

FILED

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

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CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
v.)
)
FUGLEBERG KOCH ARCHITECTS, INC.,)
)
Defendant.)
_____)

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CIVIL ACTION NO.

JURY TRIAL DEMAND
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 religion and retaliation, and to provide appropriate relief to Hector Hocsman. As stated with greater particularity in paragraphs 7 and 8, the Commission alleges that Mr. Hocsman was harassed because of his religion, Jewish, and retaliated against at Defendant's place of business in Winter Park, Florida, because he opposed the harassment. Specifically, Mr. Hocsman was forced to endure a religiously hostile work environment while employed with the Defendant Employer. Moreover, Mr. Hocsman was retaliated against by the Defendant Employer when his employment was terminated after he complained to management and human resources about the harassment.

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

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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, 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 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, Fugleberg Koch Architects, Inc., (the "Employer"), a Florida Corporation, has continuously been doing business in the State of Florida and the City of Winter Park, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Fugleberg Koch Architects, 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-5(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Hector Hocsman 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 June 1998, Defendant Employer engaged in unlawful employment practices at its Winter Park, Florida facility in violation of Section 703(a) of Title VII, 42 U.S.C.

§2000e-2(a) when it subjected Hector Hocsman to unlawful discrimination by supervisory/management officials because of his religion, Jewish, in the form of verbal and written conduct of a religiously discriminatory nature. This unwelcome religious harassment was sufficiently severe and pervasive to affect the terms and conditions of his employment and to create an intimidating, hostile and offensive work environment. Mr. Hocsman made it known to management that the discriminatory conduct was unwelcome.

8. Since at least June 1998, Defendant Employer engaged in unlawful employment practices at its Winter Park, Florida facility in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a) when it retaliated against Mr. Hocsman by harassing him, attacking his work performance, and ultimately terminating him from his position of employment after he complained to management and human resources, opposing what he reasonably believed to be unlawful discrimination based on religion.

9. The effect of the employment practice(s) complained of in paragraphs 7 and 8 above has been to deprive Hector Hocsman of equal employment opportunities and otherwise adversely affect his status as an employee because of his religion and his complaints to management and human resources concerning the unlawful employment practices.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Hector Hocsman.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, Fugleberg Koch Architects, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in religious harassment, retaliation, and any other employment practice which discriminates on the basis of religion.

B. Order Defendant Fugleberg Koch Architects, Inc., to institute and carry out policies, practices, and programs which provide equal employment opportunities for its employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Fugleberg Koch Architects, Inc., to make whole Hector Hocsman 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/or front pay, restoration of benefits and positive employment references for Hector Hocsman.

D. Order Defendant Fugleberg Koch Architects, Inc., to make whole Hector Hocsman by providing compensation for past and future pecuniary losses resulting from the unlawful employment practice(s) described in paragraphs 7 and 8 above, including but not limited to, out of pocket losses, medical expenses, and job search expenses in amounts to be determined at trial.

E. Order Defendant Fugleberg Koch Architects, Inc., to make whole Hector Hocsman by providing compensation for past and future nonpecuniary losses resulting from the unlawful practice(s) complained of in paragraphs 7 and 8 above, including but not limited to, emotional pain,

suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Fugleberg Koch Architects, Inc., to pay Hector Hocsman punitive damages for its malicious and/or reckless disregard for Charging Party's federally protected rights described in paragraphs 7 and 8 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

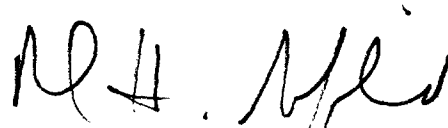
H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

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