

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

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DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

Case No. 6:01-CV-1133-ORL-28DAB
Jury trial demanded

KMART CORPORATION,

Defendant.

**AMENDED COMPLAINT IN INTERVENTION OF VIRGINIA ANDERSON, TRACY
BROWN AND JENNIFER VALDEZ**

Intervenors VIRGINIA ANDERSON, TRACY BROWN and JENNIFER VALDEZ, by and
through undersigned counsel, file this complaint as parties-plaintiff, as authorized by Fed. R. Civ.
P. 24.

Parties

1. Plaintiff Equal Employment Opportunity Commission is the agency of the United States
of America charged with the administration, interpretation and enforcement of Title VII of the Civil
Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

2. Defendant Kmart Corporation is incorporated in Michigan; has its principal place of
business in Michigan; and does business in Florida, including in the Orlando area.

3. Intervenor Virginia Anderson is a citizen of the state of Florida and resident of Orlando,
Florida. She is a former employee of Defendant and worked at Defendant's store located at located

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at North Hiawassee Road in Orlando from approximately November 1999 to December 1999.

4. Intervenor Tracy Brown is citizen of the state of Florida and resident of Orlando, Florida. She is a former employee of Defendant. Ms. Brown worked at Defendant's store located at North Hiawassee Road in Orlando from approximately October 1999 to January 2000.

5. Intervenor Jennifer Valdez is a citizen of the state of Florida and resident of Starke, Florida. She is a former employee of Defendant and worked at Defendant's store located at North Hiawassee Road in Orlando from approximately November 1999 to January 2000.

Jurisdiction and Venue

6. The jurisdictional and venue bases of Plaintiff's complaint are stated at ¶¶1–2 of that complaint and are incorporated by reference herein.

7. This Court has jurisdiction over Intervenor's claims against Defendant under 28 U.S.C. §§ 1331, 1332, 1343, 1367, 2201 and 2202; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*; and the Florida Civil Rights Act of 1992. Diversity jurisdiction under 28 U.S.C. § 1332 exists because Intervenor and Defendant are citizens of different states and the amount in controversy as to each Intervenor exceeds \$75,000, excluding interest and costs. Venue lies with this Court as to Intervenor's claims, as the events giving rise to their claims occurred in Orange County, Florida.

Count I: Title VII Claims

8. Intervenor incorporate by reference the allegations stated at ¶¶7 (with the exception of subsection (d)) and 8–10 of Plaintiff's complaint.

9. As a result of Defendant's unlawful conduct, Intervenor have suffered humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience and loss of income.

10. Intervenors have complied with all conditions precedent to bringing suit.

WHEREFORE Intervenors seek back pay; compensatory damages for humiliation, suffering, mental anguish, pain, anxiety, embarrassment, and inconvenience; punitive damages; prejudgment interest; declaratory relief; attorney's fees; costs; and such other relief as the Court deems just.

Intervenors demand a jury trial.

Count II: Florida Civil Rights Act Claims

11. Defendant is an "employer" within the meaning of the Florida Civil Rights Act.

12. Intervenors incorporate by reference the allegations stated at ¶¶7(a)–(c), 8 and 9 of Plaintiff's complaint.

13. The practices complained of at ¶¶7(a)–(c) of Plaintiff's complaint constituted unlawful sex discrimination in violation of the Florida Civil Rights Act.

14. Defendant acted maliciously or with reckless indifference to Intervenors' rights.

15. As a result of Defendant's unlawful conduct, Intervenors have suffered humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience and loss of income.

16. Intervenors complied with all conditions precedent to bringing suit.

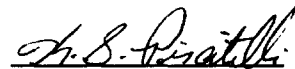
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Intervenors demand a jury trial.

Respectfully submitted this 17th day of December, 2001 by:



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**Counsel for Intervenor Anderson,
Brown and Valdez**

Certificate of Service

I certify that a copy of the foregoing was sent December 17, 2001, via U.S. Mail to Kenneth L. Gillespie, Equal Employment Opportunity Commission, Two South Biscayne Boulevard, One Biscayne Tower, Suite 2700, Miami, Florida 33131;



Kathryn S. Piscitelli
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