

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

RT TAMPA FRANCHISE, L.P.
a/k/a RT TAMPA FRANCHISE, LTD.
d/b/a RUBY TUESDAY,

Defendant.

2:04-cv-484-FtM-29DNE

CIVIL ACTION NO.

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 Amanda Roenigk (hereinafter "Ms. Roenigk") who was adversely affected by such practices. As stated with greater particularity in paragraph 7 below, the United States Equal Employment Opportunity Commission (hereinafter "EEOC" or the "Commission") alleges that Ms. Roenigk was subjected to sexual harassment by a management official of the Defendant corporation's Fort Myers, Florida facility. The Commission further alleges that Defendant subsequently retaliated against Ms. Roenigk for engaging in a protected activity. Defendant Employer's conduct created a serious and material change in the terms and conditions of Ms. Roenigk's employment rendering her working conditions so intolerable that she was forced to resign.

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, Fort Myers Division.

PARTIES

3. Plaintiff, the EEOC, 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, Defendant RT Tampa Franchise, L.P. a/k/a RT Tampa Franchise, Ltd. d/b/a Ruby Tuesday ("Ruby Tuesday"), a Delaware corporation, has continuously been doing business in the State of Florida and the City of Fort Myers, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Ruby Tuesday 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, Ms. Roenigk 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 March 2002, Defendant Ruby Tuesday has engaged in unlawful employment practices at its Fort Myers, 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. Amanda Roenigk was subjected to sexual harassment by her direct supervisor 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.
- b. Defendant adversely altered the terms and conditions of Amanda Roenigk's employment, including subjecting her to discipline, in retaliation for complaining of the unlawful sexual harassment.
- c. Defendant's unlawful conduct rendered the terms and conditions of Ms. Roenigk's employment so intolerable that she was forced to resign.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Ms. Roenigk of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex and/or in retaliation for her opposition to unlawful employment practices.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Ms. Roenigk.

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 sexual harassment or any other employment practice which discriminates on the basis of sex and/or opposition to an unlawful employment practice.

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

C. Order Defendant Employer to make whole Ms. Roenigk 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 Defendant Employer to make whole Ms. Roenigk by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including, but not limited to job search expenses and out of pocket losses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Ms. Roenigk by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employer to pay Ms. Roenigk punitive damages for its malicious

and reckless conduct described in paragraph 7 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.


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