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

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

LARETHA DORTCH-LORD, an individual, KAYMI ELDER-MANNING, an individual, AND TIFFANI BOWERS, an individual,

Intervening Plaintiffs,

v.

CONSOLIDATION RESOURCE CENTER, INC., and SOUGHT VINCENT LAWRENCE, an individual,

Defendants.
_____/

CIVIL ACTION NO: 8:05-CV-01832-SCB-EAJ

JURY TRIAL DEMANDED

INJUNCTIVE RELIEF

COMPLAINT OF INTERVENTION BY LARETHA DORTCH-LORD, KAYMI ELDER-MANNING, AND TIFFANI BOWERS

JURISDICTION AND VENUE

1. This is an action for monetary damages, declaratory and injunctive relief, and for other equitable and ancillary relief. Jurisdiction of this Court is invoked pursuant to 28 USC §§451, 1331, 1337,1343, 1345 and 1367. 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 USC §2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 USC §1981A; under the Florida Civil Rights Act of 1992, §§760.01 to 760.11 Fla. Stats.; and under the common law of Florida.

2. All actions alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Middle District of Florida.

PARTIES

3. Plaintiff, LaRetha Dortch-Lord, is a female resident of Pinellas County, Florida.

4. Plaintiff, Kaymi Elder-Manning, is a female resident of Pinellas County, Florida.

5. Plaintiff, Tiffani Bowers, is a female resident of Pinellas County, Florida.

6. At all times relevant to this Complaint, Defendant, CRC, a Florida corporation, has continuously been doing business in Pinellas County, Florida and has continuously employed at least 15 employees.

7. At all times relevant to this Complaint, Defendant CRC has continuously been an employer engaged in an industry affecting commerce within the meaning of §§ 701(b), (g) and (h) of Title VII, 42 USC §§2000e(b), (g) and (h).

8. Defendant, Vincent Lawrence, is a male resident of Pinellas County, Florida.

STATEMENT OF CLAIMS

GENERAL ALLEGATIONS

9. Plaintiff, Kaymi Elder-Manning, was hired as an employee by CRC in February 2002.

10. Plaintiff, Kaymi Elder-Manning, was a college loan processor at CRC in July 2003.

11. Plaintiff, LaRetha Dortch-Lord, was hired as an employee by CRC in April 2002.

12. Plaintiff, LaRetha Dortch-Lord, was a loan specialist at CRC in July 2003.

13. Plaintiff, Tiffani Bowers, was hired as an employee by CRC in June 2002.

14. Plaintiff, Tiffani Bowers, performed services for CRC as a receptionist and a loan officer.

15. Dortch-Lord, Elder-Manning and Bowers personally worked at the CRC offices with CRC's owner, chief executive officer and President, Vincent Lawrence.

16. Dortch-Lord, Elder-Manning and Bowers and other female employees at CRC were personally subjected to and/or personally witnessed ongoing sex discrimination and sexual harassment by CRC's chief executive officer, Vincent Lawrence, toward CRC's female employees including Lawrence's:

a) unwelcome hugging,
b) asking female employees to spend time with him outside the office,
c) asking female employees to go out on dates with him,
d) touching and brushing against female employees' breasts including Ms. Dortch-Lord and Ms. Elder-Manning,
e) grabbing female employee's bottoms,
f) asking Ms. Dortch-Lord if he could see her pregnant stomach,
g) telling Ms. Dortch-Lord that they could "go out" after she "dropped the load" (had her baby),
h) telling Ms. Dortch-Lord that she had a "pretty ass voice" and "pretty ass eyes",

i) looking at Ms. Dortch-Lord's breasts and asking if her baby was nursing, saying that he was sure that her baby wouldn't mind if he shared with the baby – that he "could be on one and the baby on the other",

j) asking Ms. Dortch-Lord if she was going to get her "tubes tied" after her child was born,

k) responding to Ms. Dortch-Lord that she needed to be "home with your kids" and that her husband should "work extra hours" when asked if she could work extra hours and visit colleges to promote CRC's business,

l) telling Ms. Elder-Manning if she were "his woman" he would "take care of" her,

m) telling Ms. Elder-Manning that he wanted to feel her legs wrapped round him,

n) saying to Ms. Elder-Manning that he believed she might do "it" (referring to sex) better than his wife,

o) telling Ms. Dortch-Lord's co-employees that he was the father of one of her children,

p) saying to female employees while walking the hall at work, "you've got that shaking" while he is watching their behinds,

q) commenting on Ms. Bowers underwear by asking, "Are those thong tha thong thong thongs?",

r) telling a pregnant Ms. Bowers that he liked women who are pregnant because the "stuff" is better because it is real wet (Ms. Bowers knew he was referring to something sexual),

s) rubbing Ms. Bowers' stomach and asking if she was going to "work that off",

t) yelling at a business meeting in January 2003 that he was "sick of this shit", he was tired of the rumors of him "screwing" women at CRC and saying "you don't know how many women I am supposedly "screwing"",

u) commenting at work that his daughter, CRC employee Jocelyn, had a "booty" just like Jennifer Lopez,

v) saying to Ms. Bowers, "You're looking good in those jeans.", "You're looking "thick" and calling her "thicky-thick",

w) saying to Ms. Bowers, "I don't lift boxes, I only know how to lift a pair of legs" when Ms. Bowers asked his assistance in carrying some boxes,

x) saying a female manager had a "big donkey booty",

y) having female employees sit on his lap during working hours, and

z) referring to female employees as his "whores".

17. Plaintiff, LaRetha Dortch-Lord, dual-filed a Charge of Discrimination against CRC with the Equal Employment Opportunity Commission ("EEOC") and the Florida Commission on Human Relations ("FCHR") on June 23, 2003 providing information about the unlawful sex discrimination and sexual harassment which she and other female employees were being subjected to by CRC and CRC's owner Vincent Lawrence.

18. On July 24, 2003, Plaintiff, Kaymi Elder-Manning, was called into a meeting with CRC's Human Resources representative Joanne Etienne and CRC supevisor Carol Lucas to talk about Vincent Lawrence.

19. CRC management was aware of LaRetha Dortch-Lord's EEOC Charge as of July 24, 2003.

20. At the July 24, 2003 meeting, Kaymi Elder-Manning was asked to sign a document regarding discrimination. The wording in the document indicated that Ms. Elder-Manning felt everything was "okay" at CRC.

21. Ms. Elder-Manning was told that her job was safe and she would not be fired for not signing the document presented to her.

22. Ms. Elder-Manning refused to sign the document offered to her by Etienne telling CRC management that she did not agree that everything was "okay" at CRC.

23. Ms. Elder-Manning told CRC management that she wanted to talk to the EEOC and that she wanted to tell the EEOC the truth about Lawrence.

24. Approximately 9 employees were "laid off" by CRC on Friday, July 25, 2003 including Raymon Anderson, Chuck Youngren, Sheldon Gibson, Shirley Presley, Deondra Sanchez, Ann Mendleson, Craig Hester, Demetrius Lowe, and LaRetha Dortch-Lord.

25. Kaymi Elder Manning was not at work on July 25, 2003. She returned to work on Monday, July 28th. Ms. Elder-Manning was "laid off" on July 28, 2003.

26. Sheldon Gibson, Deondra Sanchez, Ann Mendleson, Raymon Anderson, Shirley Presley and Chuck Youngren returned to work for CRC after Ms. Elder-Manning left, and before the end of the work day, on July 28, 2003.

27. Ann Mendleson and Raymon Anderson went to work at CRC on July 28, 2003 to work the night shift.

28. On January 12, 2004, CRC's HR representative Joanne Etienne asked to see Tiffani Bowers.

29. As part of the investigation and response to Ms. Dortch-Lord's EEOC Charge, Etienne asked Ms. Bowers to sign a document indicating that she had been through sexual harassment training at CRC in 2003.

30. Ms. Bowers stated that she remembered attending only one session in 2002 and Ms. Bowers agreed to sign a statement regarding this but to properly date it as being given in 2002.

31. Etienne tried to convince Ms. Bowers she had been in training on a specific date in 2003. Ms. Bowers pointed out to Etienne that Bowers had been on maternity leave on the date given by Etienne.

32. Ms. Bowers continued to refuse to fraudulently misrepresent her participation in any harassment training in 2003.

33. On January 12, 2004, Etienne told Ms. Bowers that she could attend another sexual harassment class at a later date.

34. Ms. Bowers was fired on January 13, 2004.

35. Lawrence and CRC's HR Director, Joanne Etienne, were friends outside of work. They talked about inappropriate subjects while at the CRC offices and with other CRC employees.

36. Lawrence and Etienne would walk through the halls arm in arm.

37. Etienne had commented once that she wouldn't accept any discrimination complaints from CRC employees.

38. Many CRC employees were not comfortable going to Etienne with any claims of harassment.

39. At all times material to this Complaint, Plaintiffs were qualified for the positions they held.

40. Female employees at CRC who returned Lawrence's advances and

allowed him to touch them were promoted and had their pay increased.

41. At all times relevant to this Complaint, Defendant, Lawrence, served as CRC's owner, chief executive officer and President.

COUNT I
Title VII Discrimination and Harassment Based on Sex
Against CRC

42. Plaintiffs repeat and reallege paragraphs 1 through 41 as though fully set forth here.

43. Plaintiff, LaRetha Dortch-Lord, timely filed a Charge of Discrimination against CRC with the EEOC on June 23, 2003 alleging harassment and discrimination based on sex. A copy of the Charge is attached as Exhibit "A".

44. Plaintiff, LaRetha Dortch-Lord, timely filed a second Charge of Discrimination against CRC with the EEOC on August 6, 2003 alleging retaliation. A copy of the Charge is attached as Exhibit "B".

45. Plaintiff, Kaymi Elder-Manning, timely filed a Charge of Discrimination against CRC with the EEOC through the Pinellas County Office of Human Rights on September 11, 2003 alleging harassment and discrimination based on sex and retaliation. A copy of the Charge is attached as Exhibit "C".

46. Plaintiff, Tiffani Bowers, timely filed a Charge of Discrimination against CRC with the EEOC through the Pinellas County Office of Human Rights on April 23, 2004 alleging harassment and discrimination based on sex and retaliation. A copy of the Charge is attached as Exhibit "D".

47. The EEOC issued Determinations on all of Plaintiffs' Charges stating that the Commission "finds reasonable cause to believe that [CRC] violated TitleVII of the Civil Rights Act of 1964".

48. On August 11 and 25, 2005, the EEOC issued letters to the Plaintiffs notifying them that their Charges had been referred to the EEOC's Legal Unit, and that the Plaintiffs could intervene in any civil action brought by the EEOC based on Plaintiffs' Charges.

49. The EEOC filed a lawsuit with the court based on the Plaintiffs Charges on September 30, 2005.

50. The Plaintiff's filed a Motion to Intervene in the EEOC action.

51. Since at least February 2002, Defendant CRC engaged in unlawful employment practices in violation of Title VII.

52. The unlawful acts and employment practices complained of in paragraph 16 were done with intent, malice and with reckless indifference to the rights of Plaintiffs.

53. At all times relevant to this Complaint Lawrence acted as CRC's alter ego.

54. CRC and Lawrence subjected Plaintiffs to an intimidating and hostile work environment permeated with sexual favoritism toward female employees who succumbed to Lawrence's sexual advances.

55. CRC and Lawrence subjected Plaintiffs to sexual harassment in the form of unwelcome physical and verbal conduct of a sexual nature which was severe and pervasive.

56. CRC and Lawrence subjected Plaintiffs to conduct including inappropriate sexual, and gender based, comments and touching.

57. Lawrence's and CRC's discriminatory and harassing activities were ongoing and took place on a daily basis.

58. Lawrence and CRC management engaged in a pattern and practice of discriminatory activities toward Plaintiffs.

59. CRC and Lawrence treated Plaintiffs' adversely for their refusal to submit to Lawrence's advances, including job termination.

60. As a proximate result of Defendants' unlawful conduct complained of in this Complaint, Plaintiffs have been deprived of equal employment opportunities and otherwise had their status as employees adversely affected because of their gender.

61. As a proximate result of Defendants' unlawful conduct complained of in this Complaint, Plaintiffs have suffered and continue to suffer substantial losses in seeking subsequent comparable employment, earnings, deferred compensation, earning capacity, back pay, front pay, other employment benefits, and other damages all to their detriment, in an amount to be shown according to proof.

62. As a proximate result of Defendants unlawful conduct, Plaintiffs have suffered and continue to suffer emotional pain, loss of enjoyment of life and humiliation all to their detriment, in an amount to be shown according to proof.

63. Plaintiffs are entitled to recover reasonable attorneys' fees and costs of their suit as provided by law in an amount to be shown according to proof.

COUNT II
Title VII Retaliation
Against CRC

64. Plaintiffs repeat and reallege paragraphs 42 through 63 as though fully set forth here.

65. Plaintiff, LaRetha Dortch-Lord, filed her first Charge of Discrimination with the EEOC on June 23, 2003 initiating an investigation and objecting in good faith to the unlawful sex discrimination and sexual harassment which she and other female employees were being subjected to by Defendant CRC and CRC's owner and President.

66. Plaintiff, Kaymi Elder-Manning, objected in good faith to the unlawful sex discrimination and sexual harassment at CRC and refused to misrepresent facts to the EEOC as part of an investigation of the Charge filed by Ms. Dortch-Lord.

67. Plaintiff, Tiffani Bowers, objected in good faith to the unlawful sex discrimination and sexual harassment at CRC and refused to misrepresent facts to the EEOC as part of an investigation of the Charge filed by Ms. Dortch-Lord.

68. CRC management, Joanne Etienne, Nichole Coates, Naomi Barbeau, Vincent Lawrence, and Doug Lang were present for a loan processing meeting after CRC had gotten the information about Ms. Dortch-Lord's first Charge of Discrimination. Vincent Lawrence said to Joanne Etienne during the meeting, "I have some funny shit for you to read" referring to Ms. Dortch-Lord's Charge.

69. As a result of Plaintiffs' good faith refusal to participate in discriminatory activity, Defendant CRC engaged in unlawful retaliatory personnel actions by terminating Plaintiffs' employment.

70. As a result of Plaintiffs' good faith objections and complaints of sex discrimination and sexual harassment, Plaintiffs' desire to share truthful information with the EEOC, and Plaintiffs' refusal to create false statements, Defendant CRC engaged in unlawful retaliatory personnel actions including termination of Plaintiffs' employment.

71. The effects of the conduct complained of in this Complaint have been to deprive Plaintiffs of equal employment opportunities and adversely affect their status as employees in retaliation for opposition to unlawful employment practices and participation in an investigation of such practices.

COUNT III
Florida Civil Rights Act Discrimination and Harassment Based on Sex Against CRC

71. Plaintiffs repeat and reallege paragraphs 1 through 41 above as though fully set forth here.

72. All conditions precedent to the bringing of this action have been fulfilled.

73. Plaintiffs filed Charges of Discrimination against CRC with the Equal Employment Opportunity Commission alleging harassment and discrimination based on sex and retaliation.

74. Plaintiffs' Charges were timely dual-filed with the Florida Commission on Human Relations ("FCHR") as follows: LaRetha Dortch-Lord's Charges were filed on June 23, 2003 and August 7, 2003; Kaymi Elder-Manning's Charge was filed on August 14, 2003; Tiffani Bowers Charge was filed on April 26, 2004. Copies of the Charges with the date stamps from the FCHR are attached as Exhibits "E", "F", "G", and "H".

75. More than 180 days have passed between the date of the Charges filed by Plaintiffs with the FCHR and the filing of this Complaint.

76. Since at least February 2002, Defendant CRC engaged in unlawful employment practices in violation of the Florida Civil Rights Act ("FCRA").

77. The unlawful acts and employment practices complained of in paragraph 16 were done with malice and with reckless indifference to the rights of Plaintiffs.

78. At all times relevant to this Complaint Lawrence acted as CRC's alter ego.

79. CRC and Lawrence subjected Plaintiffs to an intimidating and hostile work environment permeated with sexual favoritism toward female employees who succumbed to Lawrence's sexual advances.

80. CRC and Lawrence subjected Plaintiffs to sexual harassment in the form of unwelcome physical and verbal conduct of a sexual nature which was severe and pervasive.

81. CRC and Lawrence subjected Plaintiffs to conduct including inappropriate sexual, and gender based, comments and touching.

82. Lawrence's and CRC's discriminatory and harassing activities were ongoing and took place on a daily basis.

83. Lawrence and CRC management engaged in a pattern and practice of discriminatory activities toward Plaintiffs.

84. CRC and Lawrence treated Plaintiffs' adversely for their refusal to submit to Lawrence's advances, including job termination.

85. As a proximate result of Defendants' unlawful conduct complained of in this Complaint, Plaintiffs have been deprived of equal employment opportunities and otherwise had their status as employees adversely affected because of their gender.

86. As a proximate result of Defendants' unlawful conduct complained of in this Complaint, Plaintiffs have suffered and continue to suffer substantial losses in seeking subsequent comparable employment, earnings, deferred compensation, earning capacity, back pay, front pay, other employment benefits, and other damages all to their detriment, in an amount to be shown according to proof.

87. As a proximate result of Defendants unlawful conduct, Plaintiffs have suffered and continue to suffer emotional pain, loss of enjoyment of life and humiliation all to their detriment, in an amount to be shown according to proof.

88. Plaintiffs are entitled to recover reasonable attorneys' fees and costs of their suit as provided by law in an amount to be shown according to proof.

COUNT IV
Florida Civil Rights Act Retaliation
Against CRC

89. Plaintiffs repeat and reallege paragraphs 71 through 88 as though fully set forth here.

90. Plaintiff, LaRetha Dortch-Lord, dual-filed her first Charge of Discrimination with the EEOC and FCHR on June 23, 2003 initiating an investigation and objecting in good faith to the unlawful sex discrimination and sexual harassment which she and other female employees were being subjected to by Defendant CRC and CRC's owner and President.

91. Plaintiff, Kaymi Elder-Manning, objected in good faith to the unlawful sex discrimination and sexual harassment at CRC and refused to misrepresent facts to the EEOC as part of an investigation of the Charge filed by Ms. Dortch-Lord.

92. Plaintiff, Tiffani Bowers, objected in good faith to the unlawful sex discrimination and sexual harassment at CRC and refused to misrepresent facts to the EEOC as part of an investigation of the Charge filed by Ms. Dortch-Lord.

93. CRC management, Joanne Etienne, Nichole Coates, Naomi Barbeau, Vincent Lawrence, and Doug Lang were present for a loan processing meeting after CRC had gotten the information about Ms. Dortch-Lord's first Charge of Discrimination. Vincent Lawrence said to Joanne Etienne during the meeting, "I have some funny shit for you to read" referring to Ms. Dortch-Lord's Charge.

94. As a result of Plaintiffs' good faith refusal to participate in discriminatory activity, Defendant CRC engaged in unlawful retaliatory personnel actions by terminating Plaintiffs' employment.

95. As a result of Plaintiffs' good faith objections and complaints of sex

discrimination and sexual harassment, Plaintiffs' desire to share truthful information with the EEOC, and Plaintiffs' refusal to create false statements, Defendant CRC engaged in unlawful retaliatory personnel actions including termination of Plaintiffs' employment.

96. The effects of the conduct complained of in this Complaint have been to deprive Plaintiffs of equal employment opportunities and adversely affect their status as employees in retaliation for opposition to unlawful employment practices and participation in an investigation of such practices.

COUNT V
Negligent Retention and Supervision
Against CRC

97. Plaintiffs repeat and reallege paragraphs 1 through 41 as though fully set forth here.

98. CRC negligently supervised and retained its employee, Lawrence, resulting in Plaintiffs being the victim of discrimination, sexual harassment, battery, and retaliation during their employment.

99. CRC negligently supervised and retained its employee, Joanne Etienne, resulting in Plaintiffs being the victim of discrimination, sexual harassment, battery, and retaliation during their employment with no avenue to effectively report said treatment.

100. CRC breached its duty to put someone in place at the CRC workplace to effectively monitor the treatment of CRC's employees.

101. CRC breached its duty to discipline or remove Lawrence for actions constituting discrimination, sexual harassment, battery, and retaliation under Federal

and Florida law, and to have effective policies, procedures, and training concerning these matters.

102. Lawrence's unlawful activities were rampant and visible to all levels of CRC management including CRC's co-owner Doug Lang.

103. CRC knew or should have known Lawrence was predisposed to such conduct. At least two CRC employees, other than Plaintiffs, raised issues of discrimination and harassment at CRC prior to any claims raised by Plaintiffs.

104. CRC became aware, or should have become aware, of problems with Lawrence's treatment of female employees and his unfitness but failed to take reasonable actions to correct the situation, such as investigating issues, reassigning employees or removing Lawrence.

105. Plaintiffs have suffered damages as a direct and proximate result of CRC's failure to properly take reasonable actions to correct the situation.

COUNT VI
Battery
Against CRC and Lawrence

106. Plaintiffs repeat and reallege paragraphs 1 through 41 as though fully set forth here.

107. Lawrence intended to touch Plaintiffs' persons.

108. Lawrence actually touched the Plaintiffs.

109. The touching by Lawrence on Plaintiffs was unwanted, harmful and offensive and done against Plaintiffs' will.

110. Lawrence's actions were willful, wanton and in reckless disregard of

Plaintiffs' rights.

111. The contact by Lawrence directly or indirectly caused Plaintiffs to suffer damages.

112. CRC was negligent and reckless in allowing Lawrence's actions.

113. Lawrence's unlawful touching of Plaintiffs was aided by an agency relationship between Lawrence and CRC.

Prayers For Relief

WHEREFORE, Plaintiffs demand judgment for Plaintiffs and against Defendant Consolidation Resource Center, Inc.:

(a) Enjoining discrimination in the future on the basis of an employee's protected activity;
(b) Awarding front pay;
(c) Awarding back pay and other economic damages including loss of employment-related benefits;
(d) Awarding compensatory damages for emotional pain, loss of enjoyment of life and humiliation;
(e) Awarding punitive damages;
(f) Awarding Plaintiffs interest, and their reasonable attorney fees, expert fees and costs of this action;
(g) Awarding such other equitable relief allowed by law, and
(h) Awarding such other relief as this Court deems appropriate.

WHEREFORE, Plaintiffs demand judgment for Plaintiffs and against Defendant Vincent Lawrence:

(a) Awarding compensatory damages for emotional pain, loss of enjoyment of life and humiliation;
(b) Awarding punitive damages;
(c) Awarding costs of this action; and
(d) Awarding such other relief as this Court deems appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 13, 2006 , I electronically filed the foregoing COMPLAINT OF INTERVENTION BY LARETHA DORTCH-LORD, KAYMI ELDER-MANNING, AND TIFFANI BOWERS with DEMAND FOR JURY TRIAL and INJUNCTIONwith the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to Carla J. Von Greiff, Esq., Senior Trial Attorney, for the United States Equal Employment Opportunity Commission, Tampa Area Office, 501 East Polk Street, Suite 1000, Tampa, Florida 33602; Christie D. Arkovich, Esq., Attorney for Consolidated Resource Center, Inc., 1520 West Cleveland Street, Tampa, FL 33606; and Theodore Karatinos, Attorney for Aisha Larry, 1009 West Platt Street, Tampa, FL 33606, and that I believe there are no non-CM/ECF participant's involved in this lawsuit.

Demand for Jury Trial

Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

s/Patrice A. Pucci
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