

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)

Plaintiff,)

v.)

**CNC DEVELOPMENTS, INC, D/B/A
CNC INVESTMENTS, LTD.**)

Defendant.)

CIVIL ACTION NO.

COMPLAINT

**JURY TRIAL DEMANDED
INJUNCTIVE RELIEF
SOUGHT**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race, and to provide appropriate relief to the person affected by such practices. As stated with greater particularity in paragraph 7, the United States Equal Employment Opportunity Commission (“Commission”) alleges that Michelle Calos was terminated by Defendant, CNC Developments, Inc., *d/b/a* CNC Investments, Ltd. (“CNC Developments”, the “Company”, or “Defendant”) because of her race, in that she associated with persons of the Black race.

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 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, CNC Developments, is a Texas Corporation that has continuously been doing business in the State of Florida and the Cities of Tampa and Largo, Florida, and has continuously had at least 15 employees.

5. At all relevant times, CNC Developments 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, Michelle Calos filed a charge with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July 2004 Defendant engaged in unlawful employment practices at its Largo, Florida location in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a).

- a. Michelle Calos was hired by Defendant on or about June 24, 2004.
- b. Ms. Calos maintained a good performance record during her tenure with Defendant.
- c. On or about July of 2004 Michelle Calos introduced her husband, who is Black, to Defendant's management.
- d. Michelle Calos' immediate supervisor appeared visibly shocked that she was married to a man of the Black race.
- c. On or about September 29, 2004 Defendant terminated Michelle Calos because of her association with persons of the Black race.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Michelle Calos of equal employment opportunities and otherwise adversely affect her status as an employee because of her association with persons of the Black race.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Michelle Calos.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with Defendant, from engaging in racial discrimination, retaliatory conduct and/or any other employment practice which discriminates on the basis of race and/or opposition to an unlawful employment practice.

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

C. Order Defendant to make whole Michelle Calos 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 and/or front pay.

D. Order Defendant to make whole Michelle Calos by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including out of pocket losses in amounts to be determined at trial.

E. Order Defendant to make whole Michelle Calos by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraph 7 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.

Respectfully Submitted,

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GWENDOLYN YOUNG REAMS
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