

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

BETH FORRY  
PLAINTIFF,

CASE NO.:

**CIV - FERGUSON**

**01-7089**

VS.

FEDERATED FINANCIAL SERVICES, INC.,  
DEFENDANT.

MAILED 01 JUN 27 2008

ST. DW - 3

01 JUN 27 2008

FILED



**COMPLAINT**

COMES NOW THE PLAINTIFF, BETH FORRY, by undersigned counsel, and files this  
Complaint against the Defendant FEDERATED FINANCIAL SERVICES, INC., ("Federated"),  
as follows:

**JURISDICTION AND VENUE**

1. This is an action damages and monetary relief pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et seq., and Florida Statute Section 760.10.

2. This Court has jurisdiction of the claim herein pursuant to 28 USC 1331 and 1343(4). This Court action arises under the constitution and the laws of the United States. Plaintiff is alleging, inter alia, a violation of her rights under Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000 et seq., and Florida Statute Section 760.10.

3. Venue herein is proper under 28 USC 1391(b) and 42 USC 2000(e)-5(f).

4. Defendant is a Florida corporation with its principle place of business in Broward County, Florida, duly licensed to do business in Florida, and actually doing business in Florida, and the alleged employment practices were committed within the State of Florida, Broward County, in the Southern District.

5. Plaintiff BETH FORRY, is a citizen of the United States, and is and was at all times

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BP

material, a resident of the State of Florida, and Broward County, in particular.

### **PROCEDURAL REQUIREMENTS**

6. Plaintiff realleges and reavers paragraphs 1-5 above as if fully set forth herein.

7. All conditions precedent to the filing of this action have been fulfilled.

8. On or about January 2, 2001 Plaintiff filed a claim of sexual discrimination and harassment based on gender with the Equal Employment Opportunity Commission ("EEOC") satisfying the requirements of 42 USC 2000 e-5(b) and (e). Such charges was filed within one hundred eighty (180) days after the alleged unlawful employment practice occurred. The acts of discrimination and harassment alleged in the Charge were continuing in nature (see copy of Charge of Discrimination, attached hereto and incorporated herein as Ex. A).

9. The Charge of Discrimination filed by Plaintiff Beth Forry, with the EEOC was filed simultaneously with the Florida Commission on Human Relations. Accordingly, the Plaintiff Forry has satisfied the procedural requirements of Florida Statute Section 760.10.

10. On March 30, 2001, the EEOC issued to Plaintiff a Notice of Dismissal and Right to Sue with respect to such charge of discrimination and harassment (See copy of March 30, 2001 Notice of Dismissal and Right to Sue attached hereto and incorporated herein as Ex. B. This Complaint was filed within ninety (90) days of the issuance of the right to sue letter.

### **FACTS**

11. Plaintiff realleges and reavers paragraphs 1-10 above as fully set forth herein.

12. Plaintiff is a female who was employed by Defendant from January 1, 2000 to March 15, 2000, by Defendant FEDERATED FINANCIAL SERVICES, INC..

13. Plaintiff was terminated on or about March 15, 2000.

14. Defendant Federated derived monetary benefits from Plaintiff's work.

15. Plaintiff was paid a salary of \$700.00 per week, with commissions, plus benefits.

16. Plaintiff was sexually harassed and subjected to unwarranted and uninvited sexual statements, advances, contacts by the owner and president of the Defendant Federated, i.e. Steve Miller. The acts of Miller complained of include but are not limited to the following:

a. sexually oriented and suggestive language, directed to the Plaintiff, which inter alia, invited her to have sexual contact with Steve Miller.

b. requests that Plaintiff hug Miller, sit on his lap, give him a massage, provide him with oral sex;

c. comments to the Plaintiff about her physical characteristics.

17. Plaintiff brought her complaint to her immediate supervisor, but to no avail, and the acts of harassment and sexual discrimination continued.

18. Three (3) days after Plaintiff complained to her supervisor about Steve Miller's harassment and improper touching, statements, and other acts of harassment, Plaintiff was fired.

19. Plaintiff was not provided with health insurance that covered her, despite representations and promises to the contrary, and suffered medical bills as a result of the damages suffered because of the harassment, and termination.

20. Plaintiff has suffered anxiety, loss of sleep, loss of appetite, emotional distress, and the need for medical care as a result of Defendant's behavior.

**COUNT I: VIOLATION OF TITLE VII AND FLORIDA STATUTE SECTION 765.10  
DISCRIMINATION ON THE BASIS OF SEX AND SEXUAL HARASSMENT**

21. Plaintiff realleges and reavers paragraphs 1-20 as if fully set forth herein.

22. Plaintiff, a sales representative, paid by Defendant Federated , on a weekly basis, with commissions, was required to perform work in an environment of sexual harassment and humiliation.

23. Plaintiff was subjected to this illegal behavior on a continuing basis, despite complaints to her immediate supervisor. The harassing individual, however, was the company boss, so that complaints to him were and would have been pointless.

24. Plaintiff was terminated when she did complain.

25. As a result of the above described unlawful behavior, Plaintiff has suffered emotional distress, humiliation, damage to reputation, and monetary damages, and continues to suffer these damages.

WHEREFORE, Plaintiff Forry, prays that the Court will:

A. declare that the acts and practices complained of herein are in violation of Title VII of the Civil Rights Act, and Florida Statute 760.10;

B. direct the Defendant to pay compensatory damages;

C. direct the Defendant to pay Plaintiff lost wages, back pay, front pay, and all other sums of money, including employment benefits which may have been lost, together with set amounts for the injuries suffered as a result of Defendant's violation of Title VII and Florida Statute 760.10;

D. Direct Defendant to pay punitive damages to the maximum extent allowable for violation of Title VII and Florida Statute 760.10;

E. Grant Plaintiff her costs and a reasonable award of attorneys fees, and

F. Grant such other and further relief as this Court deems just.

**COUNT II: RETALIATION IN VIOLATION OF TITLE VII AND FLORIDA STATUTE  
SECTION 765.10**

26. Plaintiff realleges and reavers paragraphs 1-25 as if fully set forth herein.

27. While employed by Defendant, Plaintiff complained to her immediate supervisor about the sexually harassing and unlawful behavior, to wit: about the sexually demanding solicitations, touches, comments, by the boss Steve Miller.

28. As a result of her complaints, she was fired on March 15, 2000.

29. As a result of the above described unlawful behavior, Plaintiff has suffered emotional distress, humiliation, damage to reputation, and monetary damages, and continues to suffer these damages.

WHEREFORE, Plaintiff Forry, prays that the Court will:

A. declare that the acts and practices complained of herein are in violation of Title VII of the Civil Rights Act, and Florida Statute 760.10;

B. direct the Defendant to pay compensatory damages;

C. direct the Defendant to pay Plaintiff lost wages, back pay, front pay, and all other sums of money, including employment benefits which may have been lost, together with set amounts for the injuries suffered as a result of Defendant's violation of Title VII and Florida Statute 760.10;

D. Direct Defendant to pay punitive damages to the maximum extent allowable for violation of Title VII and Florida Statute 760.10;

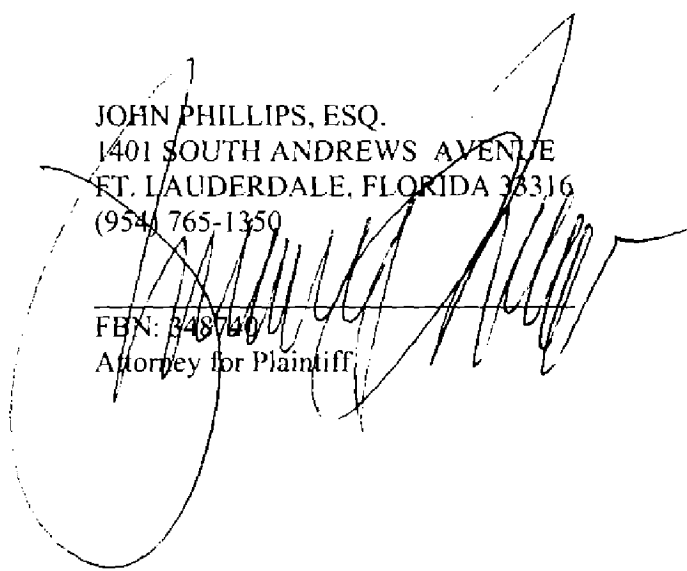
E. Grant Plaintiff her costs and a reasonable award of attorneys fees, and

F. Grant such other and further relief as this Court deems just.

WHEREFORE, PLAINTIFF BETH FORRY demands damages against the Defendant  
FEDERATED FINANCIAL SERVICES, trial by jury, and such other relief as this Court may  
deem just and equitable.

Dated this June 27, 2001.

JOHN PHILLIPS, ESQ.  
1401 SOUTH ANDREWS AVENUE  
FT. LAUDERDALE, FLORIDA 33316  
(954) 765-1350

  
FBN: 348740  
Attorney for Plaintiff

## CHARGE OF DISCRIMINATION

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

FEPA  
 EEOC

Broward County Human Rights Div. and EEOC  
*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.) **Ms. Beth I. Forry** RECEIVED JAN 02 2001 TELEPHONE (Include Area Code) **954 630 9938**

STREET ADDRESS **2520 North Andrews Avenue, Wilton Manors, Florida 33311** CITY, STATE AND ZIP CODE **FLORIDA 33311** DATE OF FILING **11/30/00**

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

NAME **Federated Financial Services** NUMBER OF EMPLOYEES, MEMBERS **over 30** TELEPHONE (Include Area Code) **954 571 8810**

STREET ADDRESS **3275 West Hillsboro Blvd., Suite 110, Deerfield Beach, Florida 33442** CITY, STATE AND ZIP CODE **FLORIDA 33442** COUNTY **Broward**

NAME **Steve Miller, Pres. and owner** TELEPHONE NUMBER (Include Area Code) **954 571 8810**

STREET ADDRESS **3275 West Hillsboro Blvd., Suite 110, Deerfield Beach, Fla. 33442** CITY, STATE AND ZIP CODE **FLORIDA 33442** COUNTY **Broward**

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE  
EARLIEST \_\_\_\_\_ LATEST **March 15, 2000**

CONTINUING ACTION

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

Beginning January 1, 2000, and continuing through March 15, 2000, I was subjected to harassment by Steve Miller, president and owner of Federated Financial Services. The harassment took place verbally and physically, and was directed against me on account of my sex, i.e. female.

I was fired on March 15, 2000 by Steve Miller, president and owner.

I believe I was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended, Florida Civil Rights Act (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.

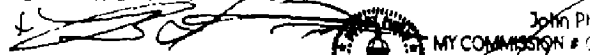
NOTARY (When necessary for State and Local Requirements)

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



  
SUBSCRIBED AND SWORN TO before me on this day of **JANUARY 2, 2001** at **FLORIDA**.  
John Phillip  
MY COMMISSION # \_\_\_\_\_  
I am a Notary Public in and for the State of Florida.

**MS. BETH I. FORRY**  
Date \_\_\_\_\_ Charging Party (Signature)

**U.S. Equal Employment Opportunity Commission  
DISMISSAL AND NOTICE OF RIGHTS**

To: **Beth Forry**  
**2520 North Andrews Avenue**  
**Wilton Manors, Florida 33311**

From: **Miami District Office**  
**Equal Employment Opportunity Commission**  
**One Biscayne Tower, Suite 2700**  
**2 South Biscayne Boulevard**  
**Miami, Florida 33131-1805**

On behalf of a person aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge Number  
150A10813

EEOC Representative  
Adrienne Stein, Investigator

Telephone No.  
(305) 530-6038

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

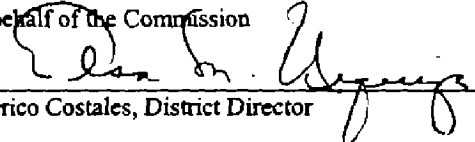
- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- We cannot investigate your charge because it was not filed within the time limit required by law.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state) \_\_\_\_\_

**-- NOTICE OF SUIT RIGHTS --**  
*(See the additional information attached to this form.)*

**Title VII, the Americans with Disabilities Act, and/or Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may pursue this matter further by bringing suit in federal or state court against the respondent(s) named in the charge. If you decide to sue, you must sue **WITHIN 90 DAYS** from your receipt of this Notice. Otherwise your right to sue based on the above-numbered charge will be lost.

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible. (If you file suit, please send a copy of your court complaint to this office.)


On behalf of the Commission

  
Federico Costales, District Director

cc:

**MAR 30 2001**  
*(Date Mailed)*

John F. Phillips, Esq.  
1401 South Andrews Avenue  
Fort Lauderdale, FL 33316

  
Jason L. Gunter, Esq.  
1625 Hendry Street, Suite 103  
Fort Myers, FL 33901



# CIVIL COVER SHEET

## 01-2089 CIV-FERGUSON

The JS-44 civil cover sheet and the information contained herein neither replace or 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** BETH FOERY

**DEFENDANTS** FEDERATED FINANCIAL SERVICES, INC.

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

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

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
JOHN PHILLIPS PA  
1401 SO. ANDREWS AVE. FT. LAUDERDALE 33316  
954-350-7650

**NOTE** IN LAND CONDEMNATION CASES USE THE LOCATION OF THE TRACT OF LAND INVOLVED  
**ATTORNEYS (IF KNOWN)**  
MAGISTRATE JUDGE SNOW

**(d) CIRCLE COUNTY WHERE ACTION AROSE:** DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

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

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign National	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. 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

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A LABOR	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Other Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Workers' Comp. Act <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Other Contract	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> B 610 Agriculture <input type="checkbox"/> B 620 Other Food & Drug <input type="checkbox"/> B 625 Drug Related Seizure of Property (21 USC 881) <input type="checkbox"/> B 630 Liquor Laws <input type="checkbox"/> B 640 R.R. & Truck <input type="checkbox"/> B 650 Airline Regs. <input type="checkbox"/> B 660 Occupational Safety/Health <input type="checkbox"/> B 690 Other	<input type="checkbox"/> A 422 Appeal 28 USC 158 <input type="checkbox"/> A 423 Withdrawal 28 USC 157 <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> A 820 Copyright <input type="checkbox"/> A 830 Patent <input type="checkbox"/> A 840 Trademark <b>B SOCIAL SECURITY</b> <input type="checkbox"/> B 861 Social Security <input type="checkbox"/> B 862 Pension Fund <input type="checkbox"/> B 863 Divorce/Child Support <input type="checkbox"/> B 864 FSLIC Title Act <input type="checkbox"/> B 865 FSLIC Title Act	<input type="checkbox"/> A 400 State Reapportionment <input type="checkbox"/> A 410 Arbitration <input type="checkbox"/> A 430 Banks and Banking <input type="checkbox"/> A 450 Commerce ICC Rates/etc <input type="checkbox"/> A 460 Deposition <input type="checkbox"/> A 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> A 810 Selective Service <input type="checkbox"/> A 850 Securities Commissions Exchange <input type="checkbox"/> A 875 Securities Challenge 15 USC 807a <input type="checkbox"/> A 891 Agricultural Act <input type="checkbox"/> A 892 Food and Drug Admin Act <input type="checkbox"/> A 893 Federal Election Matters <input type="checkbox"/> A 894 Federal Acquisition Act <input type="checkbox"/> A 895 Freedom of Information Act <input type="checkbox"/> A 900 Appellate Fee Determination Under Civil Access to Justice <input type="checkbox"/> A 950 Transmittance of State Statutes <input type="checkbox"/> A 890 Other Statutory Actions A OR B
<b>A REAL PROPERTY</b> <input type="checkbox"/> B 210 Land Use/Regulation <input type="checkbox"/> B 220 Eminent Domain <input type="checkbox"/> B 230 Rent/Lease & Ejectment <input type="checkbox"/> B 240 Tenure Land <input type="checkbox"/> B 245 Ten Product Liability <input type="checkbox"/> B 290 All Other Real Property	<b>A CIVIL RIGHTS</b> <input type="checkbox"/> A 441 Voting <input type="checkbox"/> A 442 Employment <input type="checkbox"/> A 443 Housing Accommodations <input type="checkbox"/> A 444 Welfare <input checked="" type="checkbox"/> A 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> B 510 Multiple Sentence <input type="checkbox"/> B 530 Habeas Corpus: A 535 Death Penalty B 540 Mandamus & Other B 550 Civil Rights B 555 Prison Condition	<input type="checkbox"/> A 710 Fair Labor Standards Act <input type="checkbox"/> A 720 Labor Union Relations <input type="checkbox"/> A 730 Labor Management Relations/Concerted Action <input type="checkbox"/> A 740 Railway Labor Act <input type="checkbox"/> A 790 Other Labor Legislation <input type="checkbox"/> A 791 Empl. Pen. Inc. Security Act	<input type="checkbox"/> A 670 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> A 671 IRS - Third Party 26 USC 7809	

**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)  
SEXUAL HARASSMENT COMPLAINT SUB TITLE VII, and FLORIDA STATUTE § 760.10

LENGTH OF TRIAL: 5 days (estimated for both sides to try entire case)

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER FR.C.P. 23  DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint JURY DEMAND:  YES  NO

**VIII. RELATED CASE(S) IF ANY** (See instructions) JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 6-27-01 SIGNATURE OF ATTORNEY OF RECORD: [Signature]

FOR OFFICE USE ONLY: RECEIVED: 522 MIA AMOUNT: \$150.00 APPLYING IFF: 06-27-01 JUDGE: \_\_\_\_\_ MAG. JUDGE: \_\_\_\_\_