

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
v.)
CENTENNIAL IMPORTS, INC.,)
)
Defendant.)
_____)

3:02cv403/LAC/MD
CIVIL ACTION NO.
COMPLAINT
JURY TRIAL DEMAND
INJUNCTIVE RELIEF SOUGHT

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 on the basis of race, and to provide appropriate relief to Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas who were adversely affected by such practices. As stated with greater particularity in paragraph seven, the United States Equal Employment Opportunity Commission (hereinafter the "EEOC" or "Commission") alleges that Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas, all Black, were subjected to unwelcome harassment based on their race by coworkers and management. The harassment was sufficiently severe and pervasive to constitute a hostile, intimidating work environment. Defendant knew or should have known of the harassment, but failed to take prompt effective remedial action.

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

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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 Northern District of Florida, Pensacola Division.

PARTIES

3. Plaintiff, the United States Equal Employment Opportunity 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, Centennial Imports, Inc., (the "Employer"), has continuously been a Florida Corporation doing business in the State of Florida and the City of Pensacola, 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, Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas 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 May 1999 and continuing, Defendant Employer has engaged in unlawful employment practices at its Pensacola, Florida facility, in violation of Section 703(a)(1), 42 U.S.C. § 2000e-2(a) by subjecting Black employees to a racially hostile work environment. Specifically, employees Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas were subjected to unwelcome racial comments by Supervisor Ron White and their coworkers which were sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. The racially offensive conduct included, but was not limited to Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas: (a) being called racially offensive names, including nigger, grape ape and bush baby; (b) being subjected to racially offensive jokes; (c) witnessing one another being made the subject of racial jokes and slurs; and (d) witnessing the display and hanging of a hangman's noose in the workplace by Supervisor Ron White.

8. The Defendant knew or should have known of the racial harassment and failed to take prompt and appropriate remedial action to remedy the racially hostile environment.

9. The effect of the practice(s) complained of in paragraph 7 and 8 above have been to deprive Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas of

equal employment opportunities and otherwise adversely affect their status as employees because of their race.

10. The unlawful employment practices complained of in paragraph 7 and 8 above were intentional.

11. The unlawful employment practices complained of in paragraph 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas.

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 racial harassment and any other employment practice which discriminates on the basis of race.

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

C. Order Defendant Employer to make whole Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 and 8 above, including but not limited to, out of pocket losses, medical expenses and job search expenses, in amounts to be determined at trial.

D. Order Defendant Employer to make whole Frederick Cannon, Alton Lee, Oscar

McAroy, Stanley Olds, and Willie Thomas, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 and 8 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

E. Order Defendant Employer to pay Frederick Cannon, Alton Lee, Oscar McAroy, Stanley Olds, and Willie Thomas punitive damages for its malicious and reckless conduct described in paragraph 7 and 8 above, in amounts to be determined at trial.

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

G. 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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