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U.S. DISTRICT COURT
FORT MYERS, FLORIDA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

CIVIL ACTION NO.
2:00 CV 135-FTM-19D

v.

AMENDED COMPLAINT

AVATAR REALTY INC., and
AVATAR PROPERTIES INC., and
AVATAR HOLDINGS INC.

JURY TRIAL DEMAND
INJUNCTIVE RELIEF SOUGHT

Defendants.

_____ /

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 Linda Redditt who was adversely affected by such practices. The Commission alleges that Linda Redditt, a female, was sexually harassed by a co-worker and the harassment persisted despite Ms. Redditt's complaint to the Defendants. As a result of the sexual harassment and the Defendants' failure to take prompt, remedial action, the conditions of Ms. Redditt's employment were so intolerable that she was forced to resign her position. As alleged with greater particularity in paragraph seven below, Linda Redditt was subjected to unwelcome sexual comments and physical contact because of her sex which created a hostile work environment. Despite her complaints to Defendants, Defendants failed to take prompt remedial action and thus, she was forced to resign.

17

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 and are now being committed within the jurisdiction of the United States District Court for the Middle District of Florida, Fort Myers 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, Avatar Realty Inc. has continuously been a Delaware corporation doing business in the State of Florida and the City of Cape Coral, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, Avatar Properties Inc. has continuously been a Florida corporation doing business in the State of Florida and the City of Cape Coral, and has continuously had at least 15 employees.

6. At all relevant times, Defendant, Avatar Holdings Inc. has continuously been a Delaware corporation doing business in the State of Florida and the City of Cape Coral, and has continuously had at least 15 employees.

7. At all relevant times, Defendant, Avatar Realty 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).

8. At all relevant times, Defendant, Avatar Properties 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).

9. At all relevant times, Defendant, Avatar Holdings 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

10. More than thirty days prior to the institution of this lawsuit, Linda Redditt filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. On or about November 1996, Defendants engaged in unlawful employment practices at their Cape Coral facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a) which included the following:

- a) Linda Redditt was regularly subjected to vulgar language, abusive behavior and sexual remarks of a personal nature by a co-worker. Moreover, Ms. Redditt was subjected to unwelcome physical sexual contact because of her sex which was sufficiently severe and pervasive to affect the terms and conditions of her employment and to create an intimidating, hostile and offensive work environment. Ms. Redditt made it known to her co-worker that such conduct was unwelcome. Defendants failed to take prompt remedial action when

they knew or should have known of the sexual harassment.

Defendants are liable for the behavior Ms. Redditt was subjected to during her employment.

- b) On or about January 23, 1997, Ms. Redditt was forced to resign her position as a sales person because the conditions of her employment were so intolerable (due to the persistent harassment by Ms. Redditt's co-worker because of her sex and Defendants' failure to take prompt, remedial action) that a reasonable person in her shoes would have been compelled to resign.

12. The effect of the practice(s) complained of in paragraph 11 above has been to deprive Linda Redditt of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

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

14. The unlawful employment practices complained of in paragraph 11 above were done with malice or with reckless indifference to the federally protected rights of Linda Redditt.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Order Defendants, to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of their past

and present unlawful employment practices.

C. Order Defendants, to make whole Linda Redditt 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 and/or front pay, restoration of benefits and positive future employment references for Linda Redditt.

D. Order Defendants, to make whole Linda Redditt by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 11 above, including but not limited to, out of pocket losses, medical expenses, job search expenses, and relocation expenses, in amounts to be determined at trial.

E. Order Defendants, to make whole Linda Redditt by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 11 above, including but not limited to, emotional pain, suffering, inconvenience, humiliation and loss of enjoyment of life, in amounts to determined at trial.

F. Order Defendants, to pay Linda Redditt punitive damages for their malicious and reckless conduct described in paragraph 11 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.

C. GREGORY STEWART
General Counsel

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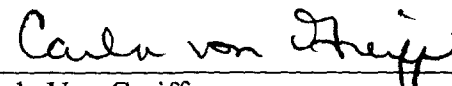
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Complaint, has been sent via regular U.S. mail this 12 day of July 2000 to the following:

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