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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
WALPOLE, INC.,)
)
Defendant.)
_____)

CIVIL ACTION NO.

99-999-CIV-T-26E

COMPLAINT
JURY TRIAL DEMAND

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 race, and to provide appropriate relief to Steve M. Colbourne who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that Mr. Colbourne, a black male, was forced to endure a hostile environment while employed at Defendant's place of business. He was retaliated against and ultimately discharged after complaining about the harassment.

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), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

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

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "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 Walpole, Inc. (the "Employer"), a Florida Corporation, has continuously been doing business in the State of Florida and the City of Tampa, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Walpole, 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).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Steve M. Colbourne filed a charge with the Commission alleging violations of Title VII by Defendant Employer Walpole, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 2, 1998, Defendant Employer engaged in unlawful employment practices at its place of business in Tampa, Florida in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

(A) Steve M. Colbourne was subjected to racial harassment by his co-workers

on a daily harassment. The harassment included verbal abuse, sabotage and the displaying of a noose. The result of the above was the creation of a hostile and offensive work environment. Mr. Colbourne complained to Defendant Employer about the harassment but Defendant Employer did not respond appropriately.

(B) Defendant Employer retaliated against Mr. Colbourne for complaining and opposing the racial harassment by terminating him.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Steve M. Colbourne an equal employment opportunity and otherwise adversely affect his status as an employee because of race.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Steve M. Colbourne.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Walpole, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in racial harassment and any other employment practice which discriminates on the basis of race.

B. Order Defendant Walpole, Inc. to institute and carry out policies, practices, and programs which provide equal employment opportunities for blacks, and which eradicate the

effects of its past and present unlawful employment practices.

C. Order Defendant Walpole, Inc. to make whole Steve M. Colbourne 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.

D. Order Defendant Walpole, Inc. to make whole Steve M. Colbourne by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including out of pocket losses in amounts to be determined at trial.

E. Order Defendant Walpole, Inc. to make whole Steve M. Colbourne by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Walpole, Inc. to pay Steve M. Colbourne punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts 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.

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