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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

99-8707
CIV-RYSKAMP

MAGISTRATE JUDGE
VITUNAC

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff, v. INTRACOASTAL HEALTH SYSTEMS, INC. AND ST. MARY'S HOSPITAL, INC. Defendants.	CIVIL ACTION NO. 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 to provide appropriate relief to Dorothy J. Henderson and other similarly situated individuals, who were adversely affected by such practices. The Commission alleges that Dorothy J. Henderson and other similarly situated individuals had their work hours reduced and/or were forced to change shifts in favor of male employees because of their sex, female.

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 § 2000e5(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, West Palm Beach Division.

PARTIES

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

4. At all relevant times, Defendant, Intracoastal Health Systems, Inc. (the "Employer"), has continuously been doing business in the State of Florida and the City of West Palm Beach, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, St. Mary's Hospital, Inc. (the "Employer"), has continuously been doing business in the State of Florida and the City of West Palm Beach, and has continuously had at least 15 employees.

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

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

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Dorothy J. Henderson filed a charge with the Commission alleging violations of Title VII by Defendant St. Mary's Hospital, Inc. Pursuant to its investigation, the Commission found evidence that both Defendant Intracoastal Health Systems, Inc. and Defendant St. Mary's Hospital, Inc. discriminated against Dorothy J. Henderson and other similarly situated individuals. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least September 1996, Defendant Intracoastal Health Systems, Inc. and Defendant St. Mary's Hospital, Inc. engaged in unlawful employment practices at their West Palm Beach Facilities, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2. Defendant Intracoastal Health Systems, Inc. and Defendant St. Mary's Hospital, Inc. discriminated against Dorothy J. Henderson and other similarly situated individuals by reducing their work hours and/or forcing them to change shifts in favor of male employees because of their sex, female.

10. The effect of the practices complained of in paragraph 9 above has been to deprive Dorothy J. Henderson and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees, because of their sex, female.

11. The unlawful employment practices complained of in paragraph 9 above were intentional.

12. The unlawful employment practices complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of Dorothy J. Henderson and other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Intracoastal Health Systems, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination and any other employment practice which discriminates on the basis of sex.

B. Grant a permanent injunction enjoining Defendant St. Mary's Hospital, Inc. its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination and any other employment practice which discriminates on the basis of sex.

C. Order Defendant Intracoastal Health Systems, Inc. to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

D. Order Defendant St. Mary's Hospital, Inc. to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

E. Order Defendant Intracoastal Health Systems, Inc. to make whole Dorothy J. Henderson and other similarly situated individuals by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

F. Order Defendant St. Mary's Hospital, Inc. to make whole Dorothy J. Henderson

and other similarly situated individuals, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

G. Order Defendant Intracoastal Health Systems, Inc. to make whole Dorothy J. Henderson and other similarly situated individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including job search expenses and medical expenses in amounts to be determined at trial.

H. Order Defendant St. Mary's Hospital, Inc. to make whole Dorothy J. Henderson and other similarly situated individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including job search expenses and medical expenses in amounts to be determined at trial.

I. Order Defendant Intracoastal Health Systems, Inc. to make whole Dorothy J. Henderson and other similarly situated individuals, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including emotional pain, suffering, inconvenience and humiliation, in amounts to be determined at trial.

J. Order Defendant St. Mary's Hospital, Inc. to make whole Dorothy J. Henderson and other similarly situated individuals, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including emotional pain, suffering, inconvenience and humiliation, in amounts to be

determined at trial.

K. Order Defendant Intracoastal Health Systems, Inc. to pay Dorothy J. Henderson and other similarly situated individuals, punitive damages for its malicious and reckless conduct described in paragraph 9 above, in amounts to be determined at trial.

L. Order Defendant St. Mary's Hospital, Inc. to pay Dorothy J. Henderson and other similarly situated individuals, punitive damages for its malicious and reckless conduct described in paragraph 9 above, in amounts to be determined at trial.

M. Grant such further relief as the Court deems necessary and proper in the public interest.

N. Award the Commission its costs of this action.

JURY TRIAL DEMAND

O. The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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