

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

FILED
MAR 18 2002

EQUAL EMPLOYMENT OPPORTUNITY)
 COMMISSION,)
)
 Plaintiff,)
)
 and)
)
 SHERI CALVO, VERONICA FERREK AND)
 MELISSA SCARBOROUGH,)
)
 Plaintiff Intervenors,)
)
 v.)
)
 RIO BRAVO INTERNATIONAL, INC. and)
 INNOVATIVE RESTAURANT CONCEPTS,)
 INC. and APPLEBEE'S INTERNATIONAL,)
 INC. d/b/a RIO BRAVO CANTINA, and)
 CHEVYS, INC.)
)
 Defendants.)
)

Date _____ Time _____
 CLERK, U.S. DISTRICT COURT
 MIDDLE DISTRICT OF FLORIDA
 TAMPA, FLORIDA
 CIVIL ACTION NO.
 99-1371-CIV-T-17A

COMPLAINT

JURY TRIAL DEMANDED
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 sex and retaliation, and to provide appropriate relief to Sheri Calvo, Veronica Ferek, Melissa Scarborough and similarly situated individuals who were adversely affected by such practices. As stated with greater particularity in paragraph 11, the Commission alleges that Ms. Calvo, Ms. Ferek, Ms. Scarborough and similarly situated individuals were subjected to sexual harassment by Robert Evans, a management official of the Defendant corporations. The Commission further alleges that Defendants subsequently retaliated against Ms. Calvo, Ms. Ferek and Ms. Scarborough for

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complaining of the unlawful sexual harassment by subjecting them to adverse terms and conditions of employment, discharge and/or 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 Middle District of Florida, Tampa 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, Rio Bravo International, Inc. has continuously been doing business in the State of Florida and the City of Clearwater, and has continuously had at least 15 employees.

5. At all relevant times, Innovative Restaurant Concepts, Inc. has continuously been doing business in the State of Florida and the City of Clearwater, and has continuously had at least 15 employees

6. At all relevant times, Applebee's International, Inc. has continuously been doing

business in the State of Florida and the City of Clearwater, and has continuously had at least 15 employees.

7. At all relevant times, Defendant Chevys, Inc., (the "Successor Employer") has been a California-based corporation doing business in the State of Florida and the City of Clearwater and has continuously had at least 15 employees.

8. At all relevant times, Defendant Chevys, Inc. has been a "successor employer" within the meaning of Title VII of the Civil Rights Act of 1964. EEOC v. MacMillan Bloedel Containers, Inc., 503 F.2d 1086 (6th Cir. 1974).

9. At all relevant times Rio Bravo International, 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(b), (g) and (h).

10. At all relevant times Innovative Restaurant Concepts, 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(b), (g) and (h).

11. At all relevant times, Applebee's International, 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(b), (g) and (h).

12. At all relevant times, Chevys, 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(b), (g) and (h).

STATEMENT OF CLAIMS

13. More than thirty days prior to the institution of this lawsuit, Sheri Calvo, Veronica

Ferek and Melissa Scarborough each filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

14. Since at least February of 1996, Defendant Employer engaged in unlawful employment practices at its Clearwater, Florida location in violation of Section 703(a) and Section 704(a) of Title VII, 42 U.S.C. §2000e-2(a) and §2000e-3(a).

- a. Sheri Calvo was subjected to sexual harassment by Assistant Manager Robert Evans in the form of unwelcome physical and verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. Defendants failed to take prompt corrective action when they knew or should have known of the sexual harassment.
- b. Defendants retaliated against Sheri Calvo for complaining of the unlawful sexual harassment by subjecting her to adverse terms and conditions of employment, including unfavorable work schedules and job assignments, and subsequently discharging her from her position.
- c. Veronica Ferek was subjected to sexual harassment by Assistant Manager Robert Evans in the form of unwelcome physical and verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. Defendants failed to take prompt corrective action when they knew or should have known of the sexual harassment.
- d. Defendants retaliated against Veronica Ferek for complaining of the unlawful

sexual harassment by forcing her to resign her position.

- e. Melissa Scarborough was subjected to sexual harassment by Assistant Manager Robert Evans in the form of unwelcome physical and verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. Defendants failed to take prompt corrective action when they knew or should have known of the sexual harassment.
- f. Defendants retaliated against Melissa Scarborough for complaining of the unlawful sexual harassment by discharging her from her position.
- g. Other similarly situated female employees of the Defendants were subjected to sexual harassment by Assistant Manager Robert Evans in the form of unwelcome physical and verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. Defendants failed to take prompt corrective action when they knew or should have known of the sexual harassment.

15. The effect of the conduct complained of in paragraph 11 above has been to deprive Sheri Calvo, Veronica Ferek, Melissa Scarborough and other similarly situated females of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and/or in retaliation for their opposition to unlawful employment practices..

16. The unlawful employment practices complained of in paragraph 11 above were intentional.

17. The unlawful employment practices complained of in paragraph 11 above were

done with malice or with reckless indifference to the federally protected rights of Sheri Calvo, Veronica Ferek, Melissa Scarborough and other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex and/or opposition to an unlawful employment practice.

B. Order Defendants, to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past unlawful employment practices.

C. Order Defendants to make whole Sheri Calvo, Veronica Ferek, Melissa Scarborough and 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 rightful place promotion or front pay.

D. Order Defendants to make whole Sheri Calvo, Veronica Ferek, Melissa Scarborough and other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 11 above, including out of pocket losses in amounts to be determined at trial.

E. Order Defendants to make whole Sheri Calvo, Veronica Ferek, Melissa Scarborough

and other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 11 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendants to pay Sheri Calvo, Veronica Ferek, Melissa Scarborough and other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraph 11 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.

C. GREGORY STEWART
General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

DELNER FRANKLIN-THOMAS
Regional Attorney

GILBERT CARRILLO
Supervisory Trial Attorney

MICHAEL J. FARRELL
Trial Attorney
FL Bar No. 0053228

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

**Miami District Office
Two South Biscayne Boulevard
One Biscayne Tower
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Phone - (305) 530-6008
Facsimile - (305) 536-4494**

EXHIBIT B

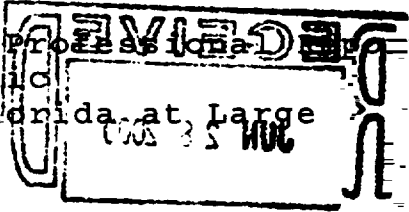
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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

-----X
EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :
Plaintiff, :
and :
SHERI CALVO, VERONICA FERREK :
and MELISSA SCARBOROUGH, :
Intervenor Plaintiffs, :
vs. :
RIO BRAVO INTERNATIONAL, INC., :
and INNOVATIVE RESTAURANT :
CONCEPTS, INC., and APPLEBEE'S :
INTERNATIONAL, INC., d/b/a :
RIO BRAVO CANTINA, :
Defendants. :
-----X

Case No.
99-1371-CIV-T-17A

DEPOSITION OF: RENE BROWN
TAKEN: By Counsel for Defendants
DATE: June 13, 2000
PLACE: Zinober & McCrea
Suite 800
201 East Kennedy Boulevard
Tampa, Florida
TIME: Beginning at 1:40 p.m.
REPORTED BY: Terri Dukes
Registered Professional Reporter
Notary Public
State of Florida, at Large



COPY

1 APPEARANCES:

2 CARLA VON GREIFF, ESQUIRE
 Equal Employment Opportunity Commission
 3 Room 1020
 501 East Polk Street
 4 Tampa, Florida 33602
 Attorney for Plaintiff

5 CHRISTOPHER D. GRAY, ESQUIRE
 Florin, Roebig, Walker, Huddlestun & Rogers
 6 777 Alderman Road
 Palm Harbor, Florida 34683
 7 Attorney for Intervenor Plaintiffs

8 ERICH Y. SCHULTZ, ESQUIRE
 9 Zinober & McCrea
 Suite 800
 10 201 East Kennedy Boulevard
 Tampa, Florida 33602
 11 Attorney for Defendants

12 Also Present:

13 Jay Lechner, Law Clerk

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21 EXHIBITS MARKED FOR IDENTIFICATION:

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
22 1	Crewmember Handbook	23
23 2	Handwritten statement dated February	
24	24, 1998	78
25 3	Handwritten statement dated March 22,	
	1998	95

1 The deposition of RENE BROWN was taken
2 pursuant to notice by counsel for the Defendants
3 on the 13th day of June, 2000, commencing at
4 1:40 p.m., at the offices of Zinober & McCrea,
5 Suite 800, 201 East Kennedy Boulevard, Tampa,
6 Florida. Said deposition was reported by Terri
7 Dukes, Registered Professional Reporter, Notary
8 Public, State of Florida at Large.

9 - - - - -

10 RENE BROWN,
11 a witness, having been duly sworn to tell the
12 truth, the whole truth and nothing but the truth,
13 was examined and testified as follows:

14 EXAMINATION

15 BY MR. SCHULTZ:

16 Q Could you please state your name for the
17 record?

18 A Rene Brown.

19 Q Rene, my name is Erich Schultz, and I
20 represent Rio Bravo and the defendants in this
21 matter. Have you ever had your deposition taken
22 before?

23 A No.

24 Q Basically it's a series of questions
25 that I will ask you and you respond. If you need

1 Q You said he's Cuban?

2 A I believe he's Cuban. No. I'm sorry.
3 He's Venezuelan. But Glenn says that all Spanish
4 people are the same, no matter what country
5 they're from. So he asked him if he -- like Gian
6 Carlo will walk out of the kitchen, and he'll say
7 "How long did it take you to swim here?" just
8 comments like that. And Gian Carlo was a little
9 upset about it.

10 MR. GRAY: I appreciate your time.

11 Thanks.

12 EXAMINATION

13 BY MS. VON GREIFF:

14 Q Rene, you testified earlier that you had
15 not retained the EEOC. Is it your intention to
16 have the EEOC represent your interests in this
17 lawsuit?

18 A Yes.

19 Q Okay. How old were you when you started
20 at Rio Bravo?

21 A Eighteen.

22 Q Were you there when Chevy's bought Rio
23 Bravo?

24 A Yes.

25 Q Did the management change?

1 A No.

2 Q You also stated earlier that about 30
3 times you were locked in a linen closet and the
4 liquor room. Why did you have to go to Rob to go
5 to the linen closet or the liquor room?

6 A Because there was padlocks that you
7 needed a key for, and only the managers carried
8 them. So if you needed linen or a bottle of
9 liquor to replenish the bar, you had to go to the
10 manager and have them open the room for you.

11 Q On these occasions, was there anybody
12 else -- any other way that you could have gone
13 into those rooms to get the things that you needed
14 for work?

15 A A lot of times, like I said before, he's
16 the only manager in the restaurant. So there was
17 no other key at the restaurant at the time.

18 Q Okay. You also mentioned that you
19 complained to several managers, you know, first
20 when he was a bartender, then when he was a
21 manager. Did you think that they were going to
22 take care of the problem for you?

23 A I was under the impression that it was
24 being taken care of.

25 Q Did the behavior ever stop?

IN THE UNITED STATES DISTRICT COURT
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TAMPA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
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 Plaintiff,)
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 and)
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 SHERI CALVO, VERONICA FERREK AND)
 MELISSA SCARBOROUGH,)
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 Plaintiff Intervenors,)
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 RIO BRAVO INTERNATIONAL, INC. and)
 INNOVATIVE RESTAURANT CONCEPTS,)
 INC. and APPLEBEE'S INTERNATIONAL,)
 INC. d/b/a RIO BRAVO CANTINA)
)
 Defendants.)
)

CIVIL ACTION NO.
99-1371-CIV-T-17A

DECLARATION OF CARLA VON GREIFF

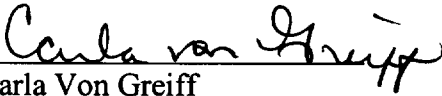
1. I, Carla Von Greiff, am a trial attorney with the Tampa Area Office of the United States Equal Employment Opportunity Commission ("EEOC").

2. On June 14, 2000, I attended the deposition of Michelle Greene.

5. During the deposition, Ms. Greene testified that she was employed by Rio Bravo at the time Chevys took over. Additionally, Ms. Greene testified that after Chevys took over Rio

Bravo, the management stayed the same.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Carla Von Greiff

7/7/00
July 7, 2000

Executed pursuant to 28 U.S.C. §1746.

EXHIBIT C

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, SHERI CALVO,
VERONICA PEREK AND
MELISSA SCARBOROUGH,

PLAINTIFFS,

VS. CASE NO. 99-1371-CIV-T-17A
RIO BRAVO INTERNATIONAL, INC.,
AND INNOVATIVE RESTAURANT
CONCEPTS, INC. AND APPLEBEE'S
INTERNATIONAL, INC. D/B/A
RIO BRAVO CANTINA,

DEFENDANTS.

DEPONENT: BENN IRWIN
TAKEN: PURSUANT TO NOTICE BY
COUNSEL FOR PLAINTIFFS
PLACE: FLORIN, ROEBIG & WALKER, PA.
777 ALDERMAN ROAD
PALM HARBOR, FLORIDA 34683
DATE: FEBRUARY 22, 2000
TIME: BEGAN: 10:08 A.M.
ENDED: 4:35 P.M.
REPORTED BY: JAMES M. SPANGLER, RMR
REGISTERED MERIT REPORTER
NOTARY PUBLIC
STATE OF FLORIDA AT LARGE

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APPEARANCES:

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MICHAEL J. FARRELL, ESQUIRE

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION.
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ERICH Y. SCHULTZ, ESQUIRE

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1 THE DEPONENT HEREIN,
2 BENN IRWIN,
3 BEING FIRST DULY SWORN TO TELL THE TRUTH, THE
4 WHOLE TRUTH, AND NOTHING BUT THE TRUTH, WAS
5 EXAMINED AND TESTIFIED AS FOLLOWS:

6 EXAMINATION

7 BY MR. ROEBIG:

8 Q. STATE YOUR NAME.

9 A. BENN IRWIN.

10 Q. MR. IRWIN, WHERE DO YOU WORK, SIR?

11 A. I WORK FOR CHEVYS, INCORPORATED.

12 Q. WHAT DO YOU DO FOR CHEVYS?

13 A. I'M A FRANCHISE OPERATIONS MANAGER.

14 Q. SIR, YOU'LL HAVE TO SPEAK LOUDER.

15 A. FRANCHISE OPERATIONS MANAGER.

16 Q. WHERE?

17 A. I OPERATE ELEVEN DIFFERENT STATES.

18 Q. WHEN DID YOU START WORKING FOR CHEVYS?

19 A. WHEN THE COMPANY WAS PURCHASED.

20 Q. WHAT COMPANY WAS PURCHASED?

21 A. THE COMPANY I WORKED FOR PREVIOUSLY WAS
22 PURCHASED BY CHEVYS.

23 Q. WHAT COMPANY WAS THAT?

24 A. I WORKED FOR RIO BRAVO.

25 Q. WHEN WERE THEY PURCHASED? DO YOU KNOW?

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1 A. I DON'T KNOW THE EXACT DATE, BUT I KNOW
2 AN APPROXIMATE DATE.

3 Q. OKAY, THAT'S FINE.

4 A. APRIL OF 1999.

5 Q. I'M SORRY?

6 A. APRIL OF 1999?

7 Q. WHEN YOU WERE WORKING FOR RIO BRAVO, DO
8 YOU KNOW THE CORPORATE NAME OF THE ENTITY THAT
9 EMPLOYED YOU?

10 A. RIO BRAVO INTERNATIONAL, I BELIEVE.

11 Q. WHEN RIO BRAVO INTERNATIONAL WAS
12 PURCHASED BY CHEVYS, WHAT WAS YOUR POSITION AT RIO
13 BRAVO?

14 A. FRANCHISE CONSULTANT.

15 Q. AND WHERE DID YOU WORK AT THAT TIME?

16 A. I WAS CONSIDERED A HOME OFFICE EMPLOYEE
17 OUT OF THE ATLANTA OFFICE.

18 Q. WHERE DOES JOHN MOORE WORK?

19 A. OUT OF THE ATLANTA OFFICE.

20 Q. IS THE CURRENT POSITION THAT YOU HOLD
21 WITH CHEVYS A PROMOTION FROM WHERE YOU HAD PREVIOUSLY
22 BEEN WORKING?

23 A. NO. JUST A DIFFERENT NAME. SAME JOB.

24 Q. SAME PAY?

25 A. I'VE RECEIVED A RAISE.

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, SHERI CALVO,
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VS. CASE NO. 99-1371-CIV-T-17A
RIO BRAVO INTERNATIONAL, INC.,
AND INNOVATIVE RESTAURANT
CONCEPTS, INC. AND APPLEBEE'S
INTERNATIONAL, INC. D/B/A
RIO BRAVO CANTINA,

DEFENDANTS.

DEPONENT: COTE TURNER

TAKEN: PURSUANT TO NOTICE BY
COUNSEL FOR PLAINTIFFS

PLACE: FLORIN, ROEBIG & WALKER, PA.
777 ALDERMAN ROAD
PALM HARBOR, FLORIDA 34683

DATE: JANUARY 27, 2000

TIME: BEGAN: 10:00 A.M.
ENDED: 2:35 P.M.

REPORTED BY: JAMES M. SPANGLER, RMR
REGISTERED MERIT REPORTER
NOTARY PUBLIC
STATE OF FLORIDA AT LARGE

THE REPORTERS GROUP, INC.

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1 APPEARANCES:
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5 ROGERS, PA
6 777 ALDERMAN ROAD
7 PALM HARBOR, FLORIDA 34683
8 727-786-5000

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15 MIAMI, FLORIDA 33131-1805
16 305-536-4494

17 ATTORNEY FOR DEFENDANTS:

18 **PETER W. ZINOBER, ESQUIRE**
19 ZINOBER & MCCREA
20 SOUTHTRUST PLAZA
21 201 E. KENNEDY BOULEVARD - STE. 800
22 TAMPA, FLORIDA 33601-1378
23 813-224-9004

* * * * *

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4 WHOLE TRUTH, AND NOTHING BUT THE TRUTH, WAS
5 EXAMINED AND TESTIFIED AS FOLLOWS:

6 EXAMINATION

7 BY MR. ROEBIG:

8 Q. PLEASE STATE YOUR NAME.

9 A. COTE TURNER.

10 Q. HOW OLD ARE YOU, MR. TURNER?

11 A. 33.

12 Q. SAY IT AGAIN?

13 A. 33.

14 Q. SORRY. THIS ROOM HAS A TENDENCY TO PULL
15 YOUR VOICE UP, SO IF YOU COULD --

16 A. I'M SORRY. I'M 34. I JUST TURNED 34.

17 Q. WHAT'S YOUR RESIDENCE ADDRESS?

18 A. 2684 EGRETS LANDING DRIVE, LAKE MARY,
19 FLORIDA.

20 Q. LAKE MARY?

21 A. YES.

22 Q. WHERE IS THAT?

23 A. NEAR ORLANDO.

24 Q. WHAT'S YOUR ZIP CODE?

25 A. 32746.

1 Q. HAVE YOU GIVEN A DEPOSITION BEFORE?

2 A. NO.

3 Q. OBVIOUSLY, YOU'RE UNDER OATH. WE'LL
4 START WITH THAT.

5 SECOND, I'M GOING TO ASK YOU A SERIES OF
6 QUESTIONS. SOME OF THEM ARE GOING TO BE ABOUT
7 YOURSELF, SOME OF THEM ARE GOING TO BE ABOUT YOUR
8 EMPLOYMENT, YOUR EMPLOYER, THE POLICIES OF YOUR
9 EMPLOYER, WHAT YOU KNOW ABOUT CONDUCT THAT MAY HAVE
10 OCCURRED AT STORE 316 AND THINGS LIKE THAT. ALL
11 RIGHT?

12 A. (WITNESS SHAKES HEAD.)

13 Q. DO YOUR BEST TO GIVE ME FULL AND TRUTHFUL
14 ANSWERS.

15 IF YOU DON'T HEAR ONE OF THE QUESTIONS
16 THAT I ASK YOU FULLY, TELL ME THAT AND I'LL REPEAT IT
17 UNTIL YOU HEAR IT. OKAY?

18 A. OKAY.

19 Q. IF YOU DON'T UNDERSTAND ONE OF THE
20 QUESTIONS THAT I ASK YOU TODAY, MR. TURNER, TELL ME
21 THAT, AS WELL, OR ONE OF THE WORDS THAT I USE, JUST
22 TELL ME THAT BEFORE YOU ANSWER THE QUESTION. OKAY?

23 A. (WITNESS SHAKES HEAD.) OKAY.

24 Q. BECAUSE IF YOU ANSWER ME, I'M GOING TO
25 PRESUME THAT YOU HEARD ME AND YOU FULLY UNDERSTOOD ME.

THE REPORTERS GROUP, INC.

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1 WOULD THAT BE FAIR?

2 A. SURE.

3 Q. WHO DO YOU WORK FOR?

4 A. I WORK FOR RIO BRAVO.

5 Q. WHAT'S THE CORPORATION THAT YOU WORK FOR?

6 A. CHEVYS, INCORPORATED.

7 Q. SPELL THAT.

8 A. C-H-E-V-Y-S.

9 Q. HOW LONG HAVE YOU WORKED FOR CHEVYS,
10 INCORPORATED?

11 A. SINCE APRIL OF 1999.

12 Q. OKAY. WHEN I ASKED YOU BEFORE WHO YOU
13 WORKED FOR ORIGINALLY AND YOU SAID RIO BRAVO, WHY DID
14 YOU SAY THAT?

15 A. THAT'S THE NAME OF THE RESTAURANT COMPANY
16 THAT IS OWNED BY CHEVYS.

17 Q. WHAT'S THE CORPORATE NAME OF RIO BRAVO?

18 A. CHEVYS, INCORPORATED.

19 Q. SAY THAT AGAIN.

20 A. CHEVYS, INCORPORATED. THAT'S THE PARENT
21 COMPANY THAT OWNS RIO BRAVO.

22 Q. IS RIO BRAVO A CORPORATION?

23 A. NO.

24 Q. I MEAN, IS IT RIO BRAVO INTERNATIONAL,
25 INC.?

THE REPORTERS GROUP, INC.

501 E. Kennedy Blvd. - Ste. 711 - Tampa, Florida 33602
(813)-228-8561 Fax (813)-228-0954

1 A. NOT ANYMORE.

2 Q. WHY DON'T WE DO THIS: WHY DON'T YOU TELL
3 ME WHAT YOUR WORK HISTORY HAS BEEN SINCE, SAY, YOU
4 STOPPED YOUR FORMAL EDUCATION.

5 A. OKAY.

6 Q. WHEN WOULD YOU HAVE STOPPED YOUR FORMAL
7 EDUCATION?

8 A. 1988.

9 Q. AND WHAT'S THE EXTENT OF YOUR EDUCATION?

10 A. I HAVE A DEGREE FROM THE UNIVERSITY OF
11 GEORGIA.

12 Q. IN WHAT?

13 A. ECONOMICS.

14 Q. DID YOU SAY 1998 OR '88?

15 A. '88.

16 Q. OKAY. CAN YOU HEAR ME OKAY?

17 A. YES.

18 Q. WHAT WAS YOUR DEGREE IN?

19 A. ECONOMICS.

20 Q. OKAY. WHAT KIND OF A DEGREE WAS THAT?

21 IN OTHER WORDS, BA, MASTER'S DEGREE, DOCTORATE?

22 A. JUST A FOUR-YEAR DEGREE.

23 Q. OKAY. FOR WHOM DID YOU WORK WHEN YOU
24 LEFT THE UNIVERSITY OF GEORGIA?

25 A. I WORKED FOR RIO BRAVO.

THE REPORTERS GROUP, INC.

501 E. Kennedy Blvd. - Ste. 711 - Tampa, Florida 33602
(813)-228-8561 Fax (813)-228-0954

1 Q. OKAY. WOULD IT BE FAIR TO SAY THAT WHEN
2 CHEVYS INTERNATIONAL CAME IN AND PURCHASED THE
3 CORPORATION FOR WHICH YOU WORKED, APPLEBEE'S,
4 BASICALLY ALL THE MANAGERS STAYED IN PLACE, THE
5 EMPLOYEES STAYED IN PLACE?

6 A. AT THE TIME OF WHEN WE --

7 Q. UH-HUH.

8 A. SOME -- NO, THAT'S NOT TRUE.

9 Q. THE MAJORITY -- WOULD THE MAJORITY OF THE
10 MANAGEMENT TEAM HAVE STAYED IN PLACE AT THE STORE
11 LEVEL?

12 A. YES.

13 Q. PRETTY MUCH THE SAME MANAGERS IN THE
14 STORES AS BEFORE?

15 A. YES.

16 Q. OKAY. NOW, WITH REGARD TO RIO BRAVO,
17 DIRECTING YOUR ATTENTION TO THAT TIME FRAME, AND
18 SPECIFICALLY TALKING ABOUT THE TRAINING REGARDING
19 SEXUAL HARASSMENT, CAN YOU RECALL BEING EDUCATED OR
20 TAUGHT THAT VERBAL COMMENTS OF A SEXUALLY-SUGGESTED
21 NATURE ARE SEXUAL HARASSMENT?

22 A. YES.

23 Q. WERE YOU TAUGHT, SIMILARLY, THAT TOUCHING
24 IN UNWELCOMED AND SEXUALLY-SUGGESTING OR INTIMIDATING
25 MANNER WAS SEXUAL HARASSMENT?

THE REPORTERS GROUP, INC.

501 E. Kennedy Blvd. - Ste. 711 - Tampa, Florida 33602
(813)-228-8561 Fax (813)-228-0954

EXHIBIT D

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY CHARGE NUMBER
FEPA
EEOC

State or local agency, if any: Florida Commission On Human Relations and EEOC

Name (Indicate Mr., Mrs., Ms.) HOME TELEPHONE (Include Area Code)
Ms. Melissa Scarbrough (813) 903-0423
STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH

2304 East 138th Avenue, Apt D Tampa, Florida 33613 05/06/78
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below)

RIO BRAVO CANTINA 100+ (813) 796-5158
NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include area code)

26200 U.S. HIGHWAY 19 NORTH CLEARWATER, FLORIDA 34621 PINELLAS
STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

APPLEBEE'S (913) 967-4000
NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include area code)

4551 West 107th Street, Suite 100, Overland Park, KS 66207 Johnson
STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE

RACE COLOR SEX X RELIGION NATIONAL ORIGIN EARLIEST LATEST
RETALIATION X AGE DISABILITY OTHER (Specify) X 08 / 1996 04 / 07/98
Sex harassment CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

I: PERSONAL HARM:

I was employed by Rio Bravo Cantina from August, 1996 until approximately April 8, 1998. During this time, I was repeatedly subjected to sexual harassment by the assistant manager, Rob Evans. Although management was made aware of Mr. Evans unwelcome behavior, nothing was done. The continuing harassment created a hostile work environment.

I was terminated from my position on April 8, 1998.

II: RESPONDENT'S REASON FOR ADVERSE ACTION:

My employer said I was unreliable.

III: STATEMENT OF DISCRIMINATION:

I believe I was discriminated against because of my sex, female, and then retaliated against for opposing sexual harassment, in violation of Title VII of the Civil Rights Act of 1964 as amended, and Florida Statutes Chapter 760.

X I want this charge filed with both the EEOC and the State or local agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

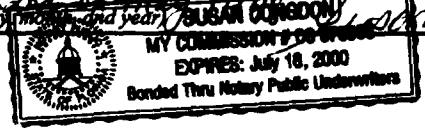
I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

DATE 5-22-98

CHARGING PARTY (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) SUSAN GUNSON



1998 JUN -5 PM 2:25
1998 JUN -5

CHARACTER OF DISCRIMINATION AGENCY NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

FEPA
 EEOC

Florida Commission on Human Relations and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) HOME TELEPHONE (Include Area Code)
Ms. Sheri Calvo (813) 738-5012

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH
1551 Nantucket Court Palm Harbor, Fl 34683 8 / 6 / 72

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)
Rio Bravo Cantina 100+ (813) 796-5158

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
26200 U.S. Highway 19 N. Clearwater, Fl 34621 Pinellas

NAME TELEPHONE NUMBER (Include Area Code)
Applebee's (913) 967-4000

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
4551 West 107th Street, Suite 100, Overland Park, KS 66207 Johnson

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE
 RACE COLOR SEX RELIGION NATIONAL ORIGIN EARLIEST LATEST
 RETALIATION AGE DISABILITY OTHER (Specify) 05 / / 97 02 / / 98
Sex Harassment CONTINUING ACTION

THE PARTICULARS ARE: (If additional space is needed, attach extra sheet(s))

I: PERSONAL HARM.
From approximately April/May, 1997 until as recently as 02/98, I was repeatedly subjected to sexual harassment by the assistant manager, Rob Evans. On numerous occasions, I reported the harassment to upper management, but nothing was ever done. The continuing sexual harassment created a hostile work environment.

II: RESPONDENT'S REASON FOR ADVERSE ACTION:
No reason was given for the sexual harassment and subsequent retaliation.

III: STATEMENT OF DISCRIMINATION:
I believe I was discriminated against because of my sex, female, and then retaliated against for opposing sexual harassment, in violation of Title VII of the Civil Rights Act of 1964, as amended, and Florida Statutes Chapter 760.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.
Date April 29, 1998
Charging Party (Signature)

SIGNATURE OF COMPLAINANT SUSAN CONGDON
MY COMMISSION # CC 670688
EXPIRES: JUL 18, 2000
SUBSCRIBED AND SWORN TO before me this DATE (Day, month, and year) 20th April, 1998

REG. OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See Privacy Act Statement before completing this form.

AGENCY CHARGE NUMBER
✓ FEPA
✓ EEOC 15178661

State or local agency, if any: **Florida Commission On Human Relations and EEOC**

Name (Indicate Mr., Mrs., Ms.) **Ms. Veronica Ferek** HOME TELEPHONE (Include Area Code) **(813) 733-5973**

STREET ADDRESS **1447 Santa Monica Drive** CITY, STATE AND ZIP CODE **Dunedin, Florida 34698** DATE OF BIRTH **11 / 20 / 77**

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below)

NAME **RIO BRAVO CANTINA** NUMBER OF EMPLOYEES, MEMBERS **100+** TELEPHONE (Include area code) **(813) 796-5158**

STREET ADDRESS **26200 U.S. HIGHWAY 19 NORTH** CITY, STATE AND ZIP CODE **CLEARWATER, FLORIDA 34621** COUNTY **PINELLAS**

NAME **APPLEBEE'S** NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include area code) **(913) 967-4000**

STREET ADDRESS **4551 West 107th Street, Suite 100, Overland Park, KS 66207** COUNTY **Johnson**

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE

RACE ___ COLOR ___ SEX RELIGION ___ NATIONAL ORIGIN ___ EARLIEST **02 / 196** LATEST **07 / 197**
RETALIATION AGE ___ DISABILITY ___ OTHER (Specify) **Sex harassment** CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

I: PERSONAL HARM:

I was employed by Rio Bravo Cantina from approximately February, 1996 until approximately July, 1997. During this time, I was repeatedly subjected to sexual harassment by the assistant manager, Rob Evans. Although I reported the harassment to Shawn Corway and Ben Irwin and several shift managers, nothing was done. The continuing harassment created a hostile work environment.

I was forced to resign from my position in July, 1997.

II: RESPONDENT'S REASON FOR ADVERSE ACTION:

No reason was given for the sexual harassment and subsequent retaliation.

III: STATEMENT OF DISCRIMINATION:

I believe I was discriminated against because of my sex, female, and then retaliated against for opposing sexual harassment, in violation of Title VII of the Civil Rights Act of 1964 as amended, and Florida Statutes Chapter 760.

I want this charge filed with both the EEOC and the State or local agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

DATE **4/19/98** CHARGING PARTY (Signature) **Veronica Ferek**

SUBSCRIBED AND SWORN TO before me this DATE **4th 1998**
(Day, month, year) EXPIRES: July 18, 2000
Bonded thru Notary Public Underwriters

1998 APR 24 PM 2:30
EEOC
OFFICE

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER
 FEPA
 EEOC 151981355

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

State or local agency, if any: **Florida Commission On Human Relations and EEOC**
 Name (Indicate Mr., Mrs., Ms.) **Ms. Sheri Calvo** HOME TELEPHONE (Include Area Code) **(813) 946-8287**
 STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH
2992 Brookfield Lane Clearwater, Florida 33761 08/06/72

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include area code)
RIO BRAVO CANTINA 100+ (813) 796-5158

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
26200 U.S. HIGHWAY 19 NORTH CLEARWATER, FLORIDA 34621 PINELLAS

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include area code)
APPLEBEE'S (913) 967-4000

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
4551 West 107th Street, Suite 100, Overland Park, KS 66207 Johnson

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE

RACE COLOR SEX RELIGION NATIONAL ORIGIN EARLIEST LATEST
 RETALIATION AGE DISABILITY OTHER (Specify) 02 / 196 06 / 198
Constructive Discharge CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

I: **PERSONAL HARM:**

I was employed by Rio Bravo Cantina from May, 1994 until June, 1998. On April 20, 1998, I filed a charge of discrimination with the EEOC for sexual harassment. As a result of my reporting the sexual harassment, I was subjected to retaliation and a hostile work environment.

Due to the unbearable work conditions, I was forced to resign from my position in June, 1998.

II: **RESPONDENT'S REASON FOR ADVERSE ACTION:**

No reason was given for the disparate treatment and retaliation..

III: **STATEMENT OF DISCRIMINATION:**

I believe I was discriminated against for reporting sexual harassment, and subsequently retaliated against for opposing the sexual harassment and constructively discharged in violation of Title VII of the Civil Rights Act of 1964 as amended, and Florida Statutes Chapter 760.

I want this charge filed with both the EEOC and the State or local agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

DATE **8/12/98**
 EEOC FORM 5 (Rev. 06/92)

CHARGING PARTY (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) **8/12/98**

Shirley Ann Colvin
SHIRLEY ANN COLVIN
 COMMISSION # CC 594585
 EXPIRES NOV 16, 2000
 BONDED THRU
 ATLANTIC BONDING CO., INC.

EXHIBIT E

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

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
and)	CIVIL ACTION NO.
)	99-1371-CIV-T-17A
)	
SHERI CALVO, VERONICA FERREK AND)	
MELISSA SCARBOROUGH,)	
)	
Plaintiff Intervenors,)	
)	
v.)	
)	
RIO BRAVO INTERNATIONAL, INC. and)	
INNOVATIVE RESTAURANT CONCEPTS,)	
INC. and APPLEBEE'S INTERNATIONAL,)	
INC. d/b/a RIO BRAVO CANTINA)	
)	
Defendants.)	
)	

**DEFENDANTS RESPONSE TO PLAINTIFF EEOC'S
FIRST SET OF INTERROGATORIES TO DEFENDANT**

Defendants, by and through undersigned counsel, hereby respond to Plaintiff, EEOC's First Set of Interrogatories to Defendants as follows:

GENERAL OBJECTIONS

1. Defendants object to any interrogatory to the extent that it seeks disclosure of the thoughts, mental impressions, legal theories or investigation of counsel for defendants which relates to or was prepared for this litigation.
2. Defendants object to any interrogatory to the extent that it seeks disclosure of

INTERROGATORIES

1-1. Please provide the name, address, telephone number, social security number, place of employment and job title of any person who has, claims to have or whom you believe may have knowledge or information pertaining to any fact alleged in the pleadings filed in this action (including denials and affirmative defenses raised in the Answer to Plaintiff's Complaint), or any fact underlying the subject matter of this action.

Melissa Scarborough

**This individual can be contacted through plaintiffs' counsel.
Former Crewmember. Currently is an intervenor in this action.**

Veronica Ferek

**This individual can be contacted through plaintiffs' counsel.
Former Crewmember. Currently is an intervenor in this action.**

Sheri Calvo

**This individual can be contacted through plaintiffs' counsel.
Former Crewmember. Currently is an intervenor in this action.**

Phil Crenshaw

**Owner
Phishheads
P.O. Box 959
Ft. White, FL 32038
(904) 755-0490**

Mr. Crenshaw was a general manager of the Clearwater Rio Bravo Cantina and has knowledge of the intervenors' employment at the restaurant during some of the time period of the events alleged in the Complaints.

Benn Irwin

Mr. Irwin is currently employed with one of the defendants in a managerial capacity and can be contacted through counsel.

Mr. Irwin was a general manager of the Clearwater Rio Bravo Cantina and has knowledge of the intervenors' employment at the restaurant during some of the time period of the events alleged in the Complaints.

Chris Hemmings

**4827 Long Water Way
Tampa, FL 33615
(813) 818-4503
Employer unknown**

Mr. Hemmings was an Area Director for the Clearwater Rio Bravo Cantina and has general knowledge of the operations and the employees of the restaurant during some of the time period of the events alleged in the Complaints.

Brian Lyman

Mr. Lyman is currently employed with one of the defendants in a managerial capacity and can be contacted through counsel.

Mr. Lyman was an Area Director for the Clearwater Rio Bravo Cantina and has general knowledge of the operations and of the employees of the restaurant during some of the time period of the events alleged in the Complaints.

Cote Turner

Mr. Turner is currently employed with one of the defendants in a managerial capacity and can be contacted through counsel.

Mr. Turner was an Area Director for the Clearwater Rio Bravo Cantina and has general knowledge of the operations and the employees of the restaurant during some of the time period of the events alleged in the Complaints.

Shawn Corway

**12559 Shady Creek Drive
Jacksonville, FL 32223
Telephone number unknown**

Mr. Corway was an Assistant Manager at the Clearwater Rio Bravo Cantina and has knowledge of the operations of the operations and the employees of the restaurant during some of the time period of the events alleged in the Complaints.

Robert Evans

**336 Countryside Key
Oldsmar, FL 34677
(727) 786-9785
Place of employment unknown**

Mr. Evans is the accused harasser in this action and was a former Assistant Manager at the Clearwater Rio Bravo Cantina.

James McDonald

**5404 Locklear Drive
Riverview, FL 33569
Telephone number and place of employment unknown**

Mr. McDonald was an Assistant Manager at the Clearwater Rio Bravo Cantina and has knowledge of the operations of the operations and the employees of the restaurant during much of the time period of the events alleged in the Complaints.

Marion Wolfe

Mr. Wolfe is currently employed with one of the defendants in a managerial capacity and can be contacted through counsel.

Mr. Wolfe has been the Kitchen Manager, an Assistant Manager and the Front of House Manager at the Clearwater Rio Bravo Cantina and has knowledge of the operations and employees of the restaurant.

Renee Brown

**65 Lifestyle Blvd.
No. 1116
Palm Harbor, FL 34684
Telephone number unknown**

Ms. Brown is currently a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors.

Sharlee Carter

Address, telephone number and place of employment unknown.

Ms. Carter was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors.

Summer Blair

Address unknown, currently a student.
(727) 723-0264

Ms. Blair was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors.

Nicole Simpson

1223 Union Street
Clearwater, FL 33755
Telephone number unknown

Ms. Simpson is a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors.

Brian Harting

Address, telephone number and place of employment unknown.

Mr. Harting was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors.

Mike Losey

Mr. Losey is currently employed with one of the defendants in a managerial capacity and can be contacted through counsel.

Mr. Losey was a crewmember at the Clearwater Rio Bravo Cantina during some of the time period of events alleged in the Complaint and may have knowledge of Sheri Calvo and Veronica Ferek's employment at the restaurant.

John Moore

Mr. Moore is currently employed with one of the defendants in a managerial capacity and can be contacted through counsel.

Mr. Moore is a Human Resources Manager and he conducted the original investigation into the sexual harassment allegations.

Laura Rush

Address, telephone number and place of employment unknown.

Ms. Rush was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors.

Brandon Heinsohn

Mr. Heinsohn is currently employed with one of the defendants in a managerial capacity and can be contacted through counsel.

Mr. Heinsohn was a general manager at the Clearwater Rio Bravo Cantina and has knowledge concerning the employment of Sheri Calvo.

Gary Wein

Address, telephone number and place of employment unknown.

Mr. Wein was a general manager at the Clearwater Rio Bravo Cantina and may have knowledge about the employment of Sheri Calvo.

Peter Hanson

**9218 Anderson Road
Logan's Roadhouse
(813) 884-5229**

Mr. Hanson was a manager at the Carrollwood, Florida, Rio Bravo Cantina where Melissa Scarborough transferred after working at the Clearwater restaurant.

Carrie Dehetric

Address, telephone number and place of employment unknown.

Ms. Dehetric was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors and may have knowledge of the alleged harassment by Evans.

Debbie Howells

Address, telephone number and place of employment unknown.

Ms. Howells was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors and may have knowledge of the alleged harassment by Evans.

Nicole Marchesiello

Address, telephone number and place of employment unknown.

Ms. Marchesiello was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors and may have knowledge of the alleged harassment by Evans.

Leslie Cuccinotta

Address, telephone number and place of employment unknown.

Ms. Cuccinotta was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors and may have knowledge of the alleged harassment by Evans.

Nancy Goodworth

Address, telephone number and place of employment unknown.

Ms. Goodworth was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors and may have knowledge of the alleged harassment by Evans.

Danielle Barba

Address, telephone number and place of employment unknown.

Ms. Barba was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors and may have knowledge of the alleged harassment by Evans.

Nicole Gracey

Address, telephone number and place of employment unknown.

Ms. Gracey was a crewmember at the Clearwater Rio Bravo and worked with Rob Evans and the three intervenors and may have knowledge of the alleged harassment by Evans.

Rebecca Rhoden

1731 Nantucket Ct.
Building #22
Palm Harbor, FL 34683
(727) 738-8079
Employment unknown

Ms. Rhoden is a friend of Sheri Calvo. She may have information regarding alleged comments made by Rob Evans.

Dave Welch

2665 Favor Road
Apt. A8
Marietta, GA 30066
Telephone number and place of employment unknown

Mr. Welch was an assistant manager at the Clearwater Rio Bravo Cantina and may have knowledge of the intervenors' employment.

Robert T. Steinkamp

Mr. Steinkamp is the Vice President and General Counsel of Applebee's International, Inc. and is familiar with the facts of this case.

Thomas J. McGrath

Mr. McGrath is the Associate General Counsel of Applebee's International, Inc. and is familiar with the facts of this case.

Peter W. Zinober

Erich Y. Schultz

Mr. Zinober and Mr. Schultz are the defense attorneys of this case and are familiar with the facts of the case.

1-2. Please state the specific nature and substance of the knowledge that you believe the persons(s) identified in your response to Interrogatory 1-1 may have.

Defendants have responded to this Interrogatory in their response to Interrogatory No. 1-1.

1-3. Please state all dates of employment, locations of employment and positions held by Robert Evans with the Defendant Corporations.

**Store 316 = 26200 U.S. Highway 19 North
Clearwater, FL 34621**

**Store 307 = 1102 N. Dale Mabry Highway
Tampa, FL 33607**

**Approximately July 7, 1994, to October 6, 1996.
Clearwater, FL – Store 316.**

Evans was an hourly employee. He was primarily a server and bartender during this entire time period. In approximately 1996, he also had duties as a key employee and front of house trainer.

**Approximately October 7, 1996, to January 22, 1997
Tampa, FL – Store 307
Evans was an assistant manager.**

**Approximately January 23, 1997, to March 7, 1998.
Clearwater, FL – Store 316
Evans was an assistant manager.**

**March 7, 1998, to March 13, 1998
Clearwater, FL – Store 316
Evans was suspended on March 7, 1998, and then terminated on March 13, 1998.**

1-4. Please provide the name, last known address and telephone number, and social security number of all individuals employed by you at Rio Bravo Cantina, 26200 U.S. Highway 19 North, Clearwater, Florida, during Robert Evans' employment at that location. State whether or not each individual is currently employed by you.

Defendants object to this interrogatory because it is overbroad, unduly burdensome, and irrelevant. Despite these objections, and without waiving them, after a reasonably diligent inquiry, defendants will produce documents responsive to this request to the extent that they exist.

1-5. Please list the name, last known address and telephone number and social security number of each individual who has ever complained of sexual harassment by Robert Evans while he was employed by you. For each individual listed state whether that individual's complaint(s) was (were) made verbally or in writing, the nature of the complaint(s) and the individual(s) to whom the complaint(s) was (were) made.

Sheri Calvo

Veronica Ferek

Melissa Scarborough

These individuals can be contacted through plaintiffs' counsel. Defendants are aware of verbal complaints by Calvo to Philip Crenshaw and Cote Turner and a written complaint to Cote Turner. Defendants became aware of alleged harassment against Veronica Ferek and Melissa Scarborough upon their filing of EEOC charges.

Sharlee Carter

Address and telephone number unknown.

Complained verbally of physical harassment by Rob Evans. She complained to John Moore during his investigation of Sheri Calvo's allegations of sex harassment.

Laura Rush

Address and telephone number unknown.

Complained verbally of physical harassment by Rob Evans. Her complaints were made to John Moore during his investigation of Sheri Calvo's allegations of sex harassment.

Summer Blair

**Address unknown.
(727) 723-0264**

Complained verbally of verbal harassment by Rob Evans. Her complaints were made to Phil Crenshaw.

Renee Brown

**65 Lifestyle Blvd.
No. 1116
Palm Harbor, FL 34684
Telephone number unknown.**

Complained verbally of physical harassment by Rob Evans. Her complaints were made to John Moore during his investigation of Sheri Calvo's allegations of sex harassment.

Defendants object to providing the Social Security numbers of any individuals based on relevance and the privacy of the individuals.

6. Please identify each person whom you may use as an expert witness at trial.

No experts have been retained at this time.

1-7. Please state in detail the substance of the opinions to be provided by each person whom you may use as an expert witness at trial.

No experts have been retained at this time.

1-8. Please identify any and all documents pertaining to any fact alleged in any pleading filed in this action (including the denials and affirmative defenses raised in the Answer to Plaintiff's Complaint).

Defendants object to this interrogatory because it is vague, ambiguous, over broad, over burdensome, and possibly subject to the attorney client privilege and/or work product doctrine. Defendants will provide all relevant, non-privileged documents in response to any appropriate document request.

1-9. Please describe in detail each fact upon which Defendant relies to assert its denial of Paragraphs 4 and 6 of Plaintiff EEOC's Complaint in this action.

Applebee's International, Inc. is a Delaware Corporation that owned Rio Bravo International, Inc. as a wholly owned subsidiary during the time period at issue. Applebee's International, Inc., has not been doing business in the State of Florida and the City of Clearwater, thus it has not had at least 15 employees for the purposes of jurisdiction in this lawsuit.

Rio Bravo International, Inc. is a Kansas corporation that owned Innovative Restaurant Concepts, Inc. as a wholly owned subsidiary during the time period at issue.

Rio Bravo International, Inc. has not continuously been doing business in the State of Florida and the City of Clearwater, thus it has not had at least 15 employees for the purpose of jurisdiction in this lawsuit.

Innovative Restaurant Concepts, Inc., d/b/a Rio Bravo Cantina of Georgia, Inc., is the only company that has been doing business continuously in Florida as contemplated by Title VII.

1-10. Please describe in detail each fact upon which Defendant relies to assert its denial with respect to Paragraph 10 of Plaintiff EEOC's Complaint in this action.

Many of the plaintiffs' allegations appear to have arisen more than three hundred days before the administrative charges were filed. Furthermore, the allegations of the Complaints also appear to go beyond the scope of the administrative charges.

1-11. Please state the rates of compensation, including any premium rates for working overtime, holidays, etc., for individuals employed by Defendants at Rio Bravo Cantina, 26200 U.S. Highway 19 North, Clearwater, Florida as food servers and host/hostesses from January 1996 to the present.

Servers at the Clearwater, Florida, Rio Bravo Restaurant typically received a wage of \$2.125 an hour, plus tips.

Hostesses at the Clearwater Florida Rio Bravo Restaurant received a starting wage of approximately \$4.25. This wage was increased depending upon the amount of service a particular hostess had with the company.

There was no holiday pay.

Overtime was paid as time and a half for hours worked over forty (40) hours.

1-12. Identify any and all employment benefits which have been included in the compensation for individuals employed by Defendants at Rio Bravo Cantina, 26200 U.S. Highway 19 North, Clearwater, Florida, as food servers and host/hostesses from January 1996 to the present, including, but not limited to, life insurance, health insurance coverage and pension benefits. For each employment benefit, state Defendant's contribution, if any.

Vacation Leave: Employees are eligible for vacation leave if they work an average of 30 hours a week.

Health Insurance: Employees are eligible for health insurance (including dental) if they work an average of 27 hours a week. An employee contributes a nominal amount if they elect to receive the coverage.

401K: Beginning in approximately April 1999, upon the purchase of Rio Bravo International, Inc., by Chevy, Inc., employees could become eligible to participate in the 401K program.

Credit Union: Membership in a credit union for all employees.


Meals: With certain menu exceptions, crewmembers are given a 50% meal credit for on-duty meals.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendants' Response to Plaintiff EEOC's First Set of Interrogatories to Defendant was served by U.S. Mail on this 31 day of January, 2000, to:

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