

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

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UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Plaintiff,

No.: 3:03-CV-837-J-16-HTS

CHRISTINE PICKELL,

Intervenor,

v.

CONAM MANAGEMENT CORPORATION,
d/b/a CONAM PROPERTY SERVICES, LTD.,

Defendant.

INTERVENOR'S COMPLAINT AND DEMAND FOR JURY TRIAL

JURISDICTION AND PARTIES

1. This suit is brought and jurisdiction lies pursuant to §706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1343(a)(4). This suit is also brought pursuant to the Florida Civil Rights Act of 1992, Fla. Stat. 760 et seq., over which this Court has supplemental jurisdiction.

2. Intervenor, Christine Pickell, is a citizen of the United States and the State of Florida, and at all times material to this complaint was a resident of Duval County, Florida.

3. Defendant, Conam Management Corporation, d/b/a Conam Property Services, Ltd., is a foreign corporation licensed to do business in the State of Florida and in the city of

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Jacksonville, Florida.

4. Defendant, Conam Management Corporation, d/b/a Conam Property Services, Ltd., at all times material to this Complaint, has employed fifteen (15) or more employees, and is an "employer" within the meaning of Title VII and the Florida Civil Rights Act.

CONDITIONS PRECEDENT

5. The Intervenor has filed timely administrative charges of employment discrimination with the Equal Employment Opportunity Commission ("EEOC"). The EEOC has filed a Civil Action with the United States District Court, Middle District of Florida, Jacksonville Division, wherein Intervenor has filed a Motion to Intervene. All of the discriminatory employment practices alleged herein were committed within the Middle District of Florida, Jacksonville Division.

6. Intervenor also dual filed her charge of employment discrimination with the Florida Commission on Human Relations. Intervenor has complied with all conditions precedent before filing suit under the Florida Civil Rights Act in that this lawsuit was filed after this matter had been pending before the Florida Commission on Human Relations for more than 180 days. This lawsuit was further filed within four years of the discriminatory acts complained of herein.

FACTUAL BACKGROUND

7. Ms. Pickell worked for Defendant at its Lakeview Village Apartment Homes located in Ponte Vedra Beach, Florida, from on or about September 1 of 1999 until Ms.

Pickell was terminated on or about September 4, 2002. Intervenor's position was Assistant Property Manager, and was supervised by the Property Manager Michele Kimpson. During Intervenor's employment, she was repeatedly sexually harassed by Jim Linder who worked for a company at an adjacent property as a maintenance man, and who would commonly come into Intervenor's office to visit Ms. Kimpson since he was her boyfriend.

8. Mr. Linder repeatedly and on a daily basis made vulgar sexual comments and threatening comments to Ms. Pickell. He would tell Ms. Pickell that she had a "nice ass" and comments such as "you need to be fucked really hard" and "you need to be raped in the ass," etc. He would often make similar vulgar comments and he would use terms such as "bitch."

9. On another occasion, he wrote on Intervenor's work calendar on her desk that she had a "nice ass." On another occasion, this harassment included physical contact, and Mr. Linder grabbed Ms. Pickell by the buttocks in the doorway to Michele Kimpson's office. Intervenor repeatedly complained to management about the harassment by Mr. Linder, including complaints to her direct supervisor, the Property Manager. Moreover, Property Manager Michele Kimpson was aware of the harassment since much of it occurred in her presence. She would simply laugh, and insisted that that is just the way her boyfriend was, and never took any remedial action whatsoever.

10. On or about September 4, 2002, shortly after Intervenor's most recent complaint of the sexually harassing behavior of Mr. Linder, Michele Kimpson terminated Ms. Pickell without giving her a reason. Further, Ms. Pickell was told that she had three days

to move out of the apartment which she had been living in as part of Intervenor's employee compensation (it was then changed to September 15, 2002).

11. Before Ms. Pickell had moved out of the apartment, the employer told her that they would permit her to live there for a couple more days, if Ms. Pickell agreed to sign a release of liability. The Defendant tried to convince Ms. Pickell to sign said release, despite the fact that Ms. Pickell did not threaten or imply that she would pursue a legal claim. Defendant never gave Ms. Pickell a reason for her termination.

COUNT I

UNLAWFUL SEXUAL HARASSMENT AND RETALIATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED IN 1991, 42 U.S.C. 2000e ET SEQ.

12. Intervenor restates and realleges each and every factual allegation contained in Paragraphs 1 through 11.

13. During her employment with Defendant, Intervenor was unlawfully sexually harassed. Defendant knew or should have known about this harassment and took remedial action. The harassment was of a sexual nature and was sufficiently pervasive and severe to affect the terms and conditions of Intervenor's employment.

14. Moreover, the harassment effected tangible aspect of Intervenor's job, and Intervenor was terminated on September 4, 2002, based on retaliation for Intervenor having complained of unlawful sexual harassment.

15. Defendant acted with malice and with a reckless disregard for Intervenor's

rights under Federal law.

WHEREFORE, Intervenor demands a trial by jury and relief in the form of backpay, frontpay, compensatory damages, lost benefits, emotional distress damages, punitive damages, attorney's fees and costs with prejudgment interest thereon, injunctive relief including reinstatement, and any such relief that Intervenor may be entitled to under the law or in equity.

COUNT II

UNLAWFUL SEXUAL HARASSMENT AND RETALIATION IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT OF 1992, FLA. STAT. 760 ET SEQ.

16. Intervenor restates and realleges each and every factual allegation contained in Paragraphs 1 through 11.

17. During her employment with Defendant, Intervenor was unlawfully sexually harassed. Defendant knew or should have known about this harassment and took remedial action. The harassment was of a sexual nature and was sufficiently pervasive and severe to affect the terms and conditions of Intervenor's employment.

18. Moreover, the harassment effected tangible aspect of Intervenor's job, and Intervenor was terminated on September 4, 2002, based on retaliation for Intervenor having complained of unlawful sexual harassment.

19. Defendant acted with malice and with a reckless disregard for Intervenor's rights under state law.

20. Defendant's discrimination, harassment and retaliation against Intervenor caused, continues to cause, and will cause Intervenor to suffer substantial damages for lost wages, other pecuniary losses, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

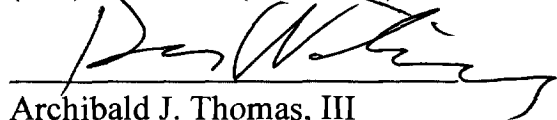
WHEREFORE, Intervenor demands a trial by jury and relief in the form of backpay, frontpay, compensatory damages, lost benefits, emotional distress damages, punitive damages, attorney's fees and costs with prejudgment interest thereon, injunctive relief including reinstatement, and any such relief that Intervenor may be entitled to under the law or in equity.

DEMAND FOR JURY TRIAL

Intervenor hereby demands a trial by jury on all issues so triable.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to John Weaver, Esquire, Equal Employment Opportunity Commission, Miami District Office, One Biscayne Tower, 2 S. Biscayne Blvd., Suite 2700, Miami, Florida 33131 and F. Damon Kitchen, Esquire, Constangy, Brooks & Smith, LLC, 300 West Adams Street, Suite 650, Jacksonville, Florida 32202 by U.S. Mail delivery on this 7th day of January, 2004.



Attorney