



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, Orlando 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 §§ 706 (f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Kanon Services Corporation (the "Employer"), has continuously been a Florida Corporation doing business in the State of Florida and the City of Orlando, 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, Michael A. Blacksher 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 1994, Defendant Employer engaged in unlawful employment practices at its Orlando, Florida facility, in violation of Section §§703(a)(1) of Title VII, 42 U.S.C. §§2000e-2(a)(1) when it discharged Michael A. Blacksher because he refused to appear at work on Saturday, October 1, 1994.

8. At all relevant times Michael A. Blacksher was a member of the Seventh Day Adventist religion, which prohibits work on Saturdays.

9. Defendant Employer failed to accommodate Michael A. Blacksher, although an accommodation would not have constituted an undue hardship in his need to have Saturdays off to observe his religion. Instead, Michael A. Blacksher was discharged on October 2, 1994, for being absent on Saturday, October 1, 1994.

10. The effect of the practice complained of in paragraphs 7-9 above has been to deprive Michael A. Blacksher of equal employment opportunities and otherwise adversely affect his status as Cabin Supervisor because of his religion.

11. The unlawful employment practices complained on in paragraphs 7-9 were intentional.

12. The unlawful employment practices complained of in paragraphs 7-9 were willful and performed with malice and/or with reckless indifference to the federally protected rights of Michael A. Blacksher.

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 the discharge of an individual based upon religious beliefs or practices, or engaging in any other employment practices which discriminate on the basis of religion.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for Michael A. Blacksher and other similarly situated individuals who hold religious beliefs, in an effort to eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Michael A. Blacksher, by providing appropriate backpay 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 and positive future employment references for Michael A. Blacksher.

D. Order Defendant Employer to make whole Michael A. Blacksher, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7-9 above, including but not limited to, out of pocket losses suffered by Michael A. Blacksher such as medical, job search, relocation, and transportation expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Michael A. Blacksher, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraphs 7-9 above, including but not limited to, emotional pain, suffering, inconvenience, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employer to pay Michael A. Blacksher punitive damages for its malicious and reckless conduct described in paragraphs 7-9 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,

C. GREGORY STEWART  
General Counsel

GWENDOLYN REAMS  
Deputy General Counsel

DELNER FRANKLIN-THOMAS  
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EVE LOWE  
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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DEFENDANTS

KANON SERVICE CORPORATION

CIV-GRAHAM

MAGISTRATE JUDGE

DUBÉ

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Orange (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Eve G. Lowe, Supervisory Trial Attorney Pamela Pride-Chavies, Senior Trial Attorney EEOC, Miami District Office, One Biscayne Tower, Suite 2700, 2 S. Biscayne Blvd. Miami, FL 33131

ATTORNEYS (IF KNOWN)

(d) WHERE ACTION AROSE: Orange County

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Table with columns for Plaintiff and Defendant citizenship (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country) and PTF/DEF checkboxes.

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY. 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 discrimination based on religious discrimination.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: X YES [ ] NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

10-22-98 [Signature]