pay, restoration of benefits and positive future employment references for Joelle DeSimone Sambino and any other similarly situated individuals.

J. Order Defendant Employer, Pacific International Equities, Inc., to make whole Joelle DeSimone Sambino and other similarly situated individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 16-21 above, including but not limited to, out of pocket losses, medical expenses and job search expenses, in amounts to be determined at trial.

K. Order Defendant Employer, Southeastern Florida Properties, Inc., to make whole Joelle DeSimone Sambino and other similarly situated individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 16-21 above, including but not limited to, out of pocket losses, medical expenses and job search expenses, in amounts to be determined at trial.

L. Order Defendant Employer, Southeastern Florida Management, Inc., to make whole Joelle DeSimone Sambino and other similarly situated individuals, by providing compensation for

past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 16-21 above, including but not limited to, out of pocket losses, medical expenses and job search expenses, in amounts to be determined at trial.

M. Order Defendant Employer, Pacific International Equities, Inc., to make whole Joelle DeSimone Sambino and any other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 16-21 above, including but not limited to, emotional pain, suffering, inconvenience and humiliation, in amounts to determined at trial.

N. Order Defendant Employer, Southeastern Florida Properties, Inc., to make whole Joelle DeSimone Sambino and any other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 16-21 above, including but not limited to, emotional pain, suffering, inconvenience and humiliation, in amounts to determined at trial.

O. Order Defendant Employer, Southeastern Florida Management, Inc., to make whole Joelle DeSimone Sambino and any other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 16-21 above, including but not limited to, emotional pain, suffering, inconvenience and humiliation, in amounts to determined at trial.

P. Order Defendant Employer, Pacific International Equities, Inc., to pay Joelle DeSimone Sambino and any other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraphs 16-21 above, in amounts to be determined at trial.

Q. Order Defendant Employer, Southeastern Florida Properties, Inc., to pay Joelle DeSimone Sambino and any other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraphs 16-21 above, in amounts to be determined at trial.

R. Order Defendant Employer, Southeastern Florida Management, Inc., to pay Joelle DeSimone Sambino and any other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraphs 16-21 above, in amounts to be determined at trial.

S. Grant such further relief as the Court deems necessary and proper in the public interest.

T. Award the Commission its costs of this action.

JURY TRIAL DEMAND

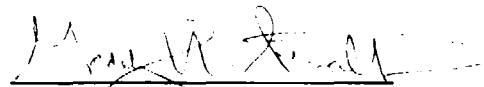
The Commission requests a jury trial on all questions of fact raised by its complaint.

C. GREGORY STEWART
General Counsel

GWENDOLYN REAMS
Deputy General Counsel

DELNER FRANKLIN-THOMAS
Regional Attorney

EVE G. LOWE
Supervisory Trial Attorney


GEDETY N. SERRALTA
Senior Trial Attorney
Florida Bar No. 0864137

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
MIAMI DISTRICT OFFICE
One Biscayne Tower
2 South Biscayne Boulevard
Suite 2700
Miami, Florida 33131
Tel. (305) 530-6009
Tel. (305) 530-6000
Fax (305) 530-7660

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY <input type="checkbox"/> EPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER 150963417
--	----------------------------

Florida Comm. on Human Relations and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) Ms. Joelle E. De Simone	HOME TELEPHONE (Include Area Code) (954) 456-4088
---	--

STREET ADDRESS 427 Golden Isles #4h, Hallandale, FL 33009	CITY, STATE AND ZIP CODE	DATE OF BIRTH 03/05/71
--	--------------------------	---------------------------

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME Pacific International	NUMBER OF EMPLOYEES, MEMBERS Cat A (15-100)	TELEPHONE (Include Area Code) (305) 891-7987
-------------------------------	--	---

STREET ADDRESS 11098 Biscayne Blvd., Suite 402, Miami, FL 33161	CITY, STATE AND ZIP CODE	COUNTY 025
--	--------------------------	---------------

NAME George Cordoves	TELEPHONE NUMBER (Include Area Code) (305) 891-7987
-------------------------	--

STREET ADDRESS 11098 Biscayne Blvd., Suite 402, Miami, FL 33161	CITY, STATE AND ZIP CODE	COUNTY
--	--------------------------	--------

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))	DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)	07/24/96 07/24/96 <input type="checkbox"/> CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. From on or about November 1, 1995, I was subjected to a sexually hostile environment. On July 24, 1996, I was discharged from the position of Project Manager Assistant. Respondent is in the construction business and has at least 15 employees.

II. No reason was given for the hostile environment. Camilo Blanco, Vice President, stated that I was being terminated for calling Howard Shapiro, Senior Vice President.

III. I believe that I have been discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.



<input type="checkbox"/> 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 telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (when necessary for State and Local 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.
---	--

I declare under penalty of perjury that the foregoing is true and correct.	SIGNATURE OF COMPLAINANT
Date <u>7-25-96</u> <u>Joelle De Simone</u> Charging Party (Signature)	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr Charles Bedzow
 Owner/President
 Pacific International
 11098 Biscayne Blvd.
 Suite 402
 Miami, FL 33161

De Simone, Joelle E

THIS PERSON (check one)

- CLAIMS TO BE AGGRIEVED
- IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION

<i>Earliest</i>	<i>Most Recent</i>
07/24/96	07/24/96

PLACE OF ALLEGED VIOLATION

Miami, FL

CHARGE NUMBER

150963417

NOTICE OF CHARGE OF DISCRIMINATION

(See EEOC "Rules and Regulations" before completing this Form)

You are hereby notified that a charge of employment discrimination has been filed against your organization under:

- TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
- THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967
- THE AMERICANS WITH DISABILITIES ACT
- THE EQUAL PAY ACT (29 U.S.C, SECT. 206(d)) investigation will be conducted concurrently with our investigation of this charge.

The boxes checked below apply to your organization:

1. No action is required on your part at this time.
2. Please submit by 09/30/96 a statement of your position with respect to the allegation(s) contained in this charge, with copies of any supporting documentation. This material will be made a part of the file and will be considered at the time that we investigate this charge. Your prompt response to this request will make it easier to conduct and conclude our investigation of this charge.
3. Please respond fully by 09/30/96 to the attached request for information which pertains to the allegations contained in this charge. Such information will be made a part of the file and will be considered by the Commission during the course of its investigation of the charge.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

MIAMI DISTRICT OFFICE
 One Biscayne Tower, Suite 2700
 2 South Biscayne Blvd.
 MIAMI, FLORIDA 33131

Christina Soule'
(Commission Representative)
(305) 530-6030
(Telephone Number)

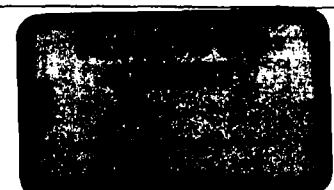
Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

- RACE
- COLOR
- SEX
- RELIGION
- NAT. ORIGIN
- AGE
- DISABILITY
- RETALIATION
- OTHER

CIRCUMSTANCES OF ALLEGED VIOLATION

See enclosed Form 5, Charge of Discrimination.



DATE	TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL	SIGNATURE
07/30/96	Federico Costales Director	



Equal Employment Opportunity Commission

MIAMI DISTRICT OFFICE
MIAMI, FLORIDA 33131

Charging Party: De Simone, Joelle E
Charge No.: 150963417

PLEASE ADVISE IF YOU ARE RESPONDING TO ANOTHER AGENCY REGARDING THE
SAME PARTICULARS OR IF THERE ARE COMPANIONS TO THIS CHARGE

Mr. Charles Bedzow
Owner/President
Pacific International
11098 Biscayne Blvd.
Suite 402
Miami, FL 33161

Dear Sir/Madam:

Your organization is hereby requested to submit information and records relevant to the subject charge of discrimination. The Commission is required by law to investigate charges filed with it, and the enclosed request for information does not necessarily represent the entire body of evidence which we need to obtain from your organization in order that a proper determination as to the merits of the charge can be made. Please submit a response to the requested information by the deadline cited below.

You may be assured that any information or explanation supplied by your organization will not be made public.

Sincerely,

A handwritten signature in cursive script that reads "Christina Soule".

Christina Soule'
Enforcement Supervisor

Response Deadline Date: 093096

The following dates are considered to be the "relevant period" for the attached Request for Information : 110195 - 073096

Equal Employment Opportunity Commission

REQUEST FOR INFORMATION

Chg. Party: De Simone, Joelle E
Respondent: Pacific International
Charge No.: 150963417

1. Give the correct name and address of the facility named in the charge.
2. State the total number of persons who were employed by your organization during the relevant period. Include both full and part-time employees. How many employees are employed by your organization at the present time?
3. Submit a written position statement on each of the allegations of the charge. Submit copies of all documents relating to the allegations raised in the charge and all written statements in your possession or control relating to the allegations raised in the charge.
4. Submit copies of all written rules, policies and procedures relating to the issue(s) raised in the charge. If such does not exist in written form, explain the rules, policies and procedures.
5. Also, please include any additional information and explanation you deem relevant to the charge.

Issue: DISCHARGE

1. If the charging party was discharged, submit the following:
 - a. date of discharge,
 - b. reason for discharge,
 - c. statement of whether the charging party had any right of appeal, and whether the charging party made use of any appeal rights,
 - d. person recommending the discharge, including name, position held, and gender ,
 - e. person making final decision to discharge the charging party, including name, position held, and gender .
Attach copy of any evaluation or investigation report relating to the discharge, and
 - f. copies of all pertinent documents in the charging party's personnel file relating to the subject discharge.
2. Explain your discharge procedures in effect at the time of the alleged violation. If the procedures are in writing submit a copy.
3. Submit copies of all written rules relating to employee duties and conduct. Explain how employees learn the contents and rules.
4. List all employees who committed the same or substantially similar offense(s) that the charging party committed and the disciplinary action taken against them. Supply backup documentation for the list. Include name, position title, and gender .
5. List all the employees discharged within the relevant period. For each employee, include employee's name, position title, reason for and date of discharge, and gender , and a copy of the separation notice.
6. Copies of all personnel documents concerning the employment of the person(s) hired to replace charging party or who assumed charging party's duties. Please annotate the name and gender of this person(s).

7. List of all employees reporting to the same supervisor who were in employment status as of the date of charging party's discharge by:
 - a. name, and gender ,
 - b. date of hire,
 - c. position as of the date of charging party's discharge,
 - d. copies of all documents, positive or negative, concerning the performance/conduct of each employee.

Issue: SEXUAL HARASSMENT

1. State and describe respondent's policy with regard to sexual harassment at the time of the charge. Explain how this policy is/was developed, implemented, and disseminated. Submit a copy of all documents which state, describe, reference, or relate to the policy, its creation, its implementation, and its dissemination.
2. Has any applicant or employee complained or charged (either orally or in writing internally or externally) that any employee in the facility engaged in sexual harassment in connection with the employee's employment relationship? If so, submit the following information for each complaint received:
 - a. name, position, and department of complaint,
 - b. name and position for each person(s) receiving the complaint(s) and the date of the receipt of the complaint(s),
 - c. name and position of each person whose conduct was the subject of the complaint,
 - d. a detailed description of the relationship between the alleged harasser and the respondent,
 - e. a detailed account of the conduct which is the subject of the complaint including the date(s),
 - f. the context in which the alleged conduct occurred, including the specific location,
 - g. an explanation of the action(s) taken to resolve this complaint, both with respect to the alleged harasser and the complainant,
 - h. the name and sex of each witness to the event(s) alleged which served as a basis for the sexual harassment complaint, and
 - i. a description of each disciplinary/discharge action taken against the complainant, including, but not limited to, the date and nature of each action.Submit all documents which state, describe, reference, or relate to each sexual harassment complaint including, but not limited to, the resolution of the complaint.

LAW OFFICES
HOGG, ALLEN, NORTON & BLUE
PROFESSIONAL ASSOCIATION

MIAMI OFFICE
SUITE 300
121 MAJORCA
CORAL GABLES, FLORIDA 33134
305/445-7891
TELECOPY 305/442-1578

ORLANDO OFFICE
SIGNATURE PLAZA, SUITE 810
201 SOUTH ORANGE AVENUE
ORLANDO, FLORIDA 32801
407/843-8437
TELECOPY 407/822-7388

TALLAHASSEE OFFICE
SUITE 305
215 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32301
904/861-3803
TELECOPY 904/861-4332

TAMPA OFFICE
HYDE PARK PLAZA, SUITE 300
324 SOUTH HYDE PARK AVENUE
TAMPA, FLORIDA 33606
813/251-1210
TELECOPY 813/253-2808

REPLY TO: Coral Gables

September 23, 1996

Ms. Christina Soule
Enforcement Supervisor
Miami District Office
One Biscayne Tower, Suite 2700
2 South Biscayne Blvd.
Miami, Florida 33131

Re: Joelle E. De Simons and Pacific International Equities, Inc.
EEOC Charge No. 150 96 3417

Dear Ms. Soule:

Please be advised that the undersigned represents the Employer, Pacific International Equities, Inc., with respect to the above-referenced charge.

You may be assured we will cooperate with the Commission in every reasonable way to see that this matter is resolved expeditiously. Please send all future correspondence to me.

Should you have any questions, please do not hesitate to call. Thank you.

Sincerely,


Murray Hudson

MH/nr

HOGG, ALLEN, NORTON & BLUE

PROFESSIONAL ASSOCIATION

MIAMI OFFICE
SUITE 300
121 MAJORCA

CORAL GABLES, FLORIDA 33134

305/445-7801
TELECOPY 305/442-1578

ORLANDO OFFICE
SIGNATURE PLAZA, SUITE 818
201 SOUTH ORANGE AVENUE

ORLANDO, FLORIDA 32801

407/843-0437
TELECOPY 407/422-7368

TALLAHASSEE OFFICE
SUITE 305
215 SOUTH MONROE STREET

TALLAHASSEE, FLORIDA 32301

904/581-3503
TELECOPY 904/581-0332

TAMPA OFFICE
HYDE PARK PLAZA, SUITE 350
324 SOUTH HYDE PARK AVENUE

TAMPA, FLORIDA 33606

813/251-1210
TELECOPY 813/253-2008

REPLY TO: Coral Gables

October 15, 1996

Ms. Christina Soule
Enforcement Supervisor
Miami District Office
One Biscayne Tower, Suite 2700
2 South Biscayne Blvd.
Miami, FL 33131

Re: Joelle E. De Simone v. Pacific International Equities, Inc.
EEOC Charge No: 150-96-3417

NOV 15 1996
U.S. DEPARTMENT OF JUSTICE
EEOC
MIAAMI DISTRICT OFFICE
300 BISCAYNE BLVD
MIAMI, FL 33131

Dear Ms. Soule:

Please consider this correspondence as the response to Ms. De Simone's administrative charge of a sexually hostile work environment. Pacific International Equities, Inc. ("Pacific"), absolutely denies any claim or accusation of employment discrimination, and Ms. De Simone's claim of a sexually hostile environment is particularly without merit. There is no illegal, hostile work environment, and Ms. De Simone was terminated from continued employment with the Respondent only after she engaged in insubordinate conduct, resulting from her refusal to perform the duties of her job for her supervisor at the time of her discharge, Mr. Camilo Blanco.

Ms. De Simone's administrative charge appears to have been signed under oath, on July 25, 1996, but includes the following accusation: "From on or about November 1, 1995, I was subjected to a sexually hostile environment. On July 24, 1996 I was discharged..." Respectfully, this accusation is insupportable. Ms. De Simone worked continuously for Pacific from May 1995, through the date of her termination, July 24, 1996, and made no accusation, claim or objection at any time concerning any sexually hostile or offensive work environment or conduct. In fact, her EEOC charge fails to even remotely indicate what act or omission ever occurred which created any sexually offensive or hostile work environment. Ms. De Simone's readiness to file such a charge the day immediately following her termination is inconsistent with the complaint which she forwarded to Mr. Howard Shapiro, Pacific's Senior Vice President on July 17, 1996, wherein she made no mention at all of any discrimination or sexually hostile/offensive work environment (copy attached). Rather, her written complaint of July 17th evidences the type of insubordination for which she was terminated. On that date, Ms. De Simone unilaterally created an interoffice memorandum, while on Company time, and faxed such to the Respondent's Senior Vice President, without reviewing the memorandum

October 15, 1996

Page 2

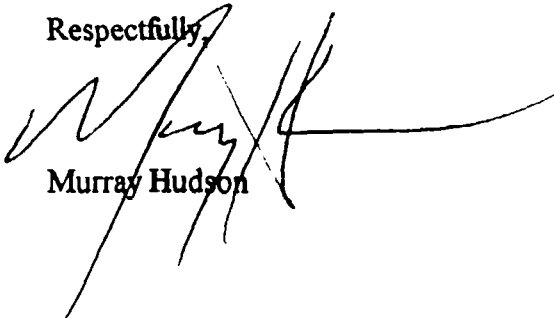
with, or even notifying her direct supervisor, Mr. Blanco, of such. The memorandum clearly reveals Ms. De Simone's admissions that she was unable to perform the job functions expected of her, and according to her own words, needed "a second person so we might accomplish all these duties."

The fact of the matter, however, is that Ms. De Simone has been replaced with a competent secretary (Ms. Lima Gomes) who is capable of, and has proven so far, to perform all functions of the position without the help of an additional person. Ms. De Simone's memorandum of July 17, was not the first instance where she attempted to resolve her personal disputes with the Respondent's Senior Vice President, rather than her immediate supervisor, Mr. Blanco. On or about July 7, 1996, Mr. Camilo Blanco assumed responsibility as Project Manager for Pacific's Sunset Harbor development. Ms. De Simone was the secretary to the former Project Manager, and apparently experienced difficulty in accepting the change of her supervisor. Ms. De Simone complained directly to Mr. Blanco's supervisor, Mr. Shapiro, about her work load under Mr. Blanco's supervision. Mr. Shapiro then consulted with Mr. Blanco and it was determined that one secretary was capable of performing all of the work requested on a timely basis, and Ms. De Simone was notified that she was expected to perform such in a competent and timely manner, and if she had any further difficulty in performing her job duties she should first talk directly with her supervisor, Mr. Blanco, concerning such. On July 17, 1996, Ms. De Simone, however, as explained above, sent a second complaint concerning her work duties directly to Mr. Shapiro before reviewing such with Mr. Blanco.

Just as important, moreover, is the failure of Ms. De Simone to document any complaint concerning sexual harassment, discrimination or an alleged hostile work environment in her memorandum of July 17, 1996 - or at any time during her employment. Certainly, if there were any merit to any such claim, Ms. De Simone should have included such in her memorandum directed to the Respondent's Senior Vice President. Pacific International would have certainly taken fast and effective remedial action if anyone made such a complaint. Of note, the fact that Ms. De Simone received a substantial pay increase in the Spring of 1996 when her form of compensation was changed from \$10.00 per hour with no additional benefits, to a yearly salary of \$26,000.00, plus health insurance benefits, directly contradicts any legitimate claim that she was subjected to a hostile, offensive or otherwise improper work environment during her employment.

I trust this satisfies the Commission's inquiry into this matter, and a determination that there is no reasonable basis in fact or law to support Ms. De Simone's claim is forthcoming. Enclosed please find copies of Ms. De Simone's personnel information. If the Commission has any further questions or concerns, please feel free to contact me at your convenience.

Respectfully,



Murray Hudson

HOGG, ALLEN, NORTON & BLUE
PROFESSIONAL ASSOCIATION



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Miami District Office

1 Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, FL 33131-1805
PH: (305) 536-4491
TDD: (305) 536-5721
FAX: (305) 536-4011

EEOC Charge No. 150963417

Joelle E. DeSimone
427 Golden Isles
Hallandale, FL 33009

Charging Party

Pacific International Equities, Inc.
11098 Biscayne Boulevard, Suite 402
Miami, FL 33161

Respondent

LETTER OF DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act (Title VII) of 1964, as amended, and timeliness, deferral and all other requirements for coverage have been met.

Charging Party alleged that she was discriminated against in violation of Title VII in that she was subjected to a hostile working environment that was based on sex (female). The harassment was often sexually harassing in nature or on other occasions constituted gender harassment. She alleged further that when she complained about the harassment, the Respondent retaliated against her by discharging her.

Examination of the evidence indicates that the allegations of the Charging Party are true. The Respondent's reasons for its actions do not withstand scrutiny. I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statute has occurred in that Charging Party Joelle E. DeSimone and other similarly situated females were subjected to sexual harassment and harassment based upon their gender.

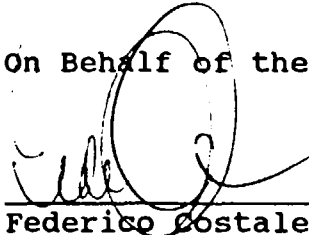
Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during conciliation.



Letter of Determination
EEOC Charge No. 150963417
Page 2

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission:



Federico Costales
District Director

June 26, 1997

Date

Enclosure: Invitation to Conciliate

cc: Respondent Representative

Murray Hudson, Esq.
Hogg, Allen, Norton & Blue, P.A.
121 Majorca, Suite 300
Coral Gables, FL 33134

LAW OFFICES

ALLEN, NORTON & BLUE

PROFESSIONAL ASSOCIATION

MIAMI OFFICE
SUITE 300
121 MAJORCA

CORAL GABLES, FLORIDA 33134

305/445-7801
TELECOPY 305/442-1578

ORLANDO OFFICE
SIGNATURE PLAZA, SUITE 810
201 SOUTH ORANGE AVENUE

ORLANDO, FLORIDA 32801

407/843-0437
TELECOPY 407 422-7368

TALLAHASSEE OFFICE
SUITE 305

215 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32301

904/561-3503
TELECOPY 904/561-0332

TAMPA OFFICE

HYDE PARK PLAZA, SUITE 350
324 SOUTH HYDE PARK AVENUE
TAMPA, FLORIDA 33606

813/251-1210
TELECOPY 813/253-2008

REPLY TO: Coral Gables

January 20, 1998

VIA FACSIMILE AND U.S. MAIL

Hollis Larkins
Deputy District Director
Equal Employment Opportunity Commission
Miami District Office
1 Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, FL 33131-1805

**Re: Request for Reconsideration in Joelle DeSimone Sabino v. Pacific International Equities, Inc.
EEOC Charge No. 150-96-3417**

Dear Mr. Larkin:

This firm represents the Respondent in the above-referenced matter. Murray Hudson was the attorney handling this case but he left the firm last year. Accordingly, the case has been assigned to me. I am writing to request reconsideration of the letter of determination issued in this case June 26, 1997 pursuant to 29 C.F.R. 1601.21(b). As more fully stated in this letter, the basis for our request is that the investigation conducted in this case was inadequate and the conclusions stated in the letter of determination are unsupported by the facts. There is also evidence which, if previously considered, would have affected the outcome of the determination. Additionally, the Commission's procedures, as set out in the Compliance Manual, were not followed in this case.

There has not, to the Respondent's knowledge, been any investigation in this case; nor was a Pre-Determination interview conducted. Under these circumstances, it appears that there would be new evidence which, if previously considered, would have affected the outcome of the determination. It also appears, based on statements made by the Charging Party in her charge, that there may have been a misapplication of the law.

Additionally, the Commission's ability to conciliate this charge in good faith, as is required by federal law, is hindered by the inadequate nature of the investigation. In our view, the

January 20, 1998

Page 2

Commission cannot, in good conscience, ask that the Respondent pay \$85,000 to the Charging Party for unspecified backpay and compensatory damages without the Respondent being at least apprised of the evidence on which a cause determination was based.

The EEOC Charge filed in this case alleges sex discrimination in the form of termination from employment and an alleged sexually hostile work environment. I do not know and have no way of telling the nature of the information which the investigator obtained in this case and which led him to make the recommendation outlined in the letter of determination finding reasonable cause. However, I do know for certain that some things were not done which would have to be considered essential to any complete investigation of this matter.

The firing official in this case was not interviewed. The EEOC Charge specifically alleges that the employee in question was terminated by Respondent's Vice President, Camilo Blanco. Mr. Blanco, however, was not interviewed by the investigator concerning the reasons he terminated the Charging Party's employment. An interview with Mr. Blanco would reveal evidence which would have affected the outcome of this charge. More specifically, there is clearly an issue as to whether the Charging Party complained about a sexually hostile work environment. The only documentary evidence submitted by the Respondent (a letter written by the Charging Party only one week before her termination in which she makes no mention of sexual harassment) which directly relates to the issues raised in the charge, tends to show that such an issue exists and cannot be decided without at least interviewing the firing official. Certainly one would expect that an interview with the firing official would be essential to any investigation in which an unlawful termination is alleged.

None of the management officials mentioned in the charge of discrimination were ever interviewed. The Charging Party alleged that Camilo Blanco told her that she was being terminated because she called Howard Shapiro, Senior Vice President. Neither Messrs. Blanco and Shapiro, were interviewed on any issue. Again, in light of the serious nature of a Commission cause determination, one would expect that at the very least, the alleged discriminating officials who are named in a charge of discrimination would be interviewed before a cause determination is issued.

To the Respondent's knowledge, none of the employees with whom the Charging Party worked were ever interviewed by the Commission. The Charging Party worked at three different locations at different times in her employment. Respondent does not believe that any of its existing employees have been interviewed to testify about the alleged "sexually hostile environment."

The EEOC letter of determination states that "similarly situated females were subjected to sexual harassment and harassment based upon their gender." Respondent has been given absolutely no notice as to who these "similarly situated females" are and the circumstances giving rise to the allegation that they have been subjected to sexual harassment. Without such notification of the identities of the employees and the circumstances alleged to have resulted in sexual harassment, Respondent had absolutely no opportunity to respond to the allegations or present any kind of evidence on this issue prior to the determination.

January 20, 1998

Page 3

Finally, it is again notable that the Charging Party alleged in her charge that Camilo Blanco told her she was being terminated for "calling Howard Shapiro, Senior Vice President." There is no indication from this statement that she is alleging that she was being terminated in retaliation for having complained about sexual harassment, as was found in the Letter of Determination. Also notable is that the Charging Party did not check the retaliation box in her charge. The Respondent has no information regarding anything pertaining to her alleged complaint(s) of sexual harassment. Without any information regarding such, the Respondent is forced to defend against something about which it knows nothing. The inherent inequity in such a position is apparent.

Based on the foregoing, it is apparent that the procedures set forth in the Commission's Compliance Manual have not been followed. According to the Compliance Manual, "[i]nterviews are an integral part of all investigations." 1 EEOC Compliance Manual §23 Interviews, 915.001 (October, 1987) Significantly, the investigation of this case is similar to an example of an inadequate investigation set out in the Compliance Manual. The Compliance Manual contains a hypothetical situation in which the Charging Party and corroborating witnesses are the only ones interviewed during the investigation of a sexual harassment case. 1 EEOC Compliance Manual §14.9 Flexible Investigation Procedures (October, 1987). In such a case, according to the Manual, "[t]he investigation is not complete because the [alleged harassing] supervisor has not been interviewed."

Significantly, there has also been no Pre-Determination interview in this case, as is required by the Commission's Compliance Manual. 1 EEOC Compliance Manual, §27 Pre-Determination Interviews, 915.001 (October, 1987)("[h]old a PDI with the respondent in cause cases....[t]he purpose of the PDI is to provide the party with a final opportunity to provide additional evidence in the case."). As you know, the Commission's Compliance Manual requires that the Commission to apprise the Respondent of the scope of its investigation and of the evidence on which it will base its determination during such an interview. *Id.* The Respondent was denied this interview as well as the opportunity to rebut any evidence discussed during such an interview, as is required by the Commission's Compliance Manual. *Id.* This is an additional reason for this case to be reconsidered by the Commission.

To summarize, to the best of Respondent's knowledge, there has essentially been no investigation in this case. *The Respondent is prepared to come forward with affidavits and documentary evidence not previously obtained which, if obtained previously, would have certainly affected the outcome of this case.* However, before such evidence is submitted, the Respondent respectfully requests that this case be reopened in order to allow for the submission of such additional evidence. A Pre-Determination interview should also be conducted should the Commission again decide to issue a cause determination.

January 20, 1998

Page 4

Pacific International Equities takes the EEOC investigation process and the cause determination very seriously. While it is understandable that an excessive workload and limited resources make it difficult for your organization to conduct a complete investigation, Pacific International Equities should not be prejudiced by this fact. Accordingly, the Respondent respectfully requests a reconsideration of the cause determination and stands ready to accommodate any request from your investigator for information and make its employees available for interview on the central issues of this case. I look forward to hearing from you and in the meantime if you have any questions or comments, please feel free to contact me.

Sincerely,



Gary A. Costales

GAC/yr

cc: Camilo Blanco



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Miami District Office

1 Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, FL 33131-1805
PH: (305) 536-4491
TDD: (305) 536-5721
FAX: (305) 536-4011

Gary A. Costales
Allen, Norton & Blue
Suite 300
121 Majorca
Coral Gables, Florida 33134

RE: Joelle DeSimone Sabino v. Pacific International Equities, Inc.
EEOC Charge No.: 150 96 3417

Dear Mr. Costales:

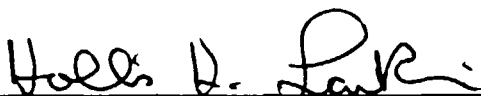
This is in response to your letter of January 30, 1998 regarding the above cited subject. After a thorough review of the matter, I have concluded that you have not presented any substantially new or relevant evidence or a persuasive argument that the EEOC's prior decision is contrary to law or facts.

You have not presented any new evidence that was not previously considered which may have affected the outcome. I find no errors in the Commission's interpretation of the law or procedures which may have affected the prior decisions. Also, I find no evidence of any misconduct by the investigator or any other staff member.

Therefore, your request for reconsideration of the Letter of Determination, issued June 30, 1997, is hereby denied.

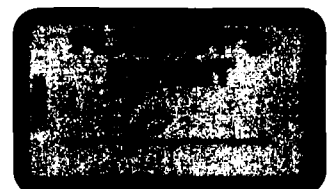
The investigator assigned to this case will contact you to resume the conciliation process.

Sincerely,


Hollis H. Larkins
Deputy Director

FEB 05 1998

Date





U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

1 Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, FL 33131-1805
PH (305) 536-4491
TDD (305) 536-5721
FAX (305) 536-4011

Gary A. Costales, Esq.
Allen, Norton & Blue, P.A.
121 Majorca, Suite 300
Coral Gables, FL 33134

RE: Joelle E. DeSimone Sambino vs. Pacific International Equities, Inc.
EEOC Charge No. 150963417

Dear Mr. Costales:

EEOC has determined that efforts to conciliate this charge as required by Section 706 (b) of Title VII of the Civil Rights Act of 1964, as amended, (Title VII), have been unsuccessful. This letter constitutes the notice required by Section 1601.25 of the Commission's Regulations which provides that the Commission shall notify a respondent in writing when it determines that further conciliation efforts would be futile or non-productive.

No further efforts to conciliate this case will be made by EEOC. Accordingly, we are at this time forwarding the case to the Miami District's Regional Attorney for possible litigation.

On Behalf of the Commission:

4/9/98
Date

George E. Evans for
Federico Costales
District Director

FC:ACS:JBM:cs



LAW OFFICES
ALLEN, NORTON & BLUE
PROFESSIONAL ASSOCIATION

MIAMI OFFICE
SUITE 300
121 MAJORCA
CORAL GABLES, FLORIDA 33134
305/445-7601
TELECOPY 305/442-1578

ORLANDO OFFICE
SIGNATURE PLAZA SUITE 200
201 SOUTH ORANGE AVENUE
ORLANDO, FLORIDA 32801
407/843-0437
TELECOPY 407/422-7368

TALLAHASSEE OFFICE
SUITE 306
215 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32301
850/561-3503
TELECOPY 850/561-0332

TAMPA OFFICE
HYDE PARK PLAZA SUITE 350
324 SOUTH HYDE PARK AVENUE
TAMPA, FLORIDA 33606
813/251-1210
TELECOPY 813/253-2008

REPLY TO: Coral Gables

FACSIMILE TRANSMITTAL RECORD

DATE: February 22, 1999

OF PAGES: 6 (including cover)

SENT TO: Gedety Serralta, Esq.

COMPANY: EEOC

SENT TO FAX #: 305-530-7660

FROM: Gary A. Costales, Esq.

CHARGE: 2054

COMMENTS:

**FOR PROBLEMS OR QUESTIONS CONCERNING THIS TRANSACTION,
CALL Sylvia AT (305) 445-7801.**

The information contained in this facsimile message is Attorney Privileged and Confidential and is intended only for the use of the individual or entity named as recipient. If the reader is not the recipient, be hereby noticed that the dissemination, distribution or copy of this communication is strictly prohibited.

**IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.
THANK YOU.**



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

CASE NO. 98-1458-CIV-SEITZ

v.

Magistrate Judge Bandstra

PACIFIC INTERNATIONAL
EQUITIES, INC.

Defendant.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND SET OF
INTERROGATORIES**

Defendant, PACIFIC INTERNATIONAL EQUITIES, INC., by and through undersigned counsel, and pursuant S.D. Fla. L.R. 26.1 and Fed. R. Civ. P. 33 hereby serves the following responses to Plaintiff's Second Set of Interrogatories.

Interrogatory 2-1 Please provide the complete factual basis for all Defendant's denials and affirmative defenses asserted or stated in Defendant's Answer and/or any other pleadings where Defendant asserts denials and affirmative defenses to this action including, but not limited to, the denials asserted concerning paragraph four, five, six, seven, eight, nine and ten of Plaintiff's Complaint and the six affirmative defenses asserted in Defendant's Answer.

ANSWER:

Defendant objects to the definition of "factual basis" as being overly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and on the grounds that the definition calls for the production of a response that falls within the attorney work product doctrine. S.D. Fla. L.R. App. A.IV.A. (9). For instance, Plaintiff's request to state every conclusion or argument that tends to indicate the truth of any answer or allegation appears to be a request for information that comes under the work product doctrine. Defendant also contends that some of the information requested in this instruction, such as to state every fact, could be or has been obtained by Plaintiff through

61747_1

deposition testimony. See, Fed. R. Civ. P. 26 (b)(2)(i)-(iii); S D. Fla. L.R. App. A. IV. A. (8).

Paragraph 4: The named Defendant, Pacific International Equities Inc. has no employees and therefore is not within the jurisdiction of Title VII. Southeastern Florida Management Inc. employed Joelle DeSimone Sambino, who is one of the charging parties named in EEOC v. Pacific International Equities, Inc., CASE NO.: 98-1458-CIV-SEITZ, during all timeframes relevant to that Complaint. Southeastern Florida Properties Inc. is a wholly owned subsidiary of Pacific International Equities Inc.

Paragraph 5: Defendant has no employees.

Paragraph 6: Plaintiff failed to conciliate the charge of discrimination in good faith. Plaintiff failed to conduct a Pre-Determination Interview with Defendant, in contravention of Plaintiff's procedures. Plaintiff's investigator specifically refused to provide the type of information that would have been provided during a Pre-Determination Interview, or any information whatsoever pertaining to the basis for Plaintiff's cause determination at any time and after being specifically ordered to do so by Plaintiff's Deputy Director, Miami Office. Plaintiff also failed to conciliate on behalf of similarly situated individuals.

Paragraph 7: Defendant denies that it engaged in the unlawful practices alleged in the Complaint because Defendant contends that these events did not occur for the reasons discussed below.

Paragraph 7(a): Defendant denies contends that Ms. Sambino was not "regularly subjected to vulgar language, abusive behavior and remarks of a personal nature" as is evidenced by the testimony of Camilo Blanco and the lack of documentary evidence pertaining to such an allegation. As is evidenced by the testimony of Camilo Blanco, Defendant also contends that Ms. Sambino did not make any complaint(s) of such conduct known to her immediate supervisors.

Paragraph 7(b): Defendant contends that a filing cabinet was not thrown at Ms. Sambino, as is evidenced by the work log notes of Edith Ann White.

Paragraph 7(c): Defendant contends that testimonial evidence as well as the lack of any documentary evidence will show that Ms. Sambino did not complain about any acts of sexual harassment and/or gender discrimination to Defendant's former Senior Vice President and did not complain of such to the managers who were harassing her. Defendant contends that Ms. Sambino was terminated by Camilo Blanco, who had no knowledge of any such alleged complaints.

Paragraph 8: Defendant contends that testimonial as well as documentary evidence will show that there are no acts that deprived Ms. Sambino of employment opportunities or that otherwise adversely affected her status as an employee. There is no evidence that Ms. Sambino was subjected to any adverse action with regard to this allegation.

Paragraph 9: Defendant contends that the acts alleged in paragraph 7 did not occur, based on testimonial as well as documentary evidence.

Paragraph 10: Defendant contends that the acts alleged in paragraph 7 did not occur, based on testimonial as well as documentary evidence.

Prayer for Relief: Defendant contends that the allegations contained in paragraph 7 did not occur for the reasons set forth in the foregoing. Therefore, Joelle Sambino and similarly situated individuals are not entitled to such relief.

Affirmative Defenses:

1. Plaintiff has failed to join an indispensable party to this lawsuit.

The named Defendant, Pacific International Equities Inc. has no employees and therefore is not within the jurisdiction of Title VII. Southeastern Florida Management Inc. employed Joelle DeSimone Sambino, who is one of the charging parties named in EEOC v. Pacific International Equities, Inc., CASE NO.: 98-1458-CIV-SEITZ, during all timeframes relevant to that Complaint. Southeastern Florida Properties Inc. is a wholly owned subsidiary of Pacific International Equities Inc.

2. Plaintiff has failed to satisfy the conditions precedent to filing and maintaining any cause of action under Title VII of the Civil Rights Act of 1964, as amended.

Plaintiff failed to conciliate the charge of discrimination in good faith. Plaintiff failed to conduct a Pre-Determination Interview with Defendant, in contravention of Plaintiff's procedures. Plaintiff's investigator specifically refused to provide the type of information that would have been provided during a Pre-Determination Interview, or any information whatsoever pertaining to the basis for Plaintiff's cause determination at any time and after being specifically ordered to do so by Plaintiff's Deputy Director, Miami Office. Plaintiff also failed to conciliate on behalf of similarly situated individuals.

3. Plaintiff has failed to mitigate any damages she may have suffered as a result of the allegations in the Complaint.

Defendant's assertion in this regard is based on testimonial evidence of Joelle Sambino as well as the lack of documentary evidence.

4. Plaintiff's claims are barred by waiver, estoppel and/or the doctrine of unclean hands.

The actions of Plaintiff's that are mentioned with regard to Defendant's basis for asserting that Plaintiff has failed to satisfy conditions precedent also serves as the basis for the fourth affirmative defense.

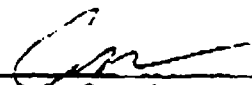
5. Assuming *arguendo* that Plaintiff was terminated for the unlawful reasons alleged, Plaintiff still would have been terminated in or about July 1996 for legitimate, nondiscriminatory reasons.

Defendant's contention in this regard is based on the testimonial evidence of Lima Gomes, Jorge Cordoves and Camilo Blanco as well as documentary evidence showing that change orders and timesheets were not completed in a timely fashion.

6. Assuming *arguendo* that Plaintiff and similarly situated individuals were subjected to unlawful harassment, Defendant cannot be held liable because Defendant exercised reasonable care to prevent and correct promptly any sexually harassing behavior and (b) Plaintiff and similarly situated employees unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Defendant's contention in this regard is based on testimonial evidence as well as the lack of documentary evidence that shows that Ms. Sambino unreasonably failed to take advantage of preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Respectfully submitted,




 Gary A. Costales
 Florida Bar No. 948829
 Peter L. Sampo
 Florida Bar No. 077344

ALLEN, NORTON & BLUE, P.A.
 121 Majorca, Suite 300
 Coral Gables, FL 33134
 Tel: (305) 445-7801
 Fax: (305) 442-1578

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by
 facsimile, on this 20th day of February, 1999 upon:

Gedety N. Serralta, Senior Trial Attorney
 Equal Employment Opportunity Commission
 Miami District Office
 One Biscayne Tower
 2 South Biscayne Boulevard
 Suite 2700
 Miami, Florida 33131



 Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO: 98-1458-CIV-SEITZ

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
vs.)
)
PACIFIC INTERNATIONAL)
EQUITIES, INC.,)
)
Defendant.)
_____)

COPY

2 S. Biscayne Blvd.
Miami, Florida
February 18, 1995
9:00 a.m.

DEPOSITION OF CAMILO BLANCO

Taken before Pearlyck Valiente, Shorthand Reporter
and Notary Public in and for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in the above
cause.



1 Q. Okay. Do you recall any of those documents
2 specifically?

3 A. That batch there (indicating). I don't have the
4 other ones, I don't remember what they were.

5 Q. That batch there (indicating)?

6 A. Yes.

7 Q. Did you bring documents with you today to this
8 deposition?

9 A. No.

10 Q. Okay. Could I review the documents you pointed at?

11 MR. COSTALES: To make it easy for you, can I
12 say that the batch is our response to your request
13 for production Bate Stamped 55 to, it's about,
14 153.

15 MS. SERRALTA: Okay. Okay. It looked like
16 that. Okay.

17 BY MS. SERRALTA:

18 Q. Other than this stack of documents that has been
19 identified, do you recall reviewing anything else in
20 preparing for the deposition today?

21 A. Nothing specific other than the documents that went
22 back and forth between you lawyers.

23 Q. Okay. Mr. Blanco, where are you currently
24 employed?

25 A. Southeastern Florida Management.

1 Q. And what position do you hold with Southeastern
2 Florida Management?

3 A. Vice president.

4 Q. How long have you held this position as vice
5 president for Southeastern Florida Management?

6 A. Probably about -- I'll say about -- I would say
7 roughly around 15 years.

8 Q. Does Southeastern Florida Management go by any
9 other name?

10 A. No.

11 Q. Have you heard of an entity called Pacific
12 International Equities?

13 A. Yes.

14 Q. Can you tell me -- or actually, let me backtrack
15 just for the sake of the record here today. Can I refer to
16 Pacific International Equities as Pacific?

17 A. Yes.

18 Q. How is it that you know about this entity, Pacific?

19 A. That's the holding company.

20 Q. For?

21 A. For all the subsidiaries that do work in this area.

22 Q. For whose subsidiaries?

23 A. Pacific.

24 Q. Is there a relationship between Southeastern
25 Florida Management and Pacific?

1 A. Not directly, but indirectly.

2 Q. Sorry?

3 A. Not directory, but there is indirectly a
4 relationship.

5 Q. Okay. Could you describe for me your understanding
6 of their relationship as you've described it, I think you
7 called it an indirect relationship?

8 A. Yes. Southeastern Florida Management is the wholly
9 owned subsidiary of Southeastern Florida Properties and
10 Southeastern Florida Properties is the wholly owned
11 subsidiary of Pacific International Equities.

12 Q. Okay. So Southeastern Florida Management is the
13 wholly owned subsidiary of Pacific?

14 A. No. Southeastern who?

15 Q. Southeastern Florida Management, Incorporated.

16 A. Yes.

17 Q. Is the wholly own subsidiary of?

18 A. Southeastern Florida Properties, Incorporated.

19 Q. Okay. And Pacific is what?

20 A. Is the parent of Southeastern Florida Properties.

21 Q. Okay. I'm just leafing through some of these
22 documents that you testified earlier that you reviewed in
23 preparing for your deposition today, right? Okay.

24 A. Yes.

25 Q. And just in looking through them, I just picked one

1 out and it appears that it's some document which contains
2 your signature. I'm going to ask you to look at it for a
3 second and identify it. Let me just -- I'm not going to mark
4 it right now, but I just want to get some clarification. You
5 see this document?

6 MR. COSTALES: What's the bate number?

7 MS. SERRALTA: Bate Stamp Number 071.

8 BY MS. SERRALTA:

9 Q. What is this document, first of all?

10 A. It's a change order.

11 Q. Okay. And is your signature contained in this
12 document?

13 A. Yes.

14 Q. Okay. And is it contained under or as an agent for
15 some entity?

16 A. Yes.

17 Q. What is the entity that you are signing for?

18 A. There are two entities.

19 Q. Okay.

20 A. Pacific International Construction, Inc. and Yacht
21 Club Southeastern, Inc.

22 Q. You signed for both of them?

23 A. Right.

24 Q. When you signed this document -- well, I'm sorry,
25 let me backtrack.

1 When did you sign this document, according to this
2 document?

3 A. Doesn't have a date, but I would say somewhere in
4 the end or middle -- end of December of 1996.

5 Q. Okay. Where were you employed at that time?

6 A. Same place I'm employed now.

7 Q. That's Southeastern?

8 A. Florida Management.

9 Q. Okay. So when you are signing this document that's
10 Bate Stamped 00 -- it's got four zeros and then 71.

11 A. Five zeros, 71.

12 Q. I see four.

13 MR. COSTALES: That's five. Let's just forget
14 the zeros.

15 THE WITNESS: It's five.

16 MS. SERRALTA: For the record I count 0000 --
17 you are right -- 071.

18 BY MS. SERRALTA:

19 Q. When you signed this document, on whose behalf were
20 you signing?

21 A. I'm signing on behalf of those two companies.

22 Q. Pacific International Construction, Incorporated
23 and Yacht Club Southeastern, Incorporated?

24 A. That's right.

25 Q. Are they in any fashion -- sorry, let me rephrase

1 that.

2 How is it that you are able to sign for those
3 entities when you are working for Southeastern Florida
4 Management?

5 A. Because these two companies are part of a group of
6 companies associated with Pacific International Equities and
7 I am an officer on both companies.

8 Q. In which companies?

9 A. In these two companies, Pacific International
10 Construction, Inc., and Yacht Club Southeastern, Inc.

11 Q. Are you also an officer as Pacific International
12 Equities, Incorporated?

13 A. I am.

14 Q. What is your position at Pacific International
15 Equities, Incorporated?

16 A. I'm a vice president.

17 Q. And how long have you held the position of vice
18 president at Pacific International Equities, Incorporated?

19 A. I would say about 15 years, I don't know.

20 Q. Is it fair to state that when you said earlier that
21 you were currently employed at Southeastern Florida
22 Management that you are also employed at Pacific
23 International Equities, Incorporated?

24 A. No.

25 Q. Okay. But -- okay. Is it fair to state, though,

1 that since the time that you've been employed at Southeastern
2 Florida Management, that you've not only been a vice
3 president there at Southeastern Florida Management, but
4 you've also been a vice president at Pacific during that same
5 period of time?

6 MR. COSTALES: Can you repeat that question?

7 BY MS. SERRALTA:

8 Q. Did you understand it?

9 A. You said since I am employed --

10 Q. Okay.

11 A. -- at Southeastern Florida Management?

12 Q. You want me to have it read back?

13 A. Yes.

14 (Thereupon the referred to question was
15 read back by the reporter as above recorded.)

16 THE WITNESS: That's not correct.

17 BY MS. SERRALTA:

18 Q. Okay. Tell me why it's not correct.

19 A. First of all, I was originally employed by
20 Southeastern Florida Properties, and for years I worked there
21 without being a president -- a vice president. Then my
22 employment was changed to Southeastern Florida Management.

23 Q. Okay.

24 A. I don't remember the date it was changed, but I
25 haven't been a vice president for the full time I worked with

1 the company.

2 Q. Okay. Let me see if I can understand it. Okay,
3 I'm going to go at it until you help me understand it. But
4 you testified earlier, and correct me if I'm wrong, that
5 you've been a vice president at Southeastern Florida
6 Management for approximately 15 years; is that right?

7 A. I don't remember exactly when Southeastern Florida
8 Management came into existence.

9 Q. Okay.

10 A. But I've been a vice president in this job, in this
11 employment, for about 15 years. I believe when I became a
12 vice president I was still working for Southeastern Florida
13 Properties.

14 Q. Okay. When you testified earlier that you had been
15 a vice president at Pacific for approximately 15 years --

16 A. Right.

17 Q. -- I guess I want you to explain where were you
18 working other than at Pacific when you became vice president
19 at Pacific.

20 A. I was working with Southeastern Florida Properties.

21 Q. And when you testified earlier then you went from
22 working with Southeastern Florida Properties to then working
23 with Southeastern Florida Management, who made that decision
24 to have you work with a different, I guess, entity?

25 A. Well, there was a reorganization at the time and

1 Southeastern Florida Management was created to manage the
2 affairs of all the related companies, and all the employees
3 of the different companies were transferred to Southeastern
4 Florida Management. That's the only entity that's got any
5 employees among all the related companies.

6 Q. Correct me if I'm wrong, but did you testify
7 earlier that the parent company of Southeastern Florida
8 Properties is Pacific?

9 A. That's correct.

10 Q. When you were working at South (sic) Florida
11 Properties, Incorporated before you became a vice president,
12 what position did you hold?

13 A. I was the comptroller.

14 Q. And prior to that did you hold any position with
15 South Florida Properties, Incorporated or South Florida --
16 Southeastern Florida Management or Pacific?

17 A. Southeastern Florida Management did not exist at
18 that time.

19 Q. Okay.

20 A. I was a comptroller for all the related companies.

21 Q. Okay. Prior to the time that you were comptroller
22 for South Florida Properties, Incorporated, did you hold any
23 other position with South Florida Properties, Incorporated or
24 Pacific?

25 A. Yes, I worked -- the first two, three years I

1 worked there I worked as director of accounting for the
2 companies.

3 Q. For who?

4 A. For the companies.

5 Q. Which companies?

6 A. All the related companies.

7 Q. When you say all the related companies, are you
8 talking about other companies other than the three we've
9 already mentioned?

10 A. The three, plus those two, plus other subsidiaries.

11 Q. Why don't we, to the best of your recollection,
12 just try to enumerate what those companies are?

13 A. Sure. Jason Pacific Properties of Georgia; Alpine
14 Forest Park, Inc.; Biscayne Coast Southeastern, Inc.; Three
15 Island Southeastern, Inc.; Plaza de Americas, I don't
16 remember the exact title; Yacht Club Southeastern, Inc. I
17 already mentioned; L'excellenc Southeastern, Inc.; La Rive
18 Gaude Southeastern, Inc.; Sterling Southeastern, Inc.; La
19 Gore Palace, Inc. I don't know if there's anymore.

20 Q. Okay.

21 A. That's what I can remember. And, of course, Yacht
22 Club Southeastern and Pacific International Construction.

23 Q. And also Pacific International Equities?

24 A. Yes.

25 Q. And South Florida Properties, Incorporated?

1 A. Southeastern Florida --

2 Q. Southeastern Florida.

3 A. -- Properties, Incorporated.

4 Q. Right. At that time Southeastern Management --
5 Florida Management did not exist?

6 A. That's correct.

7 Q. Good, I'm understanding some of this.

8 Prior to the position of director of accounting for
9 all those companies that you've enumerated, to the best of
10 your recollection, did you hold any other position with any
11 of those companies?

12 A. No.

13 Q. Okay. In terms of your getting first this job of
14 director of accounting and subsequently the comptroller
15 position at Southeastern Florida Properties, Incorporated,
16 and then eventually the vice president position that you've
17 held to the present, was there a person that in each one of
18 those positions hired you for those positions?

19 A. Yes. I was originally hired by David Howels.

20 Q. David Howard (sic)?

21 A. Howels.

22 Q. Can you spell that?

23 A. H-o-w-e-l-s.

24 Q. Okay. So he hired you for the director of
25 accounting position?

1 A. Right.

2 Q. Okay. And who was he?

3 A. He was a vice president.

4 Q. Of?

5 A. I believe at the time was Southeastern Florida
6 Properties.

7 Q. What about the position as comptroller of
8 Southeastern Florida Properties, Incorporated, how did you
9 get that position?

10 A. Mr. Howels left the company, after that I got that
11 position.

12 Q. Did someone select you for that position?

13 A. Yes, I believe Howard Shapiro.

14 Q. Who is Howard Shapiro?

15 A. Senior vice -- he was senior vice president of the
16 company.

17 Q. Which companies?

18 A. All of them.

19 Q. All of the ones that you've mentioned today?

20 A. Right.

21 Q. Is that right?

22 A. That's right.

23 Q. Correct me if I'm wrong, but after your position as
24 comptroller, that's when you became vice president; is that
25 right?

1 A. That's correct. I still remained as comptroller
2 also.

3 Q. Okay. I'm just trying to get like a chronology
4 here. So the position that you subsequently held after you
5 were first comptroller at Southeastern Florida Properties,
6 Incorporated was the vice president position; is that right?

7 A. That's correct.

8 Q. And you think now that that was at Southeastern
9 Florida Properties, Incorporated?

10 A. I didn't understand what you asked.

11 Q. Where were you working at when you first became
12 vice president?

13 A. Southeastern Florida Properties, Incorporated.

14 Q. And who hired you for the vice president's
15 position?

16 A. Never changed. I told you, I was made vice
17 president by, I believe, Howard Shapiro.

18 Q. Okay. And then when the employees were transferred
19 to Southeastern Florida Management, Incorporated, did Mr.
20 Shapiro also make that decision?

21 A. I guess so.

22 Q. You don't know?

23 A. No, I'm not sure. It's been a long time ago.

24 Q. Did you testify earlier, and correct me if I'm
25 wrong, that the comptroller position that you also obtained

1 at Southeastern Florida Properties, Incorporated was a
2 position for which Howard Shapiro hired you?

3 A. That's correct. Howard Shapiro has been my boss
4 for most of the time I've worked there.

5 Q. So for at least -- for more than 15 years, I guess?

6 A. Yeah.

7 Q. Okay. I'm trying to just -- to the best of your
8 recollection just give me some time frame. When
9 approximately did you become director of accounting?

10 A. To tell you the truth, I don't remember whether it
11 was late '79 or early '80. It's been about 20 years ago.
12 I've been 20 years with the company.

13 Q. And then you've already testified you've been a
14 vice president for approximately the last 15 years?

15 A. Approximately 15 years.

16 Q. In your position as vice president for both
17 Southeastern Florida Management, Incorporated and Pacific, to
18 the best of your knowledge, can you tell me what are your --
19 what have been your duties and responsibilities?

20 A. Oversee a lot of different projects and different
21 phases of the business of the companies; rentals,
22 construction, whatever.

23 Q. Anything else?

24 A. No, I don't think so.

25 Q. When you say oversee projects and the business of

1 the companies, you are referring to Southeastern Florida
2 Management and Pacific; is that right?

3 A. And subsidiaries, all related companies.

4 Q. When you say subsidiaries or the related companies,
5 are those --

6 A. The ones you asked me to mention before.

7 Q. The ones you've already mentioned?

8 A. Correct.

9 Q. When you say that you oversee the projects in the
10 business of Southeastern Florida Management and Pacific and
11 the other companies that you've mentioned, what exactly is it
12 that you do when you oversee these projects and the business,
13 as you've testified?

14 A. Well, I had the responsibility for overseeing -- we
15 had rentals, the rental operations with the management
16 properties; when we were building buildings, the
17 administration and management of the construction was being
18 done the proper way. I spent a lot of time visiting in
19 projects.

20 Q. You spent a lot of time --

21 A. Visiting.

22 Q. Projects?

23 A. Projects. Later on I spent a lot of time -- last
24 10 years I spent probably 70 percent of my time at the
25 projects, it's about '90 to now.

1 Q. When you say the projects, what exactly are you
2 referring to?

3 A. I'm referring to projects that we built in the
4 Miami area during that period of time.

5 Q. And typically what would those projects be?

6 A. Typically would be high-rise buildings,
7 condominiums.

8 Q. Throughout the past 15 years or so that you've been
9 vice president at both Southeastern Florida Management,
10 Incorporated and at Pacific, who have you reported to?

11 A. Howard Shapiro, except for the last probably year
12 and-a-half, two years, when I reported to Mr. Charles Bedzow.

13 Q. You say except for the past year?

14 A. Year and-a-half or two years.

15 Q. These past two years or so?

16 A. Correct.

17 Q. Can you spell Charles' last name?

18 A. Bed and -- B-e-d-z-o-w.

19 Q. And why is it that for the past year or two years
20 you've been reporting to Charles Bedzow instead --

21 A. Mr. Howard Shapiro left the company, I believe,
22 somewhere around May or June of 1997.

23 Q. So what position does Charles Bedzow hold?

24 A. President.

25 Q. President of what?

1 A. All the companies including Pacific and
2 Southeastern Florida Management and all the other companies.

3 Q. Do you remember Joelle de Simone Sambrino?

4 A. Yes.

5 Q. Who was she or who is she?

6 A. She was the secretary in a project called Sunset
7 Harbor Townhomes.

8 Q. And how do you know that?

9 A. Because I was familiar with all the projects, and I
10 visited the projects many times during the construction
11 period.

12 Q. Okay. Were you located at that project, the Sunset
13 Harbor Townhomes?

14 A. No, I was not.

15 Q. Were you located there at any point in time?

16 A. Yes, I've been located temporarily there for a
17 short period of time, between about mid 1976 -- '96, I mean.
18 76? 1996 to about October or November of 1996, about three
19 months.

20 Q. Do you know approximately the time frame that
21 Joelle De Simone Sambrino was -- sorry, let me backtrack.

22 Who was Joelle De Simone Sambrino employed with?

23 A. Southeastern Florida Management.

24 Q. Was she also employed with Pacific International
25 Equities, Incorporated?

1 A. No, there's no employees in Pacific International,
2 never had any employees.

3 Q. Okay. But it is Pacific International Equities you
4 are saying is the parent company of Southeastern Florida
5 Properties, Incorporated?

6 A. Correct.

7 Q. Okay. And, of course, no one was at Southeastern
8 Florida Properties, Incorporated because they are all working
9 at Southeastern Florida Management, Incorporated, according
10 to your testimony; is that right?

11 A. That's correct.

12 Q. Do you have any personal knowledge of the time
13 frame of when Joelle De Simone Sambrino was working for the
14 same employer where you were working at?

15 A. Southeastern Florida Management. Approximately --
16 I couldn't give you dates without looking at the documents,
17 principally since I was not in the field and I don't know
18 when she started working at this project.

19 Q. Okay.

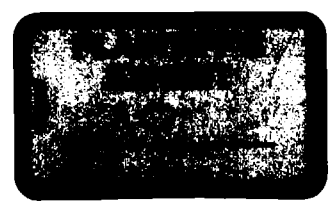
20 A. But I know I started -- I know she worked part-time
21 there for quite a while and then worked full-time at that
22 project. And I generally get involved in the projects when
23 they are getting close to the finish of the project, which
24 one of my responsibility is to make sure the units get
25 finished, meet the owners and close the units.

ATTN STACY

3/09/99 CORPORATE DETAIL RECORD SCREEN 11:
 NUM: 682032 ST:FL ACTIVE/FL PROFIT FLD: 07/31/1980
 LAST: NAME CHANGE AMENDMENT FLD: 08/29/1980
 FEI#: 59-2017913
 NAME : PACIFIC INTERNATIONAL EQUITIES, INC.
 NH: 1
 PRINCIPAL: 11098 BISCAYNE BLVD. CHANGED: 07/2
 ADDRESS SUITE 402
 N MIAMI, FL 33161
 RA NAME : BEDZOW, MICHAEL
 RA ADDR : 20803 BISCAYNE BLVD ADDR CHG: 04/2
 SUITE 200
 AVENTURA, FL 33180 US
 ANN REP : (1996) B 07/17/96 (1997) I 05/15/97 (1998) B 04/21/9

3/09/99 OFFICER/DIRECTOR DETAIL SCREEN 11:
 CORP NUMBER: 682032 CORP NAME: PACIFIC INTERNATIONAL EQUITIES, IN
 TITLE: PTD NAME: BEDZOW, CHARLES
 11098 BISCAYNE BLVD #402
 N. MIAMI, FL 33161
 TITLE: VSD NAME: BEDZOW, SARA
 11098 BISCAYNE BLVD #402
 N. MIAMI, FL 33161
 TITLE: VAS NAME: BLANCO, CAMILO
 11098 BISCAYNE BLVD #402
 MIAMI, FL 33161

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT



ATTN STACY

3/09/99 CORPORATE DETAIL RECORD SCREEN 11:05 AM
 NUM: 407129 ST:FL ACTIVE/FL PROFIT FLD: 06/18/1972
 LAST: EVENT CONVERTED TO NOTES FLD: 08/31/1989
 FEI#: 59-1419633
 NAME : SOUTHEASTERN FLORIDA PROPERTIES, INC.
 PRINCIPAL: 11098 BISCAYNE BLVD., SUITE #402 CHANGED: 07/20/88
 ADDRESS N MIAMI BCH, FL 33161-7489
 RA NAME : BEDZOW, MICHAEL, ESQ.
 RA ADDR : 20803 BISCAYNE BLVD ADDR CHG: 04/20/93
 SUITE 200
 AVENTURA, FL 33180 US
 ANN REP : (1996) B 07/17/96 (1997) I 05/15/97 (1998) B 04/21/98

3/09/99 OFFICER/DIRECTOR DETAIL SCREEN 11:
 CORP NUMBER: 407129 CORP NAME: SOUTHEASTERN FLORIDA PROPERTIES, I
 TITLE: PTD NAME: BEDZOW, CHARLES
 11098 BISCAYNE BLVD #402
 N. MIAMI, FL 33161
 TITLE: SVD NAME: BEDZOW, SARA
 11098 BISCAYNE BLVD #402
 N. MIAMI, FL 33161
 TITLE: VAS NAME: BLANCO, CAMILO
 11098 BISCAYNE BLVD #402
 MIAMI, FL 33161

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

3/09/99 CORPORATE DETAIL RECORD SCREEN 10:52 AM
 NUM: L94586 ST:FL ACTIVE/FL PROFIT FLD: 08/20/1990
 FEI#: 65-0215936
 NAME : SOUTHEASTERN FLORIDA MANAGEMENT, INC.
 PRINCIPAL: 11098 BISCAYNE BOULEVARD
 ADDRESS SUITE 402
 MIAMI, FL 33161
 RA NAME : BEDZOW, MICHAEL NAME CHG: 09/05/90
 RA ADDR : 20803 BISCAYNE BLVD ADDR CHG: 04/20/93
 SUITE 200
 AVENTURA, FL 33180 US
 ANN REP : (1996) B 07/17/96 (1997) I 05/15/97 (1998) B 04/21/98

3/09/99 OFFICER/DIRECTOR DETAIL SCREEN 10:52 AM
 CORP NUMBER: L94586 CORP NAME: SOUTHEASTERN FLORIDA MANAGEMENT, INC.
 TITLE: PTD NAME: BEDZOW, CHARLES
 11098 BISCAYNE BLVD #402
 MIAMI, FL 33161
 TITLE: VSD NAME: BEDZOW, SARA
 11098 BISCAYNE BLVD #402
 MIAMI, FL 33161
 TITLE: VAS NAME: BLANCO, CAMILO
 11098 BISCAYNE BLVD #402
 MIAMI, FL 33161

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT -----