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CIV - UNGARO - LENAGES

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA FORT LAUDERDALE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

QUADOMAIN RECREATION ASSOCIATION, INC.

Defendant.

97-6531

Civil Action No.

COMPLAINT

JURY TRIAL DEMAND

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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 make whole Carmel Marengo, who was adversely affected by such practices. Bernard Markowitz, as President of the Recreation Board, subjected Ms. Marengo to a sexually hostile working environment.

JURISDICTION AND VENUE

- 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, and 1345. This action is authorized and instituted pursuant to § 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 § 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, Fort Lauderdale Division.



PARTIES

- 3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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 § 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).
- 4. At all relevant times, Defendant, Quadomain Recreation Association, Inc. (the Employer), has continuously been a Florida corporation doing business in the State of Florida and the City of Hollywood and has continuously had at least fifteen employees.
- 5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of § 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, Carmel Marengo 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. Since at least May of 1993, Defendant Employer, engaged in unlawful employment practices at its Hollywood facility, in violation of § 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Defendant subjected Carmel Marengo to unwelcome sexual harassment which was sufficiently severe and pervasive to affect the terms and conditions of her employment and create a hostile and abusive work

environment. Carmel Marengo was subjected to sexual harassment in the form of physical and/or sexually explicit remarks and requests, and the seeking of sexual favors.

- 8. The effect of the practices alleged in paragraph 7 has been to deprive Carmel Marengo of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.
- 9. The unlawful employment practices alleged in paragraph 7 was intentional.
- 10. The unlawful employment practices alleged in paragraph 7 above was done with malice or reckless indifference to the federally protected rights of Carmel Marengo.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Employer, its owners, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment and any employment practice which discriminates on the basis of sex.
- B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for female employees, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant Employer to make whole Carmel Marengo, by providing compensation for past and future non-pecuniary losses,

resulting from the unlawful employment practices described in paragraph 7, including but not limited to emotional pain, suffering, loss of enjoyment of life, inconvenience, and humiliation in amounts to be determined at trial.

- D. Order Defendant Employer to pay Carmel Marengo punitive damages for its malicious or reckless conduct described in paragraph 7, in an amount to be determined at trial.
- E. Grant such further relief as the Court deems necessary and proper in the public interest.
- F. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully Submitted, C. GREGORY STEWART General Counsel

ROSALIND D. GRAY Deputy General Counsel

EVE G. LOWE Acting Regional Attorney

THOMAS E. ELFERS Acting Supervisory Trial Attorney

RACHEL SHONFIELD

Senior Trial Attorney
Florida Bar No. 0988626

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Miami District Office One Biscayne Tower Two Biscayne Blvd. Miami, Florida 33131 Telephone: (305) 530-6003

UNITED STATES DISTRICT COURT

S/F I-2

REV. 6/90

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(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) (C) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Rachel Shonfield (305)530-6003 EEOC, 1 Biscayne Tower, Suite 2700			COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT		
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