

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

**CIV - FERGUSON**

**MAGISTRATE JUDGE  
SNOW**

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

RENTERS CHOICE, INCORPORATED,

Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

INJUNCTIVE RELIEF SOUGHT

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, national origin, and retaliation, and to provide appropriate relief to Linden Lee, Syed Rizvi, Brian Wolin, and any other similarly situated individuals who were adversely affected by such practices. As stated with greater particularity in paragraph seven, the Equal Employment Opportunity Commission (hereinafter the "EEOC" or "Commission") alleges that Mr. Lee, Mr. Rizvi, and any other similarly situated individuals were harassed because of their race and national origin. The Commission further alleges that Defendant retaliated against Mr. Lee and Mr. Rizvi for complaining about Defendant's discriminatory treatment by further subjecting them to a hostile environment, and adverse terms and conditions of employment, including demotions and constructive discharges. Also, the Commission alleges that Defendant retaliated against Mr. Wolin for opposing the

discriminatory treatment of Mr. Lee and Mr. Rizvi by subjecting him to adverse terms and conditions of employment, including demotion and constructive discharge.

#### 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 United States 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, Renter's Choice, Inc., (the "Employer"), has continuously been doing business in the State of Florida and the City of West Palm Beach, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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, Linden Lee, Syed Rizvi, and Brian Wolin each 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 September 1996, Defendant Employer has engaged in unlawful employment practices at its Florida facilities, 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).

- a) Linden Lee, Syed Rizvi, and other similarly situated individuals were regularly subjected to racial and ethnic harassment by Regional Manager, Robert Tant, in the form of unwelcome verbal comments which were sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. Defendant Employer failed to take prompt corrective action when it knew or should have known of the race and national origin harassment. Defendant Employer is liable for the behavior Linden Lee, and Syed Rizvi were subjected to during their employment.
- b) Defendant Employer retaliated against Linden Lee and Syed Rizvi for complaining to management about the discriminatory treatment by further subjecting them to a hostile environment, and adverse terms and conditions of employment, including demotions and constructive discharges.
- c) Defendant Employer retaliated against Brian Wolin for opposing the discriminatory treatment of Linden Lee and Syed Rizvi by subjecting him to adverse terms and conditions of employment, including demotion and constructive discharge.

8. The effect of the practice(s) complained of in paragraph 7 above has been to deprive Linden Lee, Syed Rizvi, Brian Wolin and any other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees because of their race, national origin, and/or in retaliation for their opposition to unlawful employment practices.

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 Linden Lee, Syed Rizvi, Brian Wolin and any other similarly situated individuals.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in racial, national origin, and retaliatory conduct and any other employment practice which discriminates on the basis of race, national origin, and/or due to opposition to an unlawful employment practice.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for all its employees regardless of race or national origin, which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Linden Lee, Syed Rizvi, Brian Wolin, 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 for Linden Lee, Syed Rizvi, Brian Wolin, and any other similarly situated individuals.

D. Order Defendant Employer to make whole Linden Lee, Syed Rizvi, Brian Wolin, and any other similarly situated individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 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 Employer to make whole Linden Lee, Syed Rizvi, Brian Wolin, and any other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 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 Defendant Employer to pay Linden Lee, Syed Rizvi, Brian Wolin, and any other similarly situated individuals 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.

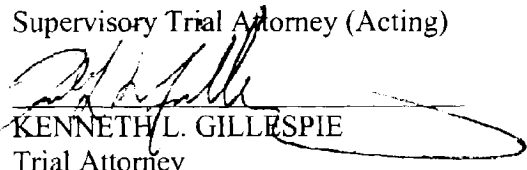
Respectfully submitted,

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