

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

**NIGHT BOX
FILED**

MAR 13 2000

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

CLERK, USDC / SDFL / WPB

Plaintiff,
v.

CIVIL ACTION NO.
99-9077-CIV-HURLEY/LYNCH

ATLANTIS GOLF CLUB, INC.,

AMENDED COMPLAINT
JURY TRIAL DEMAND
INJUNCTIVE RELIEF SOUGHT

Defendant.

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 to provide appropriate relief to Carrie Sabzalian. As stated with greater particularity in paragraphs 8 and 9, the Commission alleges that Ms. Sabzalian was sexually harassed and retaliated against at Defendant's place of business in Atlantis, Florida. Ms. Sabzalian was forced to endure a hostile work environment while at work. Moreover, Ms. Sabzalian was retaliated against by being terminated for complaining to management about the harassment.

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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, West Palm Beach 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, Atlantis Golf Club, Inc., (the "Employer"), a Florida Corporation, has continuously been doing business in the State of Florida and the City of Atlantis, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Atlantis Golf Club, 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-5(b), (g) and (h).

STATEMENT OF FACTS

6. More than thirty days prior to the institution of this lawsuit, Carrie Sabzalian 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.

7. Carrie Sabzalian was employed by Defendant Employer from approximately October of 1996 until approximately September of 1998.

8. Since at least September 1997, Carrie Sabzalian was repeatedly subjected to sex discrimination by Defendant Employer Manager W. Bergsma because of her sex in the form of physical, verbal, and written conduct of a sexual nature. Ms. Sabzalian made it known to management that the conduct was unwelcome but Defendant Employer failed to take appropriate measures to remedy the situation.

9. On more than one occasion during Ms. Sabzalian's employment, she complained to Defendant Employer about what she reasonably believed to be sexual harassment and then was terminated in retaliation for her complaint(s) to the management of Defendant Employer.

COUNT I
TITLE VII - SEXUAL HARASSMENT

10. Plaintiff, the Commission, realleges and adopts, as if fully set forth herein, the allegations stated in Paragraphs 1-8.

11. The aforementioned unwelcome sexual harassment was sufficiently severe and pervasive to affect the terms and conditions of her employment and to create an intimidating, hostile and offensive work environment at the Defendant's Atlantis, Florida facility in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

12. The effect of the actions complained of in paragraph 8 above has been to deprive Carrie Sabzalian of equal employment opportunities and otherwise adversely affect her status as an employee because of sex.

13. The unlawful employment actions complained of in paragraph 8 above were intentional.

14. The unlawful employment actions complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Carrie Sabzalian.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Atlantis Golf Club, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging

in sexual harassment, retaliation, and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Atlantis Golf Club, 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.

C. Order Defendant Atlantis Golf Club, Inc., to make whole Carrie Sabzalian 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 employment references for Carrie Sabzalian.

D. Order Defendant Atlantis Golf Club, Inc., to make whole Carrie Sabzalian by providing compensation for past and future pecuniary losses resulting from the unlawful employment actions described in paragraph 8 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 Defendant Atlantis Golf Club, Inc., to make whole Carrie Sabzalian by providing compensation for past and future nonpecuniary losses resulting from the unlawful actions complained of in paragraph 8 above, including but not limited to, emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Atlantis Golf Club, Inc., to pay Carrie Sabzalian punitive damages for its malicious and/or reckless disregard for Carrie Sabzalian's federally protected rights described in paragraph 8 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.

COUNT II
TITLE VII - RETALIATION

15. Plaintiff, the Commission, realleges and adopts, as if fully set forth herein, the allegations stated in Paragraphs 1-7 and 9.

16. The effect of the actions complained of in paragraph 9 above was that Defendant discharged Carrie Sabzalian from its employment after she filed her written complaint with Defendant against Mr. Bergsma.

17. The unlawful employment actions complained of in paragraph 9 above were intentional.

18. The unlawful employment actions complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of Carrie Sabzalian.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that Plaintiff's Amended Complaint was served this 13th day of March, 2000 by facsimile to:

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