

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA.
Miami Division

CASE NO: 01-7089-CIV-FERGUSON

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

TAREN BUSICK,
LINDA FLEEK,
SARAH HOFFMAN
and
BRANDY WILCOX

Intervenors,

vs.

FEDERATED FINANCIAL SERVICES, INC.,

Defendant.

**INTERVENORS' AMENDED COMPLAINT
AND DEMAND FOR JURY TRIAL**

TAREN BUSICK, LINDA FLEEK, SARAH HOFFMAN and BRANDY WILCOX
(Hereinafter referred to as "Intevenors") hereby sue FEDERATED FINANCIAL SERVICES, INC.
and in support thereof allege as follows:

Nature of the Case

This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.* and the Florida Civil Rights Act of 1992, Chapter 760, *Fla. Stat.* ("FCRA"), to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Intervenors Busick, Fleek, Hoffman and Wilcox, who were adversely affected by such practices.

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Intervenors Busick, Fleek, Hoffman and Wilcox allege that their boss sexually harassed them and that the harassment persisted despite their complaint(s). As alleged with greater particularity below, Intervenors were subjected to unwelcome sexual comments, advances and physical contact because of their sex, which created a hostile work environment. As a result of the sexual harassment and Defendant's failure to take prompt remedial action, the employment conditions of the Intervenors were so intolerable that Busick, Hoffman and Wilcox were forced to resign their positions, and Fleek was fired in retaliation for her complaints. Intervenors seek back pay, front pay, compensatory damages, punitive damages, attorney's fees and costs and all other relief this Court deems just and proper.

Jurisdiction and Venue

1. This Court has original jurisdiction over Plaintiff's claims under Title VII of the Civil Rights Act of 1964, as amended, pursuant to 28 U.S.C. 1331. This Court has supplemental jurisdiction over Intervenors' state law claims pursuant to 28 U.S.C. 136, as their state claims are so related to their claims under federal law that they form part of the same case or controversy.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Southern District of Florida.

Parties

3. At all times material hereto, Defendant was a Florida corporation authorized to do business and doing business within the State of Florida.

4. At all times material hereto, Defendant employed at least fifteen employees and was an employer within the meaning of the FCRA and Title VII.

5. Plaintiff Equal Employment Opportunity Commission ("EEOC") is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, as amended.

6. At all times material hereto, Busick was a female citizen of the United States and a resident of the State of Florida.

7. At all times material hereto, Busick was an employee of Defendant and was an aggrieved person within the meaning of FCRA and Title VII.

8. At all times material hereto, Fleek was a female citizen of the United States and a resident of the State of Florida.

9. At all times material hereto, Fleek was an employee of Defendant and was an aggrieved person within the meaning of FCRA and Title VII.

10. At all times material hereto, Hoffman was a female citizen of the United States and a resident of the State of Florida.

11. At all times material hereto, Hoffman was an employee of Defendant and was an aggrieved person within the meaning of FCRA and Title VII.

12. At all times material hereto, Wilcox was a female citizen of the United States and a resident of the State of Florida.

13. At all times material hereto, Wilcox was an employee of Defendant and was an aggrieved person within the meaning of FCRA and Title VII.

STATEMENT OF TITLE VII CLAIMS

14. Intervenor's restate and reincorporate by reference the allegations set forth in

paragraph numbers 6-10 of the Complaint and Jury Trial Demand filed by the EEOC.

15. Intervenorors have met all conditions precedent and have exhausted all administrative remedies prior to the institution of this action.

16. As a result of the above actions, Intervenorors have had to retain the undersigned law firm to which they are obligated to pay reasonable attorney's fees, costs and expenses.

Prayer for Relief

WHEREFORE, Intervenorors Busick, Fleek, Hoffman, and Wilcox respectfully request that this court:

- a. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex and/or opposition to an unlawful employment practice.
- b. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past unlawful employment practices.
- c. Order Defendants to make whole Ms. Hoffman, Ms. Busick, Ms. Wilcox, and Ms. Fleek and other similarly situated individuals 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, restoration of benefits and positive future employment references for Ms. Hoffman, Ms. Busick, Ms. Wilcox, and Ms. Fleek and other similarly situated individuals.

- d. Order Defendants to make whole Ms. Hoffman, Ms. Busick, Ms. Wilcox, and Ms. Fleek

and other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 of the Complaint and Jury Trial Demand filed by the EEOC, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

- e. Order Defendants to make whole Ms. Hoffman, Ms. Busick, Ms. Wilcox, and Ms. Fleek

and other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 7 of the Complaint and Jury Trial Demand filed by the EEOC, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

- f. Order Defendants to pay Ms. Hoffman, Ms. Busick, Ms. Wilcox, and Ms. Fleek and other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraph 7 of the Complaint and Jury Trial Demand filed by the EEOC, 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 Busick, Fleek, Hoffman and Wilcox reasonable attorneys' fees and costs

incurred in this action and such other relief as this Court deems just and appropriate.

STATEMENT OF FCRA CLAIMS

17. Intervenors restate and incorporate by reference the allegations set forth in paragraph 1- 10 of the Complaint and Jury Trial Demand filed by the EEOC.

18. Intervenors have met all conditions precedent and exhausted all administrative remedies prior to the institution of this action.

19. As a result of the above actions, Intervenors have had to retain the undersigned law firm to which they are obligated to pay reasonable attorneys' fees, costs and expenses.

Violation of Florida Statute 760.10

Hostile Environment Sexual Harassment

20. Intevenors, reallege and reaver paragraphs 1-19, as if fully set forth herein.

21. Intevenors, were subjected to repeated and longstanding harassment so severe and pervasive so as to alter the terms, conditions and privileges of her employment.

22. Intevenors were subjected to demeaning touching and conduct which was offensive and unwelcome by them. Such conduct would have been offensive to any reasonable person in the same or similar situation.

23. Defendant had actual knowledge of the ongoing harassment of Intevenors as Defendant's owner, Steve Miller was the individual conducting the unlawful behavior. Intevenors spoke directly with members of Defendant's management concerning the harassment that was taking place.

24. Defendants, failed to take appropriate action to remedy the ongoing abuse and discrimination of Intevenors.

25. Defendant's harassment of Intevenors had the purpose or effect of substantially interfering with Intevenors' work performance and created an offensive and hostile work environment in violation of Florida Statutes.

26. The foregoing violated Intevenors' rights secured by Chapter 760.10, Florida Statutes.

WHEREFORE, Intevenors request that this court enter judgment against Defendant, Federated Financial Services, Inc. and:

- a. Permanently enjoin the Defendant, their agents, employees, and those acting in concert with the Defendant from continuing to violate the rights of Intevenors.
- b. Order the Defendant to reinstate the Intevenors to their former positions, and make the Intevenors whole with appropriate back pay, front pay, lost seniority, fringe benefits, prejudgment interest and otherwise.
- c. Award Intevenors costs including but not limited to reasonable attorneys fees, and any such further relief as this court deems just, proper, and equitable, including punitive damages.

Violation of Florida Statute 760.10 - RETALIATION

27. Intevenor, Lynda Fleek, realleges and reavers paragraphs 1-19, as if fully set forth herein.

28. Defendant's discharge of Intevenor, Fleek, was, in whole or in part, for her complaints of sexual harassment and discrimination.

29. The unlawful discriminatory pattern, practice, usage and custom by Defendant and their agents and employees, as set forth above, violates the retaliation provisions of Chapter 760.10, Florida Statutes.

WHEREFORE, Intevenor, Lynda Fleek, requests that this court enter judgment against Defendant, Federated Financial Services, Inc. and:

- a. Permanently enjoin the Defendant, their agents, employees, and those acting in concert with the Defendant from continuing to violate the rights of Intevenor.
- b. Order the Defendant to reinstate the Intevenor to her former position, and make the Plaintiff whole with appropriate back pay, front pay, lost seniority, fringe benefits, prejudgment interest and otherwise.

Demand for Jury Trial

30. Intervenors, Busick, Fleek, Hoffman and Wilcox demand a trial by jury on all issues so triable.

Dated: March 17, 2003

Respectfully submitted,

By: 

Andrew S. Henschel, Esq.
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