

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

**98-6792**

**CIV - FERGUSON**

CIVIL ACTION NO.

v.

CSI FORT LAUDERDALE, INC.,

COMPLAINT

**MAGISTRATE JUDGE  
SNOW**

INJUNCTIVE RELIEF SOUGHT  
JURY TRIAL DEMAND

Defendant.

FILED BY [Signature]  
98 JUL 30 PM 3:16  
CARLOS JENKES  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices, in the nature of a breach of a Negotiated Settlement Agreement reached with the Defendant, Nancy Cipollone, and the Equal Employment Opportunity Commission ("the EEOC" or "Commission"). The Commission alleges that CSI Fort Lauderdale, Inc. ("the Defendant"), breached the Negotiated Settlement Agreement, which was reached utilizing the Commission's Alternative Dispute Resolution ("ADR") program. The Defendant had agreed, among other things, to pay a certain monetary amount in full settlement of a charge of discrimination filed by Nancy Cipollone. The Commission alleges that Defendant has breached this agreement by failing and refusing to make payment of this monetary amount to Ms. Cipollone as set forth in the agreement. The Commission seeks to have this Court specifically enforce this Negotiated Settlement Agreement.

[Handwritten mark]

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345 and 42 U.S.C. § 2000e-5(f) (3) and Title I of the Civil Rights Act of 1991. This action is authorized and instituted pursuant to Section 706(f)(3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f) (3) ("Title VII").

2. The employment practices alleged to be unlawful were and now being committed within the jurisdiction of the United States District Court for the Southern District of Florida, Fort Lauderdale Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (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) (3) of Title VII, 42 U.S.C. § 2000e-5(f) (3).

4. At all relevant times, Defendant, CSI Fort Lauderdale, Inc. (the "Employer"), has continuously been a Florida corporation doing business in the State of Florida and the City of Fort Lauderdale, 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, Nancy Cipollone filed a charge with the Commission alleging violations of Title VII by the Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least February 6, 1998, Defendant Employer has engaged in unlawful employment practices at its Fort Lauderdale office, in violation of Section 706 (f) (3) of Title VII, 42 U.S.C. § 2000e-5 (f) (3). Specifically, Defendant entered into a Negotiated Settlement Agreement with the Commission and Nancy Cipollone where Defendant agreed to pay Ms. Cipollone \$7,000.00 as full monetary settlement of the charge of discrimination she filed against the Defendant. Defendant breached this agreement by failing and refusing to pay this amount to Ms. Cipollone within the timeframe required by the agreement and has, to date, failed to make such payment. Therefore, the Commission is seeking an Order from this Court specifically enforcing the agreement Defendant entered into with the Commission and Ms. Cipollone.

8. The effect of the practice(s) complained of in paragraph seven above has been to deprive Nancy Cipollone of equal employment opportunities.

### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant specific performance of the Negotiated Settlement Agreement entered into and executed by Defendant, the Commission and Nancy Cipollone.

B. Order Defendant Employer to pay Nancy Cipollone the \$7,000.00 Defendant had negotiated and agreed to pay, plus interest in the amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of the breach of the agreement and to effectively enforce the agreement entered into by Defendant with Ms. Cipollone and the Commission.

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

D. Award the Commission its costs of this action.

C. GREGORY STEWART  
General Counsel

GWENDOLYN R. REAMS  
Associate General Counsel

DELNER FRANKLIN-THOMAS  
Regional Attorney

EVE G. LOWE  
Supervisory Trial Attorney



GEDETY N. SERRALTA  
Senior Trial Attorney  
Florida Bar No. 0864137

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

**Miami District Office  
One Biscayne Tower- Suite 2700  
Two South Biscayne Boulevard  
Miami, Florida 33131  
Telephone (305) 530-6000  
(305) 530-6009  
Facsimile (305) 530-7660**

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.)

**I (a) PLAINTIFFS**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

*SNOW*  
*Ferguson*  
 cv A Broward 0:98cv6792

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
 Gedety N. Serralta, Senior Trial Attorney  
 EEOC, One Biscayne Tower, 2 S. Biscayne Blvd.,  
 Suite 2700, Miami, Florida 33131

(d) CIRCLE COUNTY WHERE ACTION AROSE:

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** (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 6	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. 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

*Action to enforce a retirement agreement pursuant to the Civil Rights Act of 1964 & 1991*

IVa. 2 days estimated (for both sides) to try entire case.

**V. NATURE OF SUIT** (PLACE AN X IN ONE BOX ONLY)

A CONTRACT	A TORTS	B FORFEITURE/PENALTY	A BANKRUPTCY	A 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	<b>PERSONAL INJURY</b> <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 <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<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 <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>B SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <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)) <b>A FEDERAL TAX SUITS</b> <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/ICC Rates/etc. <input type="checkbox"/> 480 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <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"/> 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 <input checked="" type="checkbox"/> 890 Other Statutory Actions
A REAL PROPERTY	A CIVIL RIGHTS	B PRISONER PETITIONS		
<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	<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"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input checked="" type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

**VI. ORIGIN** (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Refiled
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION DEMAND \$ \_\_\_\_\_  
 UNDER F.R.C.P. 23

Check YES only if demanded in complaint:  
 JURY DEMAND:  YES  NO

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 7/30/98 SIGNATURE OF ATTORNEY OF RECORD: *[Signature]*

FILED  
 U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF FLA. - MIAMI  
 AUG 30 PM 3:16