

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

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UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
MITZI B. SMITH, HOLLY DANIELS
and BARBARA NEEL

Case No.: 3:01CV216JAH/TS
Judge: Ralph W. Nimmons, Jr.
Magistrate Judge: Thomas E. Morris

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

Plaintiffs,

v.

GEOLOGISTICS AMERICAS, INC.

**AMENDED COMPLAINT AND
DEMAND FOR TRIAL BY JURY**

Defendant.

_____ /

NATURE OF ACTION

Plaintiffs, MITZI B. SMITH ("Ms. Smith"), HOLLY DANIELS ("Ms. Daniels"), and BARBARA NEEL ("Ms. Neel"), by and through their undersigned attorney, sue Defendant GEOLOGISTICS AMERICAS, INC. ("Defendant" or "GeoLogistics") for damages in excess of \$ 50, 000 for violations of their civil rights occurring during their employment relationship with GeoLogistics. All Plaintiffs sue Defendant under Title VII of the Civil Rights Act of 1964 and 1991, as amended, 42 U.S.C. Section 2000e *et seq.* ("Title VII"), the Civil Rights Act of 1871, as amended, 42 U.S.C. Section 1981 ("Section 1981"), and the Florida Civil Rights Act of 1992, Section 760.01 *et seq.*, Florida Statutes ("FCRA").

JURISDICTION AND VENUE

1. This Court's jurisdiction is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337 and 1343. This action arises under 42 U.S.C. Sections 2000e *et seq.* and 42 U.S.C. Sections 1981 and 1981a.

2. This Court has supplemental jurisdiction over Plaintiffs Smith's, Daniel's and Neel's state law claims pursuant to 28 U.S.C. Section 1367.

3. Ms. Smith has exhausted her administrative remedies. On or about May 5, 2000, Ms. Smith filed a charge of discrimination with the United States Equal Employment Opportunity Commission ("EEOC") and on or about July 21, 2000, Ms. Smith filed a charge of discrimination with the Florida Human Rights Commission against the Defendant. A copy of Ms. Smith's charge of discrimination is attached hereto as Exhibit "1". Thereafter, the EEOC filed an action on behalf of Ms. Smith. All conditions precedent to institution of this action by Ms. Smith have been fulfilled.

4. Ms. Daniels has exhausted her administrative remedies. On or about May 5, 2000, Ms. Daniels filed a charge of discrimination with the United States Equal Employment Opportunity Commission ("EEOC") and on or about July 21, 2000, Ms. Daniels filed a charge of discrimination with the Florida Human Rights Commission against the Defendant. A copy of Ms. Daniel's charge of discrimination is attached hereto as Exhibit "2". Thereafter, by letter dated February 15, 2001, the EEOC issued Ms. Daniels a Notice of Right to Sue, a copy of which is attached hereto as Exhibit "3". Ms. Daniels initiated this action within ninety (90) days of receipt of the EEOC's Notice of Right to Sue. All conditions precedent to institution of this action by Ms. Daniels have been fulfilled.

5. Ms. Neel has exhausted her administrative remedies. On or about May 5, 2000, Ms. Neel filed a charge of discrimination with the United States Equal Employment Opportunity Commission ("EEOC") and on or about July 21, 2000, Ms. Neel filed a charge of discrimination with the Florida Human Rights Commission against the Defendant. A copy of Ms. Neel's charge of discrimination is attached hereto as Exhibit "4". Thereafter, by letter dated February 15, 2001,

the EEOC issued Ms. Neel a Notice of Right to Sue, a copy of which is attached hereto as Exhibit "5". Ms. Neel initiated this action within ninety (90) days of receipt of the EEOC's Notice of Right to Sue. All conditions precedent to institution of this action by Ms. Neel have been fulfilled.

6. Pursuant to 28 U.S.C. Section 1391, venue of this action is proper in the Middle District of Florida because all of the alleged unlawful acts complained of herein occurred in Jacksonville, Florida.

PARTIES

7. 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 Sections 760(f)(1) and (3) of Title VII, 42 U.S.C. Sections 2000e-5(f)(1) and (3).

8. At all times material hereto, Defendant continuously has been doing business in the State of Florida and the City of Jacksonville, and continuously has had at least 15 employees. At all times material hereto, Defendant continuously has been an employer engaged in an industry effecting commerce within the meaning of Title VII and the Florida Civil Rights Act. *See* 42 U.S.C. Section 2003 *et seq.*, and Section 760.02(7), Florida Statutes.

9. Plaintiff-Intervenor Ms. Smith is a natural person who is a female, and now is residing in Glen St. Mary, Florida. At all times material hereto, Ms. Smith was employed by Defendant as Receiving and Processing worker in the warehouse.

10. Plaintiff-Intervenor Ms. Daniels is a natural person who is female, and now is residing in Glen St. Mary, Florida. At all times material hereto, Ms. Daniels was employed by Defendant as Receiving and Processing worker in the warehouse.

11. Plaintiff-Intervenor Ms. Neel is a natural person who is female, and now is residing

in Palm Beach County, Florida. At all times material hereto, Ms. Neel was employed by Defendant as Receiving and Processing worker in the warehouse.

FACTUAL ALLEGATIONS AS PERTAINING TO MS. SMITH, MS. DANIELS and MS.

NEEL

12. At all times material hereto, Plaintiffs Smith, Daniels and Neel each were employed in Receiving and Processing department, in which among other duties, included the receiving and moving of heavy freight.

13. On or about January of 1999, the Corporate Safety Department of Defendant's company required that all the power equipment operators be certified for future OSHA inspections, this included the operations of forklifts.

14. The male employees were given the training in order to obtain the certification beginning January, 1999. The Female employees, including the Plaintiff's Smith, Daniels and Neel were denied certification. Consequently, while the male employees were able to use a forklift to lift heavy boxes, the females, including the Plaintiff's Smith, Daniels and Neel were forced to move the heavy boxes that at times exceeded 80 pounds.

15. At all times material hereto, Defendant's Branch Manager, Mr. Jim Barrineau, performed his functions for the Defendant under the supervision of its Regional Vice President Ron Caplinger.

16. At all times material hereto, Defendant's Receiving and Processing Supervisor, Mr. Jessie Dear, performed his functions for the Defendant under the supervision of its Branch Manager Mr. Jim Barrineau.

17. At all times material hereto, Defendant's Administration Manager, Mr.

Roberto Valdomar, performed his functions for the Defendant under the supervision of its Branch Manager Mr. Jim Barrineau.

18. That each of the Plaintiff's inquired numerous times with their direct Receiving and Processing Supervisor, Mr. Jessie Dear, and with the Branch Manager, Mr. Jim Barrineau, who both were in charge of the certifications, and both responded that they were not going certify females in the use of forklifts.

19. That Mr. Jim Barrineau, Branch Manager, intentional continuous rejection based upon his belief that became known by the Plaintiff's Smith, Daniels and Neel, that females, even though were doing the same heavy lifting as men who were using the forklift to move the heavy boxes, were not to be certified with the use of the forklift. His direction not to certify the females was made known to the Receiving and Processing Supervisor, Mr. Jessie Dear who followed his direction.

20. As a result of this intentional discriminatory action and violative conduct based upon gender (females), the Plaintiff's Smith, Daniels and Neel were forced to move the heavy boxes by hand without the use of the forklifts.

21. That the Branch Manager, Mr. Jim Barrineau made it clear to the Plaintiffs Smith, Daniels and Neel, that the men were to not assist the woman in the moving of these boxes and this policy was made clear to the men in the warehouse. This directive from Mr. Jim Barrineau was made known to Mr. Jesse Dear and was told to each of the Plaintiffs upon each inquiry made regarding certification by each of the Plaintiffs for having to move the heavy boxes without assistance by the men and without use of the forklift.

22. That based upon the Plaintiff's duties as directed by the Branch Manager, Mr. Jim Barrineau, the Plaintiffs Smith, Daniels and Neel were to perform and did perform the same duties as the men without the assistance of the forklift and the certification to use the forklift.

23. At no time during their employment by Defendant, did any of the Plaintiffs, Smith, Daniels and Neel, ever receive a written warning or written discipline by Defendant with regard to the performance of their functions.

24. That the Branch Manager, Mr. Jim Barrineau, treated the female employees, specifically, the Plaintiffs Smith, Daniels and Neel, differently than the men. That the plaintiffs were continuously subjected to the beliefs of the Branch Manager, Mr. Jim Barrineau, who spoke of their "inadequacies as a female" and "if females are going to do a "male" job as required, they will do so without any assistance of forklifts" as told to each of the Plaintiffs. These and other continuous comments regarding female workers, including the Plaintiffs Smith, Daniels and Neel were made by Mr. Jim Barrineau to Supervisors, Managers and male employees of the Defendant and as a result the Plaintiffs were being treated in discriminatory manner based upon their gender (female).

25. That the Branch Manager, Mr. Jim Barrineau, the Receiving and Processing Supervisor, Jesse Dear intentional discriminatory treatment of female employees was clear gender discrimination and harassment based upon gender (female) to which Plaintiffs were subjected and exposed, as aforementioned, polluted their work environment and had the purpose and effect of interfering with the Plaintiffs' performance of their employment duties for Defendant. Senior management, including Regional Vice President, Ron Caplinger, and Administration Manager, Roberto Valdomar, ignored the intentional gender discrimination in the workplace against the

female employees, including the Plaintiffs Smith, Daniels and Neel and no measures were taken to stop the gender discrimination.

FACTUAL ALLEGATIONS OF RETALIATION AS PERTAINING TO MITZI B.

SMITH

26. Plaintiff Smith reported to Managers and Supervisors employed by the Defendant regarding her unfair treatment based on her gender on various occasions.

27. As a result of her complaints she was subjected to continuous harassment by managers, supervisors and co-workers.

28. On April 25, 2000, Mr. Jim Barrineau, Branch Manager and Mr. Roberto Valdomar, Administration Manager, continued at length to harass Ms. Smith by questioning Ms. Smith with regards to her seeking advice from the undersigned attorney regarding unlawful employment practices at Defendant's business, and continued to question Ms. Smith after Ms. Smith refused to continue the conversation with Mr. Barrineau and Mr. Roberto Valdomar.

29. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Holly Daniels and Barbara Neel filing with the EEOC" "Are you going to file a complaint". With each question he became more tyrant and angry with Ms. Smith.

30. Plaintiff Smith seeking advice of attorney concerning discriminatory practices by the Defendant, and seeking the advice of attorney in filing an EEOC complaint for such violations of unlawful employment practices is clearly a participation and the retaliation by Defendant was only to thwart this process and prevent such charges to move forward.

31. There is a causal link between Plaintiff's opposition to the unlawful employment

practices and refusal to answer questions regarding her protected opposition conduct and her subsequent discharge [The same day] from employment by Defendant. That Mr. Jim Barrineau documented these events by memorandum and internal documents of the Defendant that clearly shows the motive of the firing of Ms. Smith was for retaliation that was based upon her protected opposition conduct of unlawful discriminatory employment conduct by Defendant, and her protected right to seek relief with the EEOC and any other forum that would protect those rights.

32. The aforementioned adverse employment action by Defendant subsequent to Ms. Smith's complaints, and refusal to answer harassing questions regarding her protected opposition conduct was intentional because of her opposition to unlawful employment practices.

33. The aforementioned adverse employment action by Defendant was done with malice or reckless indifference to the federally protected rights of Ms. Smith.

34. As a result of this direct and proximate result of Defendant's unlawful employment practices and retaliation by firing Ms. Smith, Plaintiff Smith suffered damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress, loss of earning capacity, loss of wages, and loss of retirement benefits.

FACTUAL ALLEGATIONS OF RETALIATION AS PERTAINING TO HOLLY

DANIELS

35. On or about April 19, 2000, the Branch Manager Mr. Jim Barrineau had Ms Daniels go to his office, and in the presence of Administration Manager, Roberto Valdomar, continued to question Ms. Daniels about her seeking advice from an attorney regarding the discriminatory practices that existed in the work place under his supervision.

36. That Mr. Jim Barrineau continued at length to harass Ms. Daniels with regards to

her seeking advice from the undersigned attorney, and continued to question Ms. Daniels after Ms. Daniels refused to continue the conversation with Mr. Barrineau. Throughout this questioning, Mr. Roberto Valdomar did not intervene to prevent such harassment to continue.

37. Mr. Jim Barrineau continued to state to her “are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me”; “you must tell me the truth and advise me as to what is being done”; “do you know about Mitzi Smith and Barbara Neel filing with the EEOC”. With each question he became more tyrant and angry with Ms. Daniels.

38. That this harassment continued throughout the day, until Ms. Daniels was called into Mr. Jim Barrineau’s office that late afternoon. Ms. Daniels was forced to sign a document labeled “Memorandum” to Ms. Daniels and from Mr. Jim Barrineau dated April 19, 2000, regarding “personal issues.” *See attached* Exhibit “6”.

The memo stated:

I talked to Holly Daniels this morning in regards to discrimination issues, on my part , against female associates within this facility. She stated that she had no issues whatsoever towards me, but did make a remark concerning one of the other associates. She said that the associate was lazy and that he would not help other associates when help was needed. I assured her that this associate had been warned about his work habits, and that it would not be tolerated. I asked Holly that in the future, if she makes a complaint to her Immediate supervisor, and no action is taken, to please Use the open door policy and talk to me about the situation.

The Memorandum was signed by Mr. Jim Barrineau and Ms. Daniels was told to sign the document, even over her objection and disagreement with the substantive content of the letter.

39. That the continued discriminatory practices based upon gender continued from April 19, 2000 forward and the continuous retaliation by Mr. Jim Barrineau continued against Ms.

Daniels by subjecting her and exposing her, as aforementioned, in form of unwelcome verbal comments sufficiently sever and pervasive as to create an intimidating, hostile and offensive work environment, and were done so by the Defendant as retaliation for seeking advice by an attorney and seeking filing with EEOC for discriminatory practices that were present at the Defendant's workplace.

FACTUAL ALLEGATIONS OF RETALIATION AS PERTAINING TO BARBARA

NEEL

40. On or about April 19, 2000, the Branch Manager Mr. Jim Barrineau had Ms. Neel go to his office, and in the presence of Administration Manager, Roberto Valdomar, continued to question Ms. Neel about her seeking advice from an outside attorney regarding the discriminatory practices that existed in the work place under his supervision.

41. That Mr. Jim Barrineau continued at length to harass Ms. Neel with regards to her seeking advice from the undersigned attorney, and continued to question Ms. Neel after Ms. Neel refused to continue the conversation with Mr. Barrineau. Throughout this questioning, Mr. Roberto Valdomar did not intervene to prevent such harassment to continue.

42. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Mitzi Smith and Holly Daniels filing with the EEOC". With each question he became more tyrant and angry with Ms. Neel.

43. That the continued discriminatory practices based upon gender continued from April 19, 2000 and the continuous retaliation by Mr. Jim Barrineau continued against Ms. Neel by subjecting her and exposing her, as aforementioned, in form of unwelcome verbal comments sufficiently sever and pervasive as to create an intimidating, hostile and offensive work

environment, and were done so by the Defendant as retaliation for seeking advice by an attorney and seeking filing with EEOC for discriminatory practices that were present at the Defendant's workplace.

COUNT I
DEFENDANT HAS VIOLATED TITLE VII
(Disparate Treatment)

44. Plaintiffs Smith, Daniels and Neel adopts and realleges paragraphs 1-25 above as if incorporated herein.

45. Plaintiffs Smith, Daniels and Neel are members of a protected class because they are females.

46. The Defendant is an employer that employs over 500 people, and is subject to 42 U.S.C. Section 2000e et seq.

47. That the Plaintiffs Smith, Daniels and Neel throughout their tenure with Defendant suffered disparate treatment in the terms and conditions of her employment from being denied certification to use forklifts as required by the Defendant's Corporate Safety Department implemented on or about January, 1999, which Defendant required that all the power equipment operators be certified for future OSHA inspections, which included the operations of forklifts to being disparately disciplined. That the Plaintiffs were subjected to unwarranted comments by supervisors and had to perform without certification and with no ability to use the forklifts to move heavy boxes in the warehouse.

48. Members not in a protected class, males, have been certified and able to use the forklift to move heavy boxes. The Members not in a protected class, males, have not been treated in as harsh a manner, nor were they subject to a hostile work environment.

49. The Plaintiffs Smith, Daniels and Neel were not provided the same terms, conditions and privileges as their male co-workers.

a. The Plaintiffs Smith, Daniels and Neel were denied certification to use forklifts as required by the Defendant's Corporate Safety Department policy implemented on or about January, 1999, which Defendant required that all the power equipment operators be certified for future OSHA inspections, which included the operations of forklifts. As a result, the Plaintiffs Smith, Daniels and Neel had to move heavy boxes without the use of a forklift.

b. The Plaintiffs Smith, Daniels and Neel were subjected to unwarranted comments by supervisors regarding their gender (female) and as a result were treated differently than their male co-workers.

c. The Plaintiffs Smith, Daniels and Neel were forced to work alone without any help from their male co-workers.

50. Mr. Jim Barrineau, Branch Manager of Defendant's company made it clear to all of the Supervisors in various departments, to all Plaintiffs co-workers, and to all male co-workers his position on females in the workplace. His stated opinion of females inferior ability compared to men and that the females will not be certified to use the forklifts, resulted in each of the Supervisors including but not limited to, Receiving and Processing Supervisor, Mr. Jessie Dear and Administration Manager, Mr. Roberto Valdomar treating the females including the Plaintiffs Smith, Daniels and Neel differently than their male co-workers, and they were subject to continued harassment by Mr. Jim Barrineau. That senior management, including but not limited to Regional Vice President of Operations, Mr. Ron Caplinger, ignored the discriminatory practices and failed to implement measures to prevent such discrimination.

51. The Defendant has intentionally discriminated against females and Plaintiffs

Smith, Daniels and Neel in particular in violation of Title VII, 42 U.S.C. Section 2000e et seq. by disparate treatment of Plaintiffs Smith, Daniels and Neel based upon their gender.

52. The effect of the actions complained of as aforementioned has been to deprive the Plaintiffs Smith, Daniels and Neel of equal employment opportunities, and otherwise to adversely affect their status as employees because of gender.

53. The unlawful employment practices complained of were intentional.

54. The unlawful employment practices against the Plaintiffs Smith, Daniels and Neel were done with malice or reckless indifference to the Plaintiff's federally protected rights.

55. As a direct and proximate result of Defendant's unlawful employment practices, the Plaintiffs Smith, Daniels and Neel were emotionally harmed, suffered, and will continue to suffer, a loss of wages and other employment benefits, a loss of earning capacity, damages to their professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress, and by not being certified were forced to move heavy boxes without the use of forklifts.

Wherefore, Plaintiffs Smith, Daniels and Neel requests this Court issue an order against Defendant awarding the Plaintiffs Smith, Daniels and Neel compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT II
DEFENDANT HAS VIOLATED TITLE VII
(Hostile Environment)

56. Plaintiffs Smith, Daniels and Neel adopts and realleges paragraphs 1-43 above as if incorporated herein.

57. Defendant discriminated against the Plaintiffs because of their gender in violation

of Title VII, by creating, tolerating and fostering a gender hostile and abusive work environment. The Plaintiffs were subject to numerous gender based derogatory comments, heavy workload, forced to move heavy equipment without the use of the forklifts, and being unable to be certified to use the forklifts to move the heavy equipment.

58. The Plaintiffs Smith, Daniels and Neel are female and therefore are members of protected class. That the Plaintiffs Smith, Daniels and Neel repeatedly complained to management about the unwelcome harassment, and being not certified to use the forklifts to move the heavy boxes, but management and supervisors took no steps to abate the harassment.

59. Members not in a protected class, males, have been certified and able to use the forklift to move heavy boxes. The Members not in a protected class, males, have not been treated in as harsh a manner, nor were they subject to a hostile work environment.

60. The aforementioned unwelcome gender based harassment comments were sufficiently severe and pervasive to affect the terms and conditions of Plaintiffs Smith's, Daniel's and Neel's employment, and to create an intimidating, hostile, and offensive work environment in violation of Section 703(a) of Title VII, 42 U.S.C. Section 2000e-2(a).

61. The effect of the actions complained of as aforementioned has been to deprive the Plaintiffs Smith, Daniels and Neel of equal employment opportunities, and otherwise to adversely affect their status as employees because of gender.

62. The unlawful employment practices complained of were intentional.

63. The unlawful employment practices against the Plaintiffs Smith, Daniels and Neel was done with malice or reckless indifference to the Plaintiff's federally protected rights.

64. As a direct and proximate result of Defendant's unlawful employment practices,

the Plaintiffs Smith, Daniels and Neel were emotionally harmed, suffered, and will continue to suffer, a loss of wages and other employment benefits, a loss of earning capacity, damages to their professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress, and by not being certified were forced to move heavy boxes without the use of forklifts.

Wherefore, Plaintiffs Smith, Daniels and Neel requests this Court issue an order against Defendant awarding the Plaintiffs Smith, Daniels and Neel compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT III
(PLAINTFFS SMITH, DANIELS AND NEEL
CLAIM OF HOSTILE WORK ENVIRONMENT AND GENDER
DISCRIMINATION IN VIOLATION OF THE FLORIDA
CIVIL RIGHTS ACT)

65. Plaintiffs Smith, Daniels and Neel repeats and realleges each and every allegation contained in paragraphs 1 through 43, as if fully set forth herein.

66. Defendant discriminated against Plaintiffs Smith, Daniels and Neel because of their gender in violation of the FCRA, by creating, tolerating and fostering a gender hostile and abusive work environment.

67. That the Plaintiffs Smith, Daniels and Neel throughout their tenure with Defendant suffered disparate treatment in the terms and conditions of their employment from being denied certification to use forklifts as required by the Defendant's Corporate Safety Department implemented on or about January, 1999, which Defendant required that all the power equipment operators be certified for future OSHA inspections, which included the operations of forklifts.

That the Plaintiffs were subjected to unwarranted comments by supervisors and had to perform without certification and no ability to use the forklifts to move heavy boxes in the warehouse.

68. Members not in a protected class, males, have been certified and able to use the forklift to move heavy boxes. The Members not in a protected class, males, have not been treated in as harsh a manner, nor were they subject to a hostile work environment.

69. The Plaintiffs Smith, Daniels and Neel were not provided the same terms, Conditions and privileges as their male co-workers.

a. The Plaintiffs Smith, Daniels and Neel were denied certification to use forklifts as required by the Defendant's Corporate Safety Department implemented on or about January, 1999, which Defendant required that all the power equipment operators be certified for future OSHA inspections, which included the operations of forklifts. As a result, the Plaintiffs Smith, Daniels and Neel had to move heavy boxes without the use of a forklift.

b. The Plaintiffs Smith, Daniels and Neel were subjected to unwarranted comments by supervisors regarding their gender (female) and as a result were treated differently than their male co-workers.

c. The Plaintiffs Smith, Daniels and Neel were forced to work alone without any help from their male co-workers.

70. Mr. Jim Barrineau, Branch Manager of Defendant's company made it clear to all of the Supervisors in various departments, to all Plaintiffs co-workers, to all male co-workers his position on females in the workplace and their inferior ability compared to men, that the females will not be certified to use the forklifts and as a result each of the Supervisors including but not limited to, Receiving and Processing Supervisor, Mr. Jessie Dear and Administration Manager, Mr. Roberto Valdomar treated the females including the Plaintiffs Smith, Daniels and Neel

differently than their male co-workers, and they were subject to continued harassment by Mr. Jim Barrineau. That senior management, including but not limited to Regional Vice President of Operations, Mr. Ron Caplinger, ignored the discriminatory practices and failed to implement measures to prevent such discrimination.

71. The aforementioned unwelcome harassment comments were sufficiently severe and pervasive to affect the terms and conditions of Plaintiffs Smith's, Daniel's and Neel's employment, and to create an intimidating, hostile, and offensive work environment in violation of FCRA, Section 760.10, Florida Statutes.

72. The Defendant has intentionally discriminated against minorities and Plaintiffs Smith, Daniels and Neel in particular in violation of F.C.H.R., Florida Statutes by disparate treatment of Plaintiffs Smith, Daniels and Neel based upon their gender.

73. The effect of the actions complained of as aforementioned has been to deprive the Plaintiffs Smith, Daniels and Neel of equal employment opportunities, and otherwise to adversely affect their status as employees because of gender.

74. The unlawful employment practices complained of were intentional.

75. The unlawful employment practices against the Plaintiffs Smith, Daniels and Neel were done with malice or reckless indifference to the Plaintiff's freedom from discrimination within the State of Florida.

76. As a direct and proximate result of Defendant's unlawful employment practices, the Plaintiffs Smith, Daniels and Neel were emotionally harmed, suffered, and will continue to suffer, a loss of wages and other employment benefits, a loss of earning capacity, damages to their professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment,

humiliation, and other forms of mental anguish and distress, and by not being certified were forced to move heavy boxes without the use of forklifts.

Wherefore, Plaintiffs Smith, Daniels and Neel requests this Court issue an order against Defendant awarding the Plaintiffs Smith, Daniels and Neel compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT IV
(PLAINTIFF MITZI B. SMITH'S CLAIM OF RETALIATION IN VIOLATION OF
TITLE VII)

77. Plaintiff Smith repeats and realleges each and every allegation contained in paragraphs 1 through 25, and 26 through 34, as if fully set forth herein.

78. Plaintiff Smith reported to Managers and Supervisors employed by the Defendant regarding her unfair treatment based on her gender on various occasions. As a result of her complaints she was subjected to continuous harassment by managers, supervisors and co-workers.

79. On April 25, 2000, Mr. Jim Barrineau, Branch Manager and Mr. Roberto Valdomar, Administration Manager, continued at length to harass Ms. Smith by questioning Ms. Smith with regards to her seeking advice from the undersigned attorney regarding unlawful employment practices at Defendant's business, and continued to question Ms. Smith after Ms. Smith refused to continue the conversation with Mr. Barrineau and Mr. Roberto Valdomar.

80. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Holly Daniels and Barbara Neel filing with the EEOC" "Are you going to file a complaint". With each question he became more tyrant and angry with Ms. Smith.

81. Plaintiff Smith seeking advice of attorney concerning discriminatory practices by the Defendant, and seeking the advice of attorney in filing an EEOC complaint for such violations of unlawful employment practices is clearly participation and the retaliation by Defendant was only to thwart this process and prevent such charges to move forward.

81. There is a causal link between Plaintiff's opposition to the unlawful employment Practices, and refusal to answer questions regarding her protected opposition conduct and her subsequent discharge [The same day] from employment by Defendant. That Mr. Jim Barrineau documented these events by memorandum and internal documents of the Defendant that clearly shows the motive of the firing of Ms. Smith was for retaliation that was based upon her protected opposition conduct of unlawful discriminatory employment conduct by Defendant, and her protected right to seek relief with the EEOC and any other forum that would protect those rights.

82. The aforementioned adverse employment action by Defendant subsequent to Ms. Smith's complaints, and refusal to answer harassing questions regarding her protected opposition conduct was intentional because of her opposition to unlawful employment practices.

83. The aforementioned adverse employment action by Defendant was done with malice or reckless indifference to the federally protected rights of Ms. Smith.

84. As a result of this direct and proximate result of Defendant's unlawful employment practices and retaliation by firing Ms. Smith, Plaintiff Smith suffered damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress, loss of earning capacity, loss of wages, and loss of retirement benefits.

Wherefore, Plaintiff Smith requests this Court issue an order against Defendant awarding the Plaintiff Smith compensatory damages, lost back pay, reinstatement and/or front pay, punitive

damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT V
(PLAINTIFF MITZI B. SMITH'S CLAIM OF RETALIATION IN VIOLATION OF
THE FCRA

85. Plaintiff Smith repeats and realleges each and every allegation contained in paragraphs 1 through 25, and 26 through 34, as if fully set forth herein.

86. Plaintiff Smith reported to Managers and Supervisors employed by the Defendant regarding her unfair treatment based on her gender on various occasions. As a result of her complaints she was subjected to continuous harassment by managers, supervisors and co-workers.

87. On April 25, 2000, Mr. Jim Barrineau, Branch Manager and Mr. Roberto Valdomar, Administration Manager, continued at length to harass Ms. Smith by questioning Ms. Smith with regards to her seeking advice from the undersigned attorney regarding unlawful employment practices at Defendant's business, and continued to question Ms. Smith after Ms. Smith refused to continue the conversation with Mr. Barrineau and Mr. Roberto Valdomar.

88. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Holly Daniels and Barbara Neel filing with the EEOC" "Are you going to file a complaint". With each question he became more tyrant and angry with Ms. Smith.

89. Plaintiff Smith seeking advice of attorney concerning discriminatory practices by the Defendant, and seeking the advice of attorney in filing an EEOC complaint for such violations

of unlawful employment practices is clearly a participation and the retaliation by Defendant was only to thwart this process and prevent such charges to move forward.

90. There is a causal link between Plaintiff's opposition to the unlawful employment practices, and refusal to answer questions regarding her protected opposition conduct and her subsequent discharge [The same day] from employment by Defendant. That Mr. Jim Barrineau documented these events by memorandum and internal documents of the Defendant that clearly shows the motive of the firing of Ms. Smith was for retaliation that was based upon her protected opposition conduct of unlawful discriminatory employment conduct by Defendant, and her protected right to seek relief with the EEOC and any other forum that would protect those rights.

91. The aforementioned adverse employment action by Defendant subsequent to Ms. Smith's complaints, and refusal to answer harassing questions regarding her protected opposition conduct was intentional because of her opposition to unlawful employment practices.

92. The aforementioned adverse employment action by Defendant was done with malice or reckless indifference to the rights protected by Florida Statutes.

93. As a result of this direct and proximate result of Defendant's unlawful employment practices and retaliation by firing Ms. Smith, Plaintiff Smith suffered damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress, loss of earning capacity, loss of wages, and loss of retirement benefits.

Wherefore, Plaintiff Smith requests this Court issue an order against Defendant awarding the Plaintiff Smith compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT VI
(PLAINTIFF HOLLY DANIEL'S CLAIM OF RETALIATION IN VIOLATION OF
TITLE VII)

94. Plaintiff Daniels repeats and realleges each and every allegation contained in paragraphs 1 through 25, and 35 through 39, as if fully set forth herein.

95. Plaintiff Daniels reported her unfair treatment based on her gender on various occasions.

96. As a result of her complaints she was subjected to continuous harassment by managers, supervisors and co-workers.

97. On or about April 19, 2000, the Branch Manager Mr. Jim Barrineau had Ms. Daniels go to his office, and in the presence of Administration Manager, Roberto Valdomar, continued to question Ms. Daniels about her seeking advice from an attorney regarding the discriminatory practices that existed in the work place under his supervision.

98. That Mr. Jim Barrineau continued at length to harass Ms. Daniels with regards to her seeking advice from the undersigned attorney, and continued to question Ms. Daniels after Ms. Daniels refused to continue the conversation with Mr. Barrineau. Throughout this questioning, Mr. Roberto Valdomar did not intervene to prevent such harassment to continue.

99. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Mitzi Smith and Barbara Neel filing with the EEOC". With each question he became more tyrant and angry with Ms. Daniels.

100. That this continued harassment continued throughout the day, until Ms.

Daniels was called into Mr. Jim Barrineau's office that late afternoon. Ms. Daniels was forced to sign a document labeled "Memorandum" to Ms. Daniels and from Mr. Jim Barrineau dated April 19, 2000, regarding "personal issues." *See attached Exhibit "6".*

The memo stated:

I talked to Holly Daniels this morning in regards to discrimination issues, on my part , against female associates within this facility. She stated that she had no issues whatsoever towards me, but did make a remark concerning one of the other associates. She said that the associate was lazy and that he would not help other associates when help was needed. I assured her that this associate had been warned about his work habits, and that it would not be tolerated. I asked Holly that in the future, if she makes a complaint to her Immediate supervisor, and no action is taken, to please Use the open door policy and talk to me about the situation.

The Memorandum was signed by Mr. Jim Barrineau and Ms. Daniels was told to sign the document, even over her objection and disagreement with the substantive content of the letter.

101. That the continued discriminatory practices based upon gender continued from April 19, 2000 forward and the continuous retaliation by Mr. Jim Barrineau continued against Ms. Daniels by subjecting her and exposing her, as aforementioned, in form of unwelcome verbal comments sufficiently sever and pervasive as to create an intimidating, hostile and offensive work environment, and were done so by the Defendant as retaliation for seeking advice by an attorney and seeking to file with EEOC for discriminatory practices that were present at the Defendant's workplace.

102. Plaintiff Daniels seeking advice of attorney concerning discriminatory practices by

the Defendant, and seeking the advice of attorney in filing an EEOC complaint for such violations of unlawful employment practices is clearly participation and the retaliation by Defendant was only to thwart this process and prevent such charges to move forward.

103. There is a causal link between Plaintiff's opposition to the unlawful employment practices and the retaliation of the signing of the Memorandum dated April 19, 2000. *See Exhibit "6"*.

104. That the Plaintiff Daniels suffered adverse employment action by being subjected to more hostile treatment, by having to sign this memorandum against her will, and the continued harassment by management and supervisors.

105. The aforementioned adverse employment action by Defendant subsequent to Plaintiff Daniel's complaints were intentional because of her protected activity and opposition conduct.

106. The aforementioned adverse employment action by Defendant was done with malice or reckless indifference to the federally protected rights of Ms. Daniels.

107. As a result of this direct and proximate result of Defendant's unlawful employment practices, Plaintiff Daniels suffered damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

Wherefore, Plaintiff Daniels requests this Court issue an order against Defendant awarding the Plaintiff Daniels compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT VII
(PLAINTIFF HOLLY DANIEL'S CLAIM OF RETALIATION IN VIOLATION OF
THE FCRA

108. Plaintiff Daniels repeats and realleges each and every allegation contained in paragraphs 1 through 25, and 35 through 39, as if fully set forth herein.

109. Plaintiff Daniels reported her unfair treatment based on her gender on various occasions to her direct supervisor and manager.

110. As a result of her complaints she was subjected to continuous harassment by managers, supervisors and co-workers.

111. On or about April 19, 2000, the Branch Manager Mr. Jim Barrineau had Ms. Daniels go to his office, and in the presence of Administration Manager, Roberto Valdomar, continued to question Ms. Daniels about her seeking advice from an attorney regarding the discriminatory practices that existed in the work place under his supervision.

112. That Mr. Jim Barrineau continued at length to harass Ms. Daniels with regards to her seeking advice from the undersigned attorney, and continued to question Ms. Daniels after Ms. Daniels refused to continue the conversation with Mr. Barrineau. Throughout this questioning, Mr. Roberto Valdomar did not intervene to prevent such harassment to continue.

113. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Mitzi Smith and Barbara Neel filing with the EEOC". With each question he became more tyrant and angry with Ms. Daniels.

114. That this continued harassment continued throughout the day, until Ms. Daniels was called into Mr. Jim Barrineau's office that late afternoon. Ms. Daniels was forced to sign a document labeled "Memorandum" to Ms. Daniels and from Mr. Jim Barrineau dated April

19, 2000, regarding “personal issues.” *See attached* Exhibit “6”.

The memo stated:

I talked to Holly Daniels this morning in regards to discrimination issues, on my part , against female associates within this facility. She stated that she had no issues whatsoever towards me, but did make a remark concerning one of the other associates. She said that the associate was lazy and that he would not help other associates when help was needed. I assured her that this associate had been warned about his work habits, and that it would not be tolerated. I asked Holly that in the future, if she makes a complaint to her Immediate supervisor, and no action is taken, to please Use the open door policy and talk to me about the situation.

The Memorandum was signed by Mr. Jim Barrineau and Ms. Daniels was told to sign the document, even over her objection and disagreement with the substantive content of the letter.

115. That the continued discriminatory practices based upon gender continued from April 19, 2000 forward and the continuous retaliation by Mr. Jim Barrineau continued against Ms. Daniels by subjecting her and exposing her, as aforementioned, in form of unwelcome verbal comments sufficiently sever and pervasive as to create an intimidating, hostile and offensive work environment, and were done so by the Defendant as retaliation for seeking advice by an attorney and seeking to file with EEOC for discriminatory practices that were present at the Defendant’s workplace.

116. Plaintiff Daniels seeking advice of attorney concerning discriminatory practices by the Defendant, and seeking the advice of attorney in filing an EEOC complaint for such violations of unlawful employment practices is clearly participation and the retaliation by Defendant was only to thwart this process and prevent such charges to move forward.

117. There is a causal link between Plaintiff’s opposition to the unlawful employment

practices and the retaliation of the signing of the Memorandum dated April 19, 2000.

118. That the Plaintiff Daniels suffered adverse employment action by being subjected to more hostile treatment, by having to sign this memorandum against her will, and the continued harassment by management and supervisors.

119. The aforementioned adverse employment action by Defendant subsequent to Plaintiff Daniel's complaints were intentional because of her protected activity and opposition conduct.

120. The aforementioned adverse employment action by Defendant was done with malice or reckless indifference to the rights established under Florida Statutes as protected rights of Ms. Daniels as a female class.

121. As a result of this direct and proximate result of Defendant's unlawful employment practices, Plaintiff Daniels suffered damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

Wherefore, Plaintiff Daniels requests this Court issue an order against Defendant awarding the Plaintiff Daniels compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT VIII
(PLAINTIFF BARBARA NEEL'S CLAIM OF RETALIATION IN VIOLATION OF
TITLE VII)

122. Plaintiff Neel repeats and realleges each and every allegation contained in paragraphs 1 through 25, and 40 through 43, as if fully set forth herein.

123. Plaintiff Neel reported her unfair treatment based on her gender on various

occasions to her direct supervisor and Branch Manager, Jim Barrineau.

124. As a result of her complaints she was subjected to continuous harassment by managers, supervisors and co-workers.

125. On or about April 19, 2000, the Branch Manager Mr. Jim Barrineau had Ms. Neel go to his office, and in the presence of Administration Manager, Roberto Valdomar, continued to question Ms. Neel about her seeking advice from an outside attorney regarding the discriminatory practices that existed in the work place under his supervision.

126. That Mr. Jim Barrineau continued at length to harass Ms. Neel with regards to her seeking advice from the undersigned attorney, and continued to question Ms. Neel after Ms. Neel refused to continue the conversation with Mr. Barrineau. Throughout this questioning, Mr. Roberto Valdomar did not intervene to prevent such harassment to continue.

127. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Mitzi Smith and Holly Daniels filing with the EEOC". With each question he became more tyrant and angry with Ms. Neel.

128. That the continued discriminatory practices based upon gender continued from April 19, 2000 and the continuous retaliation by Mr. Jim Barrineau continued against Ms. Neel by subjecting her and exposing her, as aforementioned, in form of unwelcome verbal comments sufficiently sever and pervasive as to create an intimidating, hostile and offensive work environment, and were done so by the Defendant as retaliation for seeking advice by an attorney and seeking filing with EEOC for discriminatory practices that were present at the Defendant's workplace.

129. Plaintiff Neel seeking advice of attorney concerning discriminatory practices by

the Defendant, and seeking the advice of attorney in filing an EEOC complaint for such violations of unlawful employment practices is clearly participation and the retaliation by Defendant was only to thwart this process and prevent such charges to move forward.

130. There is a causal link between Plaintiff's opposition to the unlawful employment practices and the retaliation. That the Plaintiff Neel suffered adverse employment action by being subjected to more hostile treatment, and the continued harassment by management and supervisors regarding her claim.

131. The aforementioned adverse employment action by Defendant subsequent to Plaintiff Neel's complaints were intentional because of her protected activity and opposition conduct.

132. The aforementioned adverse employment action by Defendant was done with malice or reckless indifference to the rights established under Federal Statutes as protected rights of Ms. Neel.

133. As a result of this direct and proximate result of Defendant's unlawful employment practices, Plaintiff Neel suffered damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

Wherefore, Plaintiff Neel requests this Court issue an order against Defendant awarding the Plaintiff Neel compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

COUNT IX
(PLAINTIFF BARBARA NEEL'S CLAIM OF RETALIATION IN VIOLATION OF
THE FCRA

134. Plaintiff Neel repeats and realleges each and every allegation contained in paragraphs 1 through 25 and 40 through 43, as if fully set forth herein.

135. Plaintiff Neel reported her unfair treatment based on her gender on various occasions to her direct supervisor and branch manager, Jim Barrineau.

136. As a result of her complaints she was subjected to continuous harassment by managers, supervisors and co-workers.

137. On or about April 19, 2000, the Branch Manager Mr. Jim Barrineau had Ms. Neel go to his office, and in the presence of Administration Manager, Roberto Valdomar, continued to question Ms. Neel about her seeking advice from an outside attorney regarding the discriminatory practices that existed in the work place under his supervision.

137. That Mr. Jim Barrineau continued at length to harass Ms. Neel with regards to her seeking advice from the undersigned attorney, and continued to question Ms. Neel after Ms. Neel refused to continue the conversation with Mr. Barrineau. Throughout this questioning, Mr. Roberto Valdomar did not intervene to prevent such harassment to continue.

138. Mr. Jim Barrineau continued to state to her "are you sure you know nothing about anyone or yourself seeking advice for discriminatory practices by me"; "you must tell me the truth and advise me as to what is being done"; "do you know about Mitzi Smith and Holly Daniels filing with the EEOC". With each question he became more tyrant and angry with Ms. Neel.

139. That the continued discriminatory practices based upon gender continued from

April 19, 2000 and the continuous retaliation by Mr. Jim Barrineau continued against Ms. Neel by subjecting her and exposing her, as aforementioned, in form of unwelcome verbal comments sufficiently sever and pervasive as to create an intimidating, hostile and offensive work environment, and were done so by the Defendant as retaliation for seeking advice by an attorney and seeking filing with EEOC for discriminatory practices that were present at the Defendant's workplace.

140. Plaintiff Neel seeking advice of attorney concerning discriminatory practices by the Defendant, and seeking the advice of attorney in filing an EEOC complaint for such violations of unlawful employment practices is clearly participation and the retaliation by Defendant was only to thwart this process and prevent such charges to move forward.

141. There is a causal link between Plaintiff's opposition to the unlawful employment practices and the retaliation. That the Plaintiff Neel suffered adverse employment action by being subjected to more hostile treatment, and the continued harassment by management and supervisors regarding her claim.

141. The aforementioned adverse employment action by Defendant subsequent to Plaintiff Neel's complaints were intentional because of her protected activity and opposition conduct.

142. The aforementioned adverse employment action by Defendant was done with malice or reckless indifference to the rights established under Florida Statutes as protected rights of Ms. Neel as a female class.

143. As a result of this direct and proximate result of Defendant's unlawful

employment practices, Plaintiff Neel suffered damages to her professional reputation, a loss of dignity, a loss of the enjoyment of life, embarrassment, humiliation, and other forms of mental anguish and distress.

Wherefore, Plaintiff Neel requests this Court issue an order against Defendant awarding the Plaintiff Neel compensatory damages, lost back pay, reinstatement and/or front pay, punitive damages, attorney's fees and costs, together with such other relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs Ms. Smith, Ms. Daniels and Ms. Neel hereby demand a trial by jury on all issues triable of rights by a jury.

Respectfully submitted,

The Law Offices of Jay F. Romano, P.A.
Attorney for Plaintiff Smith, Daniels and
Neel
10 Fairway Drive
Suite 131
Deerfield Beach, Florida 33441
(561) 271-1769 tel.
(561) 470-4981 fax


By: 

Jay F. Romano
Trial Attorney
Florida Bar No.: 0934097

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Amended**
Complaint has been furnished by U.S. Mail this 1st day of August, 2001, addressed as follows:
Cheryl A. Cooper, Trial Attorney, U.S. EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION, Two South Biscayne Blvd., One Biscayne Tower, Suite 2700, Miami, Florida
33131, and **David E. Block**, Esquire, JACKSON LEWIS SCHNITZLER & KRUPMAN, First
Union Financial Center, Suite 2600, 200 South Biscayne Boulevard, Miami Florida 33131-2374.



Jay F. Romano
Trial Attorney

EXHIBIT 1

CHARGE OF DISCRIMINATION

Form is affected by the Privacy Act of 1974; See Privacy Act Statement before filing this form.

AGENCY

CHARGE NUMBER

☐ PA
☒ EOC

150A02315

Florida Comm. on Human Relations

and EEOC

State or local Agency, if any

Complainant Mr., Ms., Mrs.

HOME TELEPHONE (Include Area Code)

(904) 275-3041

Mitzi B. Smith

CITY, STATE AND ZIP CODE

DATE OF BIRTH

STREET ADDRESS

Box 1, Box 1750, Glen Saint Mary, FL 32040

06/21/1959

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Logistics Americas, Inc.

Cat D (501 +)

(904) 786-2700

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

115 West Side Industrial Driv, Jacksonville, FL 32219

031

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

REASON FOR DISCRIMINATION BASED ON (check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE

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

EARLIEST

LATEST

03/25/1999

05/05/2000

☐ CONTINUING ACTION

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

1. In January of 1999, the Corporate Safety Department required that all the power equipment operators be certified for future OSHA inspections, this included the operation of the forklifts. The male employees were given the training in order to obtain the certification. However, I and other females were denied the certification. Consequently, while the male employees were able to use a forklift to lift boxes, the females were forced to move the heavy boxes manually.

In addition, the male employees were allowed to work full-time forty hours while the females were only allowed to work thirty two hours even though there was plenty of work. On April 25, 2000, Jim Barrineau, Branch Manager and Roberto Valdomar, Assistant Supervisor, questioned me about the sexual discrimination charges and my involvement with an attorney regarding these charges. I denied having any knowledge because I did not want to lose my job. Then, Jim Barrineau terminated me stating that production in the warehouse is low. To my knowledge the company is filled with orders to be completed.

2. When we asked Jessie Dear, Receiving and Processing Supervisor and Jim Barrineau, Branch Manager in charge of certification, the reason we were not being certified, they stated that they were not going to certify females.

** Text is Continued on Attached Sheet(s) **

☐ 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 declare under penalty of perjury that the foregoing is true and correct.

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.

SIGNATURE OF COMPLAINANT

Mitzi B. Smith

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

May 5 - 2000 Charging Party (Signature)
DC FORM 10 (Rev. 06/99)

EXHIBIT "1"



State of Florida
Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer



Jeff Bush
Governor

Complainant
Milti Smith

v.

COMMISSIONERS

Sharon Otuvani, Chair
Tallahassee

EEOC No:
FCHR No: 2003372

Rita Craig, Vice Chair
Palm Beach Gardens

Respondent
Geologistics Americas, Incorporated

Aristides Sosa, Vice Chair
Miami

CERTIFICATE OF AUTHENTICITY OF DOCUMENTS

Claretha Brooks
Jacksonville

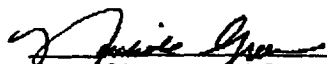
I, the undersigned, do hereby certify that the attached documents are true and correct copies of originals as filed with the Florida Commission on Human Relations.

Gayle Cannon
Lake City

Date: February 15, 2001

Donna Elam
Tallahassee

George Farrell
Gainesville


Case Closure and Records Unit
D'Antoinette Davis, Coordinator
Florida Commission on Human Relations

Leonie Hermant
Miami

Attachments:
Copy of FCHR charge

Juan Montes
Miami

Copies Furnished to:
Jay F. Romano
The Law Offices of Jay F. Romano, P.A.
20423 State Road 7, #F6-203
Boca Raton, Florida 33498

Roosevelt Paige
Orange Park

Keith A. Roberts
Santa Beach

Bobby Tyree
Milton

Derick Daniel
Executive Director

FLORIDA COMMISSION ON HUMAN RELATIONS
325 John Knox Road, Suite 240, Building F
Tallahassee, Florida 32303-4149

Name (Indicate Mr., Ms., or Mrs.) Ms. MIZZI SMITH Social Security 263 49 3240 Date of Birth 06/21/54
Street Address ROUTE 1, BOX 1750 Home Telephone Number (904) 275-3041
City, State, and Zip Code GLEN ST. MARY, FL 32040 Work (if possible to call you there)
List the employer, labor organization, employment agency, apprenticeship committee, government agency, or other person who discriminated against you.

Name GEOLISTICS AMERICAS, INC. No. of Employees (5+) Telephone No. (area code) (904) 786-2700
Street Address 8015 WEST SIDE INTERNATIONAL DRIVE City, State, and Zip Code JACKSONVILLE FL 32219 County
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ DISABILITY
☐ NATIONAL ORIGIN ☐ AGE ☐ MARITAL STATUS ☒ RETALIATION
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, year)

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

I. Personal Harm:

SEE ATTACHED EXHIBIT "A"

II. Respondent's Reasons for Personal Harm:

III. Discrimination Statement:

I REQUEST TO BE AFFORDED FULL RELIEF TO WHICH I AM ENTITLED TO UNDER THE LAW(S).

I will advise the agency if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

Under penalties of perjury, I declare that I have read the foregoing charge of discrimination and that the facts stated in it are true.

SIGNATURE OF COMPLAINANT

Mizzi B. Smith

DATE

7/1/2000

ATTACHED EXHIBIT "A" : DISCRIMINATION CHARGE

Mitzi Smith

D/O/B: 06/21/59

The Particulars Are:

1. In January of 1999, the Corporate Safety Department required that all the power equipment operators be certified for future OSHA inspections, this included the operation of the forklifts. The male employees were given the training in order to obtain the certification. However, I and other females were denied the certification. Consequently, while the male employees were able to use a forklift to lift boxes, the females were forced to move heavy boxes manually.

In addition, the male employees were allowed to work full-time forty hours, while the females were only allowed to work thirty two hours even though there was plenty of work. On April 25, 2000, Jim Barrineau, Branch Manager, and Roberto Valdomar, Assistant Supervisor, questioned me about the sexual/gender discrimination charges and my involvement with an Attorney regarding these charges. I denied having any knowledge because I did not want to lose my job. Then, Jim Barrineau terminated me stating that production in the warehouse is low. To my knowledge the company is filled with orders to be completed, and since my termination the company has hired additional workers.

2. When we (Female Employees) would ask Jessie Dear, Receiving and Processing Supervisor and Jim Barrineau, Branch Manager in charge of certification, the reason we were not being certified, they stated that they were not going to certify females.
3. I believe Respondent (Employer) discriminated and retaliated against me because of my sex, female, and because I complained about the discriminatory practice, in violation of my Civil Rights Guaranteed by Florida Law, and I request to be afforded full relief to which I am entitled to under the Law (s).

EXHIBIT 2

May-05-2000 11:52

From-EEOC-MAAMI

3055307660

T-150 P.004/005 F-257

CHARGE OF DISCRIMINATION

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

☐ FEPA
☒ EEOC

150A02316

Florida Comm. on Human Relations

and EEOC

State or Local Agency (If any)

NAME (Individual - Mr. Mrs.)

HOME TELEPHONE (Include Area Code)

Ms. Holly L. Daniels

(904) 259-6731

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

P.O. Box 248, Glen Saint Mary, FL 32040

08/10/1960

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

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)

GeoLogistics Americas, Inc.

Cat D (501 +)

(904) 786-2700

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

8015 West Side Industrial Driv, Jacksonville, FL 32219

031

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

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

08/01/1999 05/05/2000

☐ CONTINUING ACTION

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

1. In January of 1999, the Corporate Safety Department required that all the power equipment operators be certified for future OSHA inspections, this included the operation of the forklifts. The male employees were given the training in order to obtain the certification. However, I and other females were denied the certification. Consequently, while the male employees were able to use a forklift to lift boxes, the females were forced to move the heavy boxes manually.

In addition, the male employees were allowed to work full-time forty hours while the females were only allowed to work thirty two hours even though there was plenty of work. On April 19, 2000, Jim Barrineau, Branch Manager questioned me about the sexual discrimination charges and my involvement with an Attorney regarding these charges. I denied having any knowledge because I did not want to lose my job. Later on that day, Jim Barrineau forced me to sign a memorandum dated 4/19/2000 from him stating that he did not discriminate against females. He questioned me again about the charges of discrimination. I denied everything.

2. When we asked Jessie Dear, Receiving and Processing Supervisor and Jim Barrineau, Branch Manager in charge of certification, the reason we were not being certified, they stated that they were not going to

** Text is Continued on Attached Sheet(s) **

☐ I want this charge filed with both the EEOC and the State or NOTARY (when necessary for State and Local Requirements) 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.

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 THIS DATE
(month, day and year)

Date 5-05-00

Charging Party (Signature)

11011

certify females

3. I believe Respondent discriminated and retaliated against me because of my sex, female, and because I complained about the discriminatory practices, in violation of Title VII of the Civil Rights Act of 1964, as amended.



State of Florida
Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer



Jeff Bush
Governor

Complainant
Holly L. Daniels

v.

EEOC No:
FCHR No: 2003373

COMMISSIONERS

Sharon O'Hara, Chair
Tallahassee

Respondent
Geologistics Americas, Incorporated

Rita Craig, Vice Chair
Palm Beach Gardens

Aristides Sosa, Vice Chair
Miami

CERTIFICATE OF AUTHENTICITY OF DOCUMENTS

Garettha Brooks
Jacksonville

I, the undersigned, do hereby certify that the attached documents are true and correct copies of originals as filed with the Florida Commission on Human Relations.

Gayle Cannon
Lake City

Date: February 15, 2001

Donna Elan
Tallahassee

[Signature]
Case Closure and Records Unit
D'Antoinette Davis, Coordinator
Florida Commission on Human Relations

George Farrell
Fort Lauderdale

Attachments:
Copy of FCHR charge

Leonie Hermantlin
Miami

Juan Montes
Miami

Copies Furnished to:
Jay F. Romano
The Law Offices of Jay F. Romano, P.A.
20423 State Road 7 #F6-203
Boca Raton, Florida 33498

Roosevelt Paige
Orange Park

Keith A. Roberts
Santa Rosa

Bobby Tyree
Milton

Derick Daniel
Executive Director

FL IDA COMMISSION ON HUMAN RELATIONS
325 John Knox Road, Suite 240, Building F
Tallahassee, Florida 32303-4149

Name (Indicate Mr., Ms., or Mrs.)

MRS. HOLLY L. DANIELS

00 JUL 21 PM 2:24

Social Security #

X 266-48-4268

Date of Birth

X 08-10-59

Street Address

P.O. BOX 248

Home Telephone Number

X 904-259-6731

City, State, and Zip Code

GLEN SAINT MARLY, FLORIDA 32040

Work (If possible to call you there)

List the employer, labor organization, employment agency, apprenticeship committee, government agency, or other person who discriminated against you.

Name

Geologistics Americas, Inc.

No. of Employees

(15+)

Telephone No. (area code)

(904) 786-2700

Street Address

8015 WEST SIDE INDUSTRIAL JACKSONVILLE, FL 3229

City, State, and Zip Code

County

031

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

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ DISABILITY
☐ NATIONAL ORIGIN ☐ AGE ☐ MARITAL STATUS ☒ RETALIATION

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, year)

05/05/2000

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

I. Personal Harm:

SEE ATTACHED EXHIBIT 'A': DISCRIMINATION CHARGE.

II. Respondent's Reasons for Personal Harm:

III. Discrimination Statement:

I REQUEST TO BE AFFORDED FULL RELIEF TO WHICH I AM ENTITLED TO UNDER THE LAW(S).

I will advise the agency if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

Under penalties of perjury, I declare that I have read the foregoing charge of discrimination and that the facts stated in it are true.

SIGNATURE OF COMPLAINANT

X Holly L. Daniels

DATE

X 7/1/2000

ATTACHED EXHIBIT "A" : DISCRIMINATION CHARGE

Holly L. Daniels

D/O/B: 08/10/60

The Particulars Are:

1. In January of 1999, the Corporate Safety Department required that all the power equipment operators be certified for future OSHA inspections, this included the operation of the forklifts. The male employees were given the training in order to obtain the certification. However, I and other females were denied the certification. Consequently, while the male employees were able to use a forklift to lift boxes, the females were forced to move heavy boxes manually.

In addition, the male employees were allowed to work full-time forty hours, while the females were only allowed to work thirty two hours even though there was plenty of work. On April 19, 2000, Jim Barrineau, Branch Manager questioned me about the sexual/gender discrimination charges and my involvement with an Attorney regarding these charges. I denied having any knowledge because I did not want to lose my job. Later on that same day, Jim Barrineau forced me to sign a memorandum dated 4/19/2000 from him stating that he did not discriminate against females. He questioned me again about the charges of discrimination. I denied everything for fear of my job.

2. When we (Female Employees) would ask Jessie Dear, Receiving and Processing Supervisor and Jim Barrineau, Branch Manager in charge of certification, the reason we were not being certified, they stated that they were not going to certify females.
3. I believe Respondent (Employer) discriminated and retaliated against me because of my sex, female, and because I complained about the discriminatory practice, in violation of my Civil Rights Guaranteed by Florida Law, and I request to be afforded full relief to which I am entitled to under the Law (s).

EXHIBIT 3

NOTICE OF RIGHT TO SUE

(CONCILIATION FAILURE)

To:

Holly L. Daniels
P.O. Box 248
Glen St. Mary, FL 32040

From: Miami District Office

Equal Employment Opportunity
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131-1805



On behalf of a person aggrieved whose identity is **CONFIDENTIAL**
(29 C.F.R. 1601.7(a))

Charge Number

150-A0-2316

EEOC Representative

Jacqueline Gabriel, Investigator

Telephone Number

305/ 530-6015

TO THE PERSON AGGRIEVED:

This Notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

-- 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 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. **Your suit must be filed 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 brought 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.**

FEB 15 2001

(Date Mailed)

On Behalf of the Commission



Federico Costales, District Director

Enclosures

Information sheet
Copy of Charge

Jay F. Romano, P.A.
20423 State Road 7
#F6-203
Boca Raton, FL 33498-6797

David Block, Esq.
JACKSON LEWIS SCHNITZLER & KRUPMAN
First Union Financial Center - Suite 2600
200 South Biscayne Blvd.
Miami, FL 33131-2374

EXHIBIT "3"

EXHIBIT 4

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

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

☐ FEPA
☒ EEOC

150A02317

Florida Comm. on Human Relations

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Ms. Barbara Neel

(904) 220-6518

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

2146 Sound Overlook Drive East, Jacksonville, FL 32224

04/21/1946

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

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Geologistics Americas, Inc.

Cat D (501 +)

(904) 786-2700

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

8015 West Side Industrial Driv, Jacksonville, FL 32219

031

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

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

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

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

04/01/1999 05/05/2000

☐ CONTINUING ACTION

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

1. In January of 1999, the Corporate Safety Department required that all the power equipment operators be certified for future OSHA inspections, this included the operation of the forklifts. The male employees were given the training in order to obtain the certification. However, I and other females were denied the certification. Consequently, while the male employees were able to use a forklift to lift boxes, the females were forced to move the heavy boxes manually.

Since the inception of the undersigned moving forward with the sexual discrimination charge, Jim Barrineau, Branch Manager, has been retaliating against me by continuously harassing me and questioning me about the sexual discrimination charges and my involvement with an Attorney regarding these charges. I denied having any knowledge because I did not want to lose my job.

2. When we asked Jessie Dear, Receiving and Processing Supervisor and Jim Barrineau, Branch Manager in charge of certification, the reason we were not being certified, they stated that they were not going to certify females."

3. I believe Respondent discriminated and retaliated against me because of my sex, female, and because I complained about the discriminatory practice, in violation of Title VII of the Civil Rights Act of 1964, as amended.

☒ I want this charge filed with both the EEOC and the State or NOTARY - (When necessary for State and Local Requirements) 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.

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

Date Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

EXHIBIT "4"



State of Florida
Florida Commission on Human Relations
An Equal Opportunity Employer • Affirmative Action Employer



Jeb Bush
Governor

Complainant
Barbara Neel

v.

COMMISSIONERS

Sharon Ofuani, Chair
Tallahassee

Rita Craig, Vice Chair
Palm Beach Gardens

Aristides Sosa, Vice Chair
Miami

Clarethea Brooks
Jacksonville

Gayle Cannon
Lake City

Donna Elam
Tallahassee

George Farrell
Boca Raton

Leonic Hermantini
Miami

Juan Montes
Miami

Roosevelt Paige
Orange Park

Keith A. Roberts
Dania Beach

Bobby Tyree
Milton

Derick Daniel
Executive Director

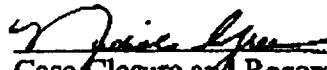
EEOC No:
FCHR No: 2003374

Respondent
Geologistics Americas, Incorporated

CERTIFICATE OF AUTHENTICITY OF DOCUMENTS

I, the undersigned, do hereby certify that the attached documents are true and correct copies of originals as filed with the Florida Commission on Human Relations.

Date: February 15, 2001


Case Closure and Records Unit
D'Antoinette Davis, Coordinator
Florida Commission on Human Relations

Attachments:
Copy of FCHR charge

Copies Furnished to:
Jay F. Romano
The Law Offices of Jay F. Romano, P.A.
20423 State Road 7, #F6-203
Boca Raton, Florida 33498

FLORIDA COMMISSION ON HUMAN RELATIONS
325 John Knox Road, Suite 240, building F
Tallahassee, Florida 32303-4149

Name (Indicate Mr., Ms., or Mrs.) **MRS. BARBARA NEEL** 00 JUL 21 PM 2:24
Social Security # **551-72-4053** Date of Birth **4/21/46**
Street Address **2146 SOUND OVERLOOK DRIVE** Home Telephone Number **(561) 540-6396**
City, State, and Zip Code **JACKSONVILLE, FL 32224** Work (if possible to call you there)
List the employer, labor organization, employment agency, apprenticeship committee, government agency, or other person who discriminated against you.

Name **GEOLOGISTICS AMERICAS INC.** No. of Employees **15+ Area 500** Telephone No. (area code) **(904) 786-2700**
Street Address **8015 WEST SIDE INDUSTRIAL** City, State, and Zip Code **JACKSONVILLE, FL 32219** County **031**
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ DISABILITY
☐ NATIONAL ORIGIN ☐ AGE ☐ MARITAL STATUS ☒ RETALIATION
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, year) **05/05/2000**

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

I. Personal Harm:

SEE ATTACHED EXHIBIT

II. Respondent's Reasons for Personal Harm:

"A"

III. Discrimination Statement:

I REQUEST TO BE AFFORDED FULL RELIEF TO WHICH I AM ENTITLED TO UNDER THE LAW(S).

(I will advise the agency if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.)

Under penalties of perjury, I declare that I have read the foregoing charge of discrimination and that the facts stated in it are true.

SIGNATURE OF COMPLAINANT

Barbara Neel

DATE

7/1/2000

ATTACHED EXHIBIT "A" : DISCRIMINATION CHARGE

Barbara Neel

The Particulars Are:

1. In January of 1999, the Corporate Safety Department required that all the power equipment operators be certified for future OSHA inspections, this included the operation of the forklifts. The male employees were given the training in order to obtain the certification. However, I and other females were denied the certification. Consequently, while the male employees were able to use a forklift to lift boxes, the females were forced to move heavy boxes manually.

Since the inception of my going to an Attorney, I have been retaliated against by my supervisors in the continuous harassment regarding my claim and sexual/gender discrimination charges that I was to file and have filed.

2. When we (Female Employees) would ask Jessie Dear, Receiving and Processing Supervisor and Jim Barrineau, Branch Manager in charge of certification, the reason we were not being certified, they stated that they were not going to certify females.
3. I believe Respondent (Employer) discriminated and retaliated against me because of my sex, female, and because I complained about the discriminatory practice, in violation of my Civil Rights Guaranteed by Florida Law, and I request to be afforded full relief to which I am entitled to under the Law (s).

EXHIBIT 5

NOTICE OF RIGHT TO SUE

(CONCILIATION FAILURE)

To:

Barbara Neel
180 Yatch Club Way #309
Hypoluxo, FL 33462

From: Miami District Office

Equal Employment Opportunity
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131-1805



On behalf of a person aggrieved whose identity is **CONFIDENTIAL**
(29 C.F.R. 1601.7(a))

Charge Number

EEOC Representative

Telephone Number

150-A0-2317

Jacqueline Gabriel, Investigator

305/ 530-6015

TO THE PERSON AGGRIEVED:

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FEB 15 2001

(Date Mailed)

On Behalf of the Commission

Federico Costales, District Director

Enclosures

Information sheet
Copy of Charge

cc: Jay F. Romano, P.A.
20423 State Road 7
#F6-203
Boca Raton, FL 33498-6797

David Block, Esq.
JACKSON LEWIS SCHNITZLER & KRUPMAN
First Union Financial Center - Suite 2600
200 South Biscayne Blvd.
Miami, FL 33131-2374

EXHIBIT "5"

EXHIBIT 6

Memorandum

To: Holly Daniels

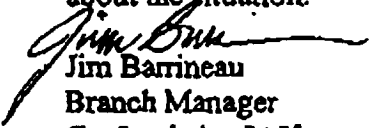
From: Jim Barrineau

Date: 04/19/00

Re: Personal Issues

I talked to Holly Daniels this morning in regards to discrimination issues, on my part, against female associates within this facility. She stated that she had no issues whatsoever towards me, but she did make a remark concerning one of the other associates. She said that the associate was lazy and that he would not help other associates when help was needed. I assured her that this associate had been warned about his work habits, and that it would not be tolerated.

I asked Holly that in the future, if she makes a complaint to her immediate supervisor, and no action is taken, to please use the open door policy and talk to me about the situation.


Jim Barrineau
Branch Manager
GeoLogistics JAX




EXHIBIT "6"