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FILED

JUN 30 2006

BEARENCE MADDOX
U.S. DC / SDFL / MIA

06-14176

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CIV-MARTINEZ

CIVIL ACTION NO.

UNITED STATES EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

Plaintiff,)

v.)

AWARENESS TECHNOLOGY, INC.)

Defendant.)

MAGISTRATE JUDGE
LYNCH

COMPLAINT
JURY TRIAL DEMAND

INJUNCTIVE RELIEF REQUESTED

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of the Civil Rights Act of 1991 ("Title I"), to correct unlawful employment practices on the basis of sex, female, pregnancy, and retaliation, and to provide appropriate relief due to Suzanne Roberts ("Ms. Roberts"), who was adversely affected by such practices. As stated with greater particularity in paragraph seven below, the United States Equal Employment Opportunity Commission ("EEOC") alleges that Defendant Awareness Technology, Inc. ("Awareness Technology" or "Defendant") terminated Ms. Roberts because of her sex, female, and pregnancy. EEOC also alleges that Defendant retaliated against Ms. Roberts for complaining of being discriminated against because of her sex, female, and pregnancy by terminating her employment.

1
URB

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) 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.

PARTIES

3. Plaintiff EEOC 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 has been a Florida corporation continuously doing business in the City of Palm City, Florida, and has continuously had at least 15 employees.

5. At all relevant times, Defendant 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

6. More than thirty days prior to the institution of this lawsuit, Ms. Roberts filed a charge with EEOC alleging violations of Title VII by Defendant. This charge was investigated on behalf of Ms. Roberts. All conditions precedent to the institution of this

lawsuit have been fulfilled.

7. Since at least May 2005 Defendant has engaged in unlawful employment practices at its location in Palm City, Florida, in violation of Section 703(a)(1) and Section 704 (a) of Title VII, 42 U.S.C. § 2000e-2(a) and 42 U.S.C. § 2000e-3(a);

- a. Ms. Roberts began working for Defendant in November 2003.
- b. In or about March 2005 she was promoted to Key Person.
- c. In or about March 2005 Ms. Roberts informed her supervisor that she was pregnant.
- d. On or about May 9, 2005 Ms. Roberts' supervisor began making discriminatory comments to Ms. Roberts regarding her pregnancy.
- e. On or about May 11, 2005 Ms. Roberts was demoted to Team Member.
- f. On or about May 13, 2005 Ms. Roberts complained to the Department's Manager about being harassed and discriminated against by her supervisor because of her pregnancy.
- g. On or about May 16, 2005 Ms. Roberts complained again to the Department's Manager about being harassed and discriminated against by her supervisor because of her pregnancy.
- h. On May 18, 2005 Defendant unlawfully terminated Ms. Roberts.

8. The effect of the unlawful employment practices complained of in paragraph seven above has been to deprive Ms. Roberts of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex, female, and pregnancy and because of her opposition to discrimination on the basis of her sex, female, and pregnancy.

9. The unlawful employment practices complained of in paragraph seven above

were intentional.

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Ms. Roberts.

PRAYER FOR RELIEF

Wherefore, EEOC requests that this Court:

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

B. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in retaliation or any other employment practice which discriminates against individuals who oppose what they believe to be unlawful discrimination.

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

D. Order Defendant to make whole Ms. Roberts 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 its unlawful employment practices, including but not limited to, reinstatement, rightful-place hiring, and/or front pay.

E. Order Defendant to make whole Ms. Roberts by providing compensation for past and future pecuniary losses resulting from the employment practices described in paragraph seven above, including but not limited to, out-of-pocket losses, medical expenses, and job search expenses, in amounts to be determined at trial.

F. Order Defendant to make whole Ms. Roberts by providing compensation for past and future non-pecuniary losses resulting from the employment practices described in paragraph seven above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

G. Order Defendant to pay Ms. Roberts for its malicious and reckless conduct described in paragraph seven above, in an amount to be determined at trial.

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

I. Award EEOC its costs of this action.

JURY TRIAL DEMAND

EEOC requests a jury trial on all questions of fact raised by its Complaint.

Respectfully Submitted,

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

DELNER FRANKLIN-THOMAS
Regional Attorney



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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.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS
 U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 (b) County of Residence of First Listed Plaintiff: Miami-Dade County
 (c) Attorney's (Firm Name, Address, and Telephone Number):
 U.S. Equal Employment Opportunity Commission
 2 South Biscayne Blvd., Suite 2700
 Miami, FL 33131 Tel: (305)808-1783

DEFENDANTS
 AWARENESS TECHNOLOGY, INC.
 County of Residence of First Listed Defendant: Martin County
 (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)
 U.S. Equal Employment Opportunity Commission
 2 South Biscayne Blvd., Suite 2700
 Miami, FL 33131 Tel: (305)808-1783
 (d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
 Citizen of This State: PTF DEF
 Citizen of Another State: PTF DEF
 Citizen or Subject of a Foreign Country: PTF DEF

IV. 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 <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <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	<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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <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)) FEDERAL TAX SUITS <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 <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <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"/> 890 Other Statutory Actions <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
REAL PROPERTY <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	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <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 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)
 1 Original Proceeding
 2 Removed from State Court
 3 Re-filed- (see VI below)
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).
 a) Re-filed Case YES NO
 b) Related Cases YES NO
 (See instructions second page): JUDGE _____ DOCKET NUMBER _____

VII. 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):
 TITLE VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991. Employment Discrimination on the basis of sex (female, pregnancy) and retaliation.
 LENGTH OF TRIAL via 3-5 days estimated (for both sides to try entire case)

VIII. 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

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
 SIGNATURE OF ATTORNEY OF RECORD: *Marjorie S.*
 DATE: 06/30/06
 FOR OFFICE USE ONLY
 AMOUNT _____ RECEIPT # _____ IFP _____