



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 committed within the jurisdiction of the United States District Court for the Middle District of Florida, Tampa Division.

PARTIES

3. Plaintiff, the United States Equal Employment Opportunity Commission (the "EEOC" or 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 Pizza of Florida, Inc., d/b/a ABC Pizza (the "Employer"), has continuously been a Florida corporation doing business in the State of Florida and the City of Tampa, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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, Alexis Abrams and Sabrina L. Almendariz each filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March, 2001, Defendant Employer has engaged in unlawful employment practices at its Tampa, Florida, facilities, in violation of Section 703(a) of Title VII and 42 U.S.C. § 2000e-2(a).

8. Alexis Abrams was subjected to sexual harassment by General Manager Jesus Camacho in the form of unwelcome physical and verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment.

a. The harassment included, but was not limited to, touching, grabbing and fondling; and sexually suggestive comments and gestures such as simulating masturbation using cucumbers and repeated requests to see panties and breasts.

b. Defendant Employer is liable for the unlawful sexual harassment to which it subjected Ms. Abrams during her employment.

9. On or about August 1, 2001, Ms. Abrams was forced to resign her position as a Hostess/Server because the conditions of her employment were so intolerable (as a result of the sexually offensive harassment that she was subjected to by General Manager Camacho) that a reasonable person subjected to the same or similar conduct would have been compelled to resign.

10. Sabrina L. Almendariz was subjected to sexual harassment by General Manager Jesus Camacho in the form of unwelcome physical and verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment.

- a. The harassment included, but was not limited to, touching, grabbing and fondling; and sexually suggestive comments and gestures such as simulating masturbation using cucumbers and repeated requests to see panties and breasts.
- b. Defendant Employer is liable for the unlawful sexual harassment to which they subjected Ms. Almendariz during her employment.

11. On or about August 1, 2001, Ms. Almendariz was forced to resign her position as a Hostess/Server because the conditions of her employment were so intolerable (as a result of the sexually offensive harassment that she was subjected to by General Manager Camacho) that a reasonable person subjected to the same or similar conduct would have been compelled to resign.

12. Other similarly situated female employees of the Defendant Employer were subjected to sexual harassment by General Manager Jesus Camacho in the form of unwelcome physical and verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. Defendant Employer is liable for the unlawful sexual harassment to which it subjected other similarly situated females during their employment.

13. The effect of the conduct complained of in paragraphs 7 through 12 above has been to deprive Alexis Abrams, Sabrina L. Almendariz and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees on the basis of sex.

14. The unlawful employment practices complained of in paragraphs 7 through 12 above were intentional.

15. The unlawful employment practices complained of in paragraphs 7 through 12 above were done with malice or with reckless indifference to the federally protected rights of Alexis Abrams, Sabrina L. Almendariz and other similarly situated individuals.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

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

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for all its employees regardless of sex, and which eradicate the effects of its past unlawful employment practices.

C. Order Defendant Employer to make whole Alexis Abrams, Sabrina L. Almendariz and any other similarly situated individuals 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 promotion, job search expenses and/or front pay.

D. Order Defendant Employer to make whole Alexis Abrams, Sabrina L. Almendariz and any other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 through 12 above including, but not limited to, medical expenses and out of pocket losses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Alexis Abrams, Sabrina L. Almendariz and any other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 through 12 above including, but not limited to, emotional pain, suffering, humiliation, inconvenience, loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employer to pay Alexis Abrams, Sabrina L. Almendariz and any other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraphs 7 through 12 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 in this action.

**JURY TRIAL DEMAND**

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

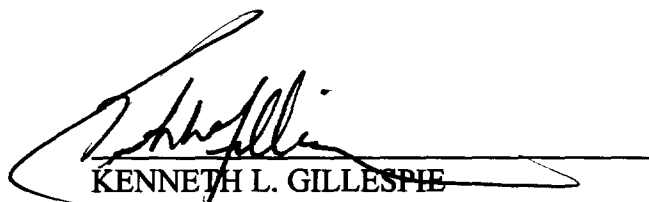
Respectfully Submitted,

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A handwritten signature in black ink, appearing to read "K. Gillespie", is written over a horizontal line. The signature is fluid and cursive.

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