

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CIVIL ACTION NO.:

**02-22912**

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

AIRGUIDE CORPORATION,  
PIONEER METALS, INC. and  
GOODMAN GLOBAL HOLDINGS, INC.,

Defendants.

**CIV-LENARD**

**MAGISTRATE JUDGE  
SIMONTON**

FILED BY  
CLARENCE HADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA.-MIA

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FILED BY  
CLARENCE HADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA.-MIA

COMPLAINT  
JURY TRIAL DEMAND  
INJUNCTIVE RELIEF SOUGHT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Jorge Fiol, Hilario Pineda, Juan Carlos Suarez, Ofelia Rodriguez, Maribel Suarez, Xiomara Guerrero, Ernesto Hedman, Alexis Silva and any other similarly situated individuals, who were adversely affected by such practices. As stated with greater particularity in paragraphs 11 through 14 below, the United States Equal Employment Opportunity Commission (hereinafter the "EEOC" or the "Commission") alleges that Ms. Rodriguez, Ms. Suarez, Ms. Guerrero and any other similarly situated females were sexually harassed at Defendants' place of business in Miami, Florida, when they were forced to endure unwelcome sexual comments because of their sex, female. The harassment was sufficiently severe and pervasive to create a hostile,

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intimidating work environment. The Commission further alleges that Mr. Pineda, Mr. Suarez, Mr. Fiol, Ms. Suarez, Ms. Guerrero, Mr. Hedman and Mr. Silva were retaliated against by Defendants for engaging in protected activity. Defendant Employers' retaliatory conduct created a serious and material change in the terms and conditions of Ms. Suarez's employment rendering her working conditions so intolerable that she was forced to resign.

### 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 Southern District of Florida, Miami Division.

### PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Airguide Corporation ("Airguide"), has continuously been a Florida corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Pioneer Metals, Inc. ("Pioneer"), has continuously been a Florida corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

6. At all relevant times, Defendant Goodman Global Holdings, Inc. (“Goodman”), has continuously been a Texas corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

7. At all relevant times, Defendant Airguide has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-5(b), (g) and (h).

8. At all relevant times, Defendant Pioneer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-5(b), (g) and (h).

9. At all relevant times, Defendant Goodman has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-5(b), (g) and (h).

#### STATEMENT OF CLAIMS

10. More than thirty days prior to the institution of this lawsuit, Mr. Fiol, Mr. Pineda, Mr. Suarez, Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, Mr. Hedman and Mr. Silva each filed charges with the Commission alleging violations of Title VII by Defendant Employers. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. Since on or about April, 2000, Defendants Airguide, Pioneer and Goodman (collectively “Employers”) have engaged in unlawful employment practices at its Miami, Florida, facility, in violation of Section 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 2000e-3(a).

12. Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, and other similarly situated females were regularly subjected to sexual harassment by their supervisor/manager, Mario Arispe, in the form of unwelcome verbal comments which were sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment.

- a) The harassment included, but was not limited to, frequent, derogatory sexual slurs and comments such as “I want you to sleep with me and then you won’t have problems with the company”, “I have erotic thoughts about you” and “you need a husband who can fuck you right”.
- b) Defendant Employers are liable for the unlawful sexual harassment to which they subjected Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, and other similarly situated females during their employment.

13. Defendant Employers unlawfully retaliated against Mr. Pineda, Mr. Suarez, Mr. Fiol, Ms. Suarez, Ms. Guerrero, Mr. Hedman and Mr. Silva for engaging in protected activity. Specifically, Defendant Employers retaliated against these individuals after they complained to management about what they reasonably believed to be unlawful employment practices; participated in the EEOC’s investigation; and/or filed a charge with the Commission. Defendant’s unlawful conduct included the following:

- a. Defendant Employers disciplined, suspended and terminated Mr. Pineda.
- b. Defendant Employers terminated Mr. Suarez.
- c. Defendant Employers disciplined, demoted, suspended and terminated Mr. Fiol.
- d. Defendant Employers disciplined and harassed Ms. Suarez.
- e. Defendant Employers disciplined and terminated Ms. Guerrero.

f. Defendant Employers disciplined, demoted and terminated Mr. Hedman.

g. Defendant Employers demoted Mr. Silva.

14. Defendant Employers' retaliatory conduct created a serious and material change in the terms and conditions of Ms. Suarez's employment rendering her working conditions so intolerable that she was forced to resign.

15. The effect of the practices complained of in paragraphs 11 through 14 above has been to deprive Mr. Fiol, Mr. Pineda, Mr. Suarez, Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, Mr. Hedman, Mr. Silva and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees on the basis of sex and retaliation.

16. The unlawful employment practices complained of in paragraphs 11 through 14 above were intentional.

17. The unlawful employment practices complained of in paragraphs 11 through 14 above were done with malice or with reckless indifference to the federally protected rights of Mr. Fiol, Mr. Pineda, Mr. Suarez, Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, Mr. Hedman, Mr. Silva and any other similarly situated individuals.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in unlawful retaliation, sex discrimination, or any other employment practice which discriminates on the basis of sex or retaliation.

B. Order Defendant Employers to institute and carry out policies, practices, and programs which provide equal employment opportunities for all their employees regardless of sex, or having engaged in a protected activity, which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendant Employers to make whole Mr. Pineda, Mr. Suarez, Mr. Fiol, Ms. Suarez, Ms. Guerrero and Mr. Hedman 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 their unlawful employment practices, including but not limited to, reinstatement, job search expenses and/or front pay.

D. Order Defendant Employers to make whole Mr. Fiol, Mr. Pineda, Mr. Suarez, Ms. Suarez, Ms. Guerrero and Mr. Hedman by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 11 through 14 above, including but not limited to, medical expenses, in amounts to be determined at trial.

E. Order Defendant Employers to make whole Mr. Fiol, Mr. Pineda, Mr. Suarez, Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, Mr. Hedman, Mr. Silva and any other similarly situated individuals, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 11 through 14 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employers to pay Mr. Fiol, Mr. Pineda, Mr. Suarez, Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, Mr. Hedman, Mr. Silva and any other similarly situated individuals, punitive damages for its malicious and reckless conduct described in paragraphs 11 through 14 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.

Respectfully Submitted,

NICHOLAS M. INZEO  
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

DELNER FRANKLIN-THOMAS  
Regional Attorney

MICHAEL FARRELL  
Supervisory Trial Attorney



M. TERESA RODRIGUEZ  
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One Biscayne Tower, Suite 2700  
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Fax: (305) 536-4494

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

### I (a) PLAINTIFFS

UNITED STATES EQUAL EMPLOYMENT  
 OPPORTUNITY COMMISSION

**02-22912** JAL  
 AM

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

DADE 1:02CV22912

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

M. Teresa Rodriguez, Esq.  
 EEOC  
 2 S. Biscayne, Ste. 2700  
 Miami, FL 33131  
 (305) 530-6010

### DEFENDANTS

Airguide Corporation, Pioneer Metals,  
 and Goodman Global Holdings, Inc.

**CIV-LENARD**

DADE

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
 TRACT OF LAND INVOLVED

### II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

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

MAGISTRATE JUDGE  
 SIMONTON

### III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX  
 FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

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

### IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

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 sex and retaliation to provide appropriate relief to Mr. Neil, Mr. Pineda, Mr. Suarez, Ms. Rodriguez, Ms. Suarez, Ms. Guerrero, Mr. Hedran, Ms. Silva and other similarly situated individuals who were adversely affected by such practices

### V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395a) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other		

### VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation

Appeal to District  
☐ 7 Judge from Magistrate Judgment

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/30/02

M. Teresa Rodriguez

UNITED STATES DISTRICT COURT