IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA FT. LAUDERDAKE DIVISIO 6 1 5 8 C

UNITED STATES EQUAL EMPLOYMENT TO OPPORTUNITY COMMISSION,	M	GA CIVIL ACTION NO.	HIAT	12: 25
)	CIVIL ACTION NO.		
Plaintiff, MACON TURNON)			
TOKNOW	पद्	<u>COMPLAINT</u>		
V.)	JURY TRIAL DEMAND		
)			
PH FITNESS, INC., a/k/a PBH FITTESS, LLC,)			
and JRRCC, INC., d/b/a FITNESS FIRST)	INJUNCTIVE RELIEF REQU	ESTED	
)			
Defendants.)			

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, female and pregnancy, and to provide appropriate relief due to Dawn Grungo who was adversely affected by such practices. As stated with greater particularity in the paragraphs below, the United States Equal Employment Opportunity Commission (hereinafter the "EEOC" or "Commission") alleges that

Defendants terminated Ms. Grungo because of her sex, female, and her pregnancy.

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, Ft. Lauderdale Division.

PARTIES

- 3. Plaintiff, the EEOC, 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, Defendants PH Fitness, Inc., a/k/a PBH Fitness, LLC and JRRCC, Inc. d/b/a Fitness First ("Defendants"), fitness facility companies, have continuously been foreign corporations, doing business in the State of Florida and the Cities of Deerfield Beach and Plantation, and has continuously had at least 15 employees.
- 5. At all relevant times, Defendants have continuously been employers 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

- 6. More than thirty days prior to the institution of this lawsuit, Dawn Grungo filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. Since at least July 2004, Defendants have engaged in unlawful employment practices at, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a).
 - a. Dawn Grungo began working for Defendants in or about June 2002 at the Fitness First Deerfield Beach facility as a front desk clerk.

- b. In or about December 2003, Defendants announced that Dawn Grungo would be promoted to manager of the new Fitness First Plantation facility.
- Ms. Grungo was informed that she would transfer to the Fitness First
 Plantation facility in or about August 2004.
- In or about June/July 2004 Dawn Grungo informed her supervisor that she believed she was pregnant.
- e. On or about July 13, 2004, Dawn Grungo informed her supervisor that she was indeed pregnant.
- f. On or about July 15, 2004, Defendants terminated Dawn Grungo.
- 8. The effect of the unlawful employment practices complained of above has been to deprive Dawn Grungo of equal employment opportunities, and otherwise adversely affect her status as an employee because of her sex.
 - 9. The unlawful employment practices complained of above were intentional.
- 10. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Dawn Grungo.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

- A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns and all persons in active concert or participation with them, from engaging in sex and pregnancy discrimination in employment practices at their facilities.
 - B. Order Defendants to institute and carry out policies, practices, and programs which

provide equal employment opportunities for women which eradicate the effects of their past and present unlawful employment practices.

- C. Order Defendants to make whole Dawn Grungo 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, rightful-place hiring, and front pay.
- D. Order Defendants to make whole Dawn Grungo by providing compensation for past and future pecuniary losses resulting from the employment practices described in paragraphs seven through eleven above, including but not limited to, out-of-pocket losses, medical expenses and job search expenses, in amounts to be determined at trial.
- E. Order Defendants to make whole Dawn Grungo by providing compensation for past and future nonpecuniary losses resulting from the employment practices described in paragraphs seven through ten above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.
- F. Order Defendants to pay punitive damages for their malicious and reckless conduct described in paragraphs seven through ten above, in an amount to be determined at trial.
- G. Grant such further relief as the Court deems necessary and proper in the public interest.
 - H. 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.

Respectfully Submitted,

JAMES L. LEE Deputy General Counsel

GWENDOLYN YOUNG REAMS Associate General Counsel

DELNER FRANKLIN-THOMAS Regional Attorney

Lauren G. Dreilinger
Trial Attorney
New York Bar No. 750288890
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
2 South Biscayne Boulevard, Suite 2700
Miami, Florida 33131
Tel. (305) 530-6452
Fax (305) 536-4494
lauren.dreilinger@eeoc.gov

RECEIPT #_

__ AMOUNT___

__ APPLYING IFP___

_ JUDGE_

_ MAG. JUDGE.

CIVIL COVER SHEET 05-61580 ned herein neither replace for sured.

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clark of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

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