

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NOV 7 11 3:10

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
Plaintiff,)
vs.)
AVATAR REALTY, INC., and)
AVATAR PROPERTIES, INC. and)
AVATAR HOLDINGS, INC.,)
Defendant,)
LINDA L. REDDITT,)
Intervenor.)
_____)

Case No. 2:00-CV135-FTM-19D

INTERVENOR, LINDA L. REDDITT'S AMENDED COMPLAINT

LINDA L. REDDITT, (hereinafter "REDDITT"), sues Defendants, AVATAR REALTY, INC., and AVATAR PROPERTIES, INC., and AVATAR HOLDINGS, INC., (hereinafter "AVATAR"), for employment discrimination pursuant to Title VII of the Civil Rights act of 1964, 42 U.S.C. §2000e et. seq., as amended, and in support thereof states as follows:

NATURE OF ACTION

This is an action against AVATAR, for unlawful sex discrimination (sexual harassment). REDDITT, a female, was sexually harassed by a co-worker and the harassment persisted despite REDDITT's complaints to AVATAR. As a result of the sexual harassment and AVATAR's failure to take prompt, remedial action, the conditions of

REDDITT's employment were so intolerable that she was forced to resign her position.

The legal basis for this action is Title VII of the Federal Civil Rights Act of 1964, 42 U.S.C. 2000e et. seq., as amended ("Title VII"). REDDITT seeks equitable relief and damages.

JURISDICTION AND VENUE

(1) This court has original jurisdiction over REDDITT's Title VII claim under 28 U.S.C. §§ 1331 and 1343(3) and (4).

(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.

(3) REDDITT is a citizen of the State of Florida and resides in Lee County, Florida. At the time of the unlawful employment practices alleged herein, REDDITT was a resident and citizen of Lee County, Florida.

CONDITIONS PRECEDENT

(4) REDDITT filed a timely charge of discrimination with the EEOC relating to AVATAR's discriminatory acts alleged herein.

(5) REDDITT has exhausted her administrative remedies required by 42 U.S.C. 2000e, and otherwise fulfilled all prerequisites to bringing this action.

COUNT I SEXUAL HARASSMENT

(6) REDDITT re-alleges and incorporates Paragraphs 1 through 6 above as if

specifically alleged herein.

(7) This is a claim for sexual harassment against AVATAR. On or about November 1996, AVATAR engaged in unlawful employment practices at its Cape Coral, Florida facility, in violation of 703(a)(1) of Title VII, 42 U.S.C. §2000e 2(a) which included the following:

a. REDDITT was regularly subjected to vulgar language, abusive behavior and sexual remarks of a personal nature by a co-worker. Moreover, 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. REDDITT made it known to her co-worker that such conduct was unwelcome. AVATAR failed to take prompt remedial action when it knew or should have known of the sexual harassment. AVATAR is liable for the behavior REDDITT was subjected to during her employment.

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

(8) The effect of the practices complained of in Paragraph 8 above has been to deprive REDDITT of equal employment opportunities and otherwise adversely affect her

status as an employee because of her sex.

(9) The unlawful employment practices complained of in Paragraph 8 above were intentional.

(10) The unlawful employment practices complained of in Paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of REDDITT.

PRAYER FOR RELIEF

(11) The Civil Rights Act of 1964, as amended at 42 U.S.C. 2000e 5, provides for declaratory judgment , injunctive, affirmative and equitable relief to include an award for back pay and reinstatement and for attorney's fees. The Civil Rights Act of 1991, 42 U.S.C. 1981a, further provides for the award of compensatory and punitive damages.

WHEREFORE, REDDITT demands trial by jury and requests this Court to

(A) Declare AVATAR has unlawfully discriminated against REDDITT in violation of Title VII of the Civil Rights Act of 1964;

(B) Issue an order prohibiting further discrimination;

(C) Order AVATAR to make whole REDDITT by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial and other affirmative relief necessary to erradicte the effects of its unlawful employment practices including but not limited to reinstatement and/or front pay, restoration of benefits and positive future employment references for REDDITT;

(D) Order AVATAR to make whole REDDITT by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 8 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 AVATAR to make whole REDDITT by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of in Paragraph 8 above including but not limited to, emotional pain, suffering, inconvenience, humiliation and loss of enjoyment of life, in amounts to be determined at trial;

(F) Order AVATAR to pay REDDITT punitive damages for its malicious and reckless conduct described in Paragraph 8 above in amounts to be determined at trial;

(G) Grant such further relief as the Court deems necessary and proper;

(H) Award REDDITT her costs and attorney's fees incurred in this action.


JURY TRIAL DEMAND

REDDITT demands a trial by jury for all counts on all triable issues.

Certificate of Service

I HEREBY CERTIFY that a true and correct copy hereof has been mailed by regular US Mail to Carla J. Von Greiff, Esquire, Attorney for the EEOC, US Equal Employment Opportunity Commission, 501 E. Polk St., 10th Floor, Rm. 1020, Tampa, FL 33602, and Arthur Cholodofsky, Esquire, Attorney for AVATAR, Presidential Cir., 4000

Hollywood Blvd., Ste. 375, S. Hollywood, FL 33021, on this 7 day of ^{NOV.}~~August~~, 2000..

By: 
DENNIS L. WEBB, ESQUIRE
Florida Bar No. 165956
Attorneys for REDDITT
WEBB & SCARMOZZINO, P.A.
1617 Hendry Street, Third Floor
Fort Myers, FL 33901
(941) 334-1600 - telephone
(941) 334-7979 - facsimile