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

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

UNITED STATES EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
GEOLOGISTICS AMERICAS, INC.)
)
)
Defendant.)
_____)

CIVIL ACTION NO.
3:01-cv-216-J-21HTS
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 retaliation, and to provide appropriate relief to Mitzi Smith who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Equal Employment Opportunity Commission (hereinafter the "Commission") alleges that Ms. Smith was unlawfully terminated by her employer, Geologistics Americas, Inc., (hereinafter "Geologistics"), for complaining of gender discrimination. As a result of complaining to upper management about Geologistics' discriminatory practices, Ms. Smith was terminated.

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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, Jacksonville Division.

PARTIES

3. Plaintiff, 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, Geologistics has continuously been doing business in the State of Florida and the City of Jacksonville, and has continuously had at least 15 employees.

5. At all relevant times, Geologistics 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 before the institution of this lawsuit, Ms. Smith filed a charge with the Commission alleging violations of Title VII by Geologistics. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March 1999, Defendant Employer has engaged in unlawful employment practices at its Jacksonville, Florida facility in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a):

- a. In or about April 2000, Ms. Smith complained to Defendant's upper management about what she reasonably believed to be an unlawful employment practice. Specifically, Ms. Smith complained that she and other female employees were required to lift heavy merchandise by hand whereas their male counterparts had the benefit of mechanical forklifts.
- b. In or about April 2000, shortly after Ms. Smith complained of what she reasonably believed to be unlawful gender discrimination, Defendant retaliated against her for her complaints by terminating her employment.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Ms. Smith of equal employment opportunities and otherwise adversely affect her status as an employee because of her good faith opposition to what she reasonably believed to be 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. Smith.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, their officers, successors, assigns,

and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of an employee's opposition to an unlawful employment practice.

B. Order Defendant, 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 unlawful employment practices.

C. Order Defendant to make whole Ms. Smith, 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 to make whole Ms. Smith, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including out of pocket losses in amounts to be determined at trial.

E. Order Defendant to make whole Ms. Smith, 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 to pay Ms. Smith 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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