

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

UNITED STATES OF AMERICA,)

)

Plaintiff,)

)

v.) CASE NO.

)

CITY OF FORT LAUDERDALE,)

FLORIDA,)

)

Defendant.)

_____)

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, United States of America, alleges:

1. This action is brought by the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII").
2. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. §§ 1331, 1345.
3. Defendant, the City of Fort Lauderdale ("Defendant"), is a political subdivision of the State of Florida, created pursuant to Florida law.
4. Defendant is a person within the meaning of 42 U.S.C. § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).
5. The Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Elgin O. Jones (Charge No. 15A-98-0317), a black male employed in the City's Public Services Department, which alleged that the City discriminated against Mr. Jones on the basis of his race and in retaliation for opposing practices he reasonably believed to be discriminatory.

6. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that Mr. Jones' allegations of racial discrimination and retaliation were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the charge to the Department of Justice.

7. All conditions precedent to the filing of suit have been performed or have occurred.

FIRST COUNT

8. Defendant Fort Lauderdale has discriminated against Elgin O. Jones, because of his race, black, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

a. failing or refusing to promote Mr. Jones to the position of Engineering Inspector I in February 1998; and

b. failing or refusing to take appropriate action to remedy fully the effects of the discrimination against Mr. Jones.

SECOND COUNT

9. Defendant has discriminated against Mr. Jones in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by:

a. subjecting Mr. Jones to harassment that adversely affected the terms, conditions, and privileges of his employment because he opposed employment practices by Defendant that he reasonably believed to be unlawful practices on the basis of race, filed an internal complaint of discrimination with the City, and filed a charge of discrimination with the Equal Employment Opportunity Commission, EEOC Charge No. 15A-98-0317; and

- failing or refusing to take appropriate action fully to remedy the effects of the discrimination against Mr. Jones.

WHEREFORE, Plaintiff, the United States, prays that this Court grant the following relief:

- Enjoin the City and its directors, officers, agents, employees, successors, and all persons in active concert or participation with the City, as appropriate, from failing or refusing to:

(i) provide sufficient remedial relief to make whole the charging party, Mr. Jones, for the individual loss he has suffered as a result of the discrimination against him as alleged in this complaint;

(ii) adopt a clear, meaningful, and well-publicized written policy prohibiting retaliatory harassment against any City employee; and

(iii) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination alleged in this complaint.

b. Award compensatory damages to Elgin O. Jones for mental and/or physical injuries incurred as a result of the discrimination against him as alleged in this complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Plaintiff prays for such additional relief as justice may require.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

JOHN ASHCROFT

Attorney General

U.S. Department of Justice

By:

RALPH F. BOYD, JR.

Assistant Attorney General

Civil Rights Division

MARYBETH MARTIN

D.C. Bar No. 244202

CHARLOTTE BURROWS

Member N.Y. Bar (no number issued)

CAROLYN CLARK

MA Bar No. 633142

Civil Rights Division

950 Pennsylvania Avenue, N.W.

Employment Litigation Section, Room 4613

Washington, D.C. 20035-5968

Telephone: (202) 514-3862

Facsimile: (202) 514-1105

Electronic Mail: cburrows@usdoj.gov

MARCOS DANIEL JIMENEZ

United States Attorney

Southern District of Florida

By:

ROBYN HERMANN

Florida Bar No. _____

Civil Chief

99 Northeast Fourth Street

Miami, Florida 33132

Telephone: (305) 961-9332

Facsimile: (305) 530-7976