

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

Case No.: 3:06-cv-862-J-32MCR

EVA CRAWFORD,

Intervenor,

v.

AUTOZONE, INC.

Defendant.

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**INTERVENOR'S COMPLAINT AND DEMAND FOR JURY TRIAL**

1. This suit is brought and jurisdiction lies pursuant to §706 of the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1343(a)(4). This suit is also brought pursuant to the Florida Civil Rights Act of 1992, Fla. Stat. 760 *et seq.*, over which this Court has supplemental jurisdiction.

2. Intervenor, Eva Crawford, is a citizen of the United States and the state of Florida, and at all times material to this Complaint was a resident of Bradford County, Florida.

3. Defendant, Autozone, Inc. is a corporation licensed to do business in the state of Florida and in the city of Starke, Florida.

4. Defendant, Autozone, Inc., at all times material to this Complaint, has employed fifteen (15) or more employees, and is an “employer” within the meaning of Title VII and the Florida Civil Rights Act.

**CONDITIONS PRECEDENT**

5. The Intervenor has filed timely administrative charges of employment discrimination with the Equal Employment Opportunity Commission (“EEOC”). The EEOC has filed a Civil Action with the United States District Court, Middle District of Florida, Jacksonville, Division, wherein Intervenor has filed a Motion to Intervene. All of the discriminatory employment practices alleged herein were committed within the Middle District of Florida, Jacksonville Division.

6. Intervenor also dual filed her charge of employment discrimination with the Florida Commission on Human Relations. Intervenor has complied with all conditions precedent before filing suit under the Florida Civil Rights Act in that this lawsuit was filed after this matter had been pending before the Florida Commission on Human Relations for more than 180 days. This lawsuit was further filed within four years of the discriminatory acts complained of herein.

### **FACTUAL BACKGROUND**

7. Ms. Crawford worked for the Defendant, as Manager of the Commercial Department, from on or about November of 2000 until on or about January 12, 2006 when she was unlawfully terminated. On or about October of 2005, Mr. Steve Wilber became the Parts Sales Manager working at the same location as Plaintiff.

8. On a regular and daily basis, Mr. Wilber subjected Plaintiff to a sexually hostile work environment. This included several overtly sexual comments including, but not necessarily limited to, the following: claiming that he is “hung like a horse”; claiming that older men are better lovers; asking if Plaintiff has ever eaten “cooter”; asking if Plaintiff has ever eaten “mountain oysters” and explaining that it meant bull testicles; references to “eating pussy” and other slang references to female genitalia; claiming that he had to deal to “fuck” a customer’s daughter ten times in exchange for a part; stating that he is going to put mistletoe on his belt for Christmas, apparently suggesting that his private parts should be kissed, stating that he used to have an 18 year old wife and that he didn’t know whether to spank or “fuck” her, etc.

9. Ms. Crawford repeatedly complained of sexual harassment to the Store Manager, Mike Bowen, who eventually communicated to the District Manager, Sonny Raymond, that Ms. Crawford had complained.

Although Mr. Wilbur was eventually transferred to another store, this was after Plaintiff had repeatedly and regularly been harassed. Further, the District Manager terminated Ms. Crawford for supposedly having participated in sexual comments. Defendant's articulated reason for terminating Ms. Crawford is untrue and is merely a pretext for discrimination based on sex and unlawful retaliation for complaining of sex discrimination/harassment. Plaintiff would not have been terminated but for these unlawful motivations.

10. While the administrative charge in this case was pending, the employer then acknowledged that Plaintiff herself did not participate in the harassment or use inappropriate language. Rather, the employer gave an alternative explanation and claimed that it terminated Plaintiff for not complaining about the sexual harassment soon enough. This alternative explanation is also false and pretextual. Plaintiff began complaining of the harassment at the same time as other employees, but Plaintiff was the only one terminated for it.

## COUNT I

### **SEX DISCRIMINATION AND HARASSMENT, AND UNLAWFUL RETLIATION, IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED IN 1991, 42 U.S.C. 2000e ET SEQ.**

11. Intervenor restates and realleges each and every factual allegation contained in Paragraphs 1 through 10.

12. During her employment, Plaintiff was subjected to unwelcome sexual harassment. It was sufficiently severe such that it affected the terms and conditions of Plaintiffs' employment. It also affected Plaintiff in a tangible way since it culminated in the termination of her employment. The employer knew about said harassment, but failed to take prompt remedial action, and terminated Plaintiff instead.

13. The reasons that the employer has given for the termination of Plaintiff's employment are merely pretext for discrimination based on sex and unlawful retaliation. Moreover, Plaintiff would not have been termination but for these unlawful motivations.

WHEREFORE, Intervenor demands a trial by jury and relief in the form of economic damages, backpay and frontpay, compensatory damages and emotional distress damages, lost benefits, punitive damages, attorney's fees and costs with prejudgment interest thereon, injunctive relief including reinstatement, and any other such relief that Intervenor may be entitled to under the law or in equity.

## COUNT II

### **SEX DISCRIMINATION AND HARASSMENT, AND ULAWFUL RETALIATION, IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT OF 1992 FLA. STAT. 760 ET SEQ.**

14. Intervenor restates and realleges each and every factual allegation contained in Paragraphs 1 through 10.

15. During her employment, Plaintiff was subjected to unwelcome sexual harassment. It was sufficiently severe such that it affected the terms and conditions of Plaintiffs' employment. It also affected Plaintiff in a tangible way since it culminated in the termination of her employment. The employer knew about said harassment, but failed to take prompt remedial action, and terminated Plaintiff instead.

16. The reasons that the employer has given for the termination of Plaintiff's employment are merely pretext for discrimination based on sex and unlawful retaliation. Moreover, Plaintiff would not have been termination but for these unlawful motivations.

17. Defendant's discrimination and retaliation caused, continues to cause, and will cause Intervenor to suffer substantial damages for lost wages, and other pecuniary losses, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

WHEREFORE, Intervenor demands a trial by jury and relief in the form of economic damages, backpay and frontpay, compensatory damages and emotional distress damages, lost benefits, punitive damages, attorney's fees and costs with prejudgment interest thereon, injunctive relief including reinstatement, and any other such relief that Intervenor may be entitled to under the law or in equity.

**DEMAND FOR JURY TRIAL**

Intervenor hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of December, 2006, I electronically filed Intervenor's Complaint and Demand for Jury Trial with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Cheryl A. Cooper, Esquire  
United States Equal Employment  
Opportunity Commission  
Miami District Office  
One Biscayne Tower, Suite 2700  
2 South Biscayne Boulevard  
Miami, Florida 33131-1805

and by U.S. Mail to:

Richard A. Hammond, Esquire  
Jennifer R. Guckert, Esquire  
The Kullman Firm  
1640 Lelia Drive, Suite 120  
Jackson, Mississippi 39216

/s/ P. Daniel Williams  
P. Daniel Williams, Esquire