

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

**FILED**  
NOV 10 2003 *BAK*  
Date \_\_\_\_\_ Time \_\_\_\_\_

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

Plaintiff,

v.

CASE NO.: 8:03-cv-568-T-29MN-  
*24MAP*

CHECKERS DRIVE-IN RESTAURANTS, INC.

Defendant.

\_\_\_\_\_ /

**COMPLAINT IN INTERVENTION OF**  
**STEPHANIE P. CREDIT AND INELIA PINO-KING**

Intervenors, STEPHANIE P. CREDIT and INELIA PINO-KING, by and through undersigned counsel, file this Complaint as Parties-Plaintiff, as authorized by Fed. R. Civ. P. 24.

**PARTIES**

1. Plaintiff, Equal Employment Opportunity Commission ("EEOC"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*

2. At all relevant times, Defendant, Checkers Drive-In Restaurants, Inc. ("Checkers"), has continuously been a Delaware Corporation doing business in the State of Florida in the city of Tampa, and has continuously had at least 15 employees. Checkers is an "Employer" as defined by Title VII and the Florida Civil Rights Act of 1992.

3. At all relevant times, both Ms. Credit and Ms. Pino-King have been citizens of the State of Florida and residents of Hillsborough County Florida. They are both former employees of Checkers and are "employees" as defined by Title VII and the Florida Civil Rights Act of 1992.

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**JURISDICTION AND VENUE**

4. 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.

5. Jurisdiction of this Court is invoked under 28 U.S.C. §1331, 1332, 1343, 1367, 2201, and 2202; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; and the Florida Civil Rights Act of 1992. Diversity jurisdiction under 28 U.S.C. §1332 exists because Intervenors and Defendant are citizens of different states and the amount in controversy as to each Intervenor exceeds \$75,000, excluding interest and costs.

**COUNT I: TITLE VII CLAIMS**

6. Intervenors incorporate by reference the allegations stated at ¶¶6-15 of the Complaint filed by the United States Equal Employment Opportunity Commission.

7. As a result of Defendant's unlawful conduct, Intervenors have suffered humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience and loss of income.

8. Intervenors have complied with all conditions precedent to bringing suit.

9. Intervenors have retained the undersigned attorneys and agreed to pay them a fee.

**WHEREFORE, Ms. Credit and Ms. Pino-King pray for the following relief:**

(a) a jury trial on all issues;

(b) judgement against Checkers and for Ms. Credit and Ms. Pino-King awarding compensatory damages and punitive damages against Checkers for Checkers' violations of law enumerated herein;

(c) judgement against Checkers and for the Plaintiffs permanently enjoining Checkers from future violations of law enumerated herein and remedying all lost income, raises, promotions, and other benefits of which Plaintiffs were unlawfully deprived;

(d) reinstatement of Ms. Credit and Ms. Pino-King to a position comparable to a position they should have held at Checkers absent the unlawful discrimination enumerated herein or, in the alternative, front pay;

(e) prejudgment interest on all monetary recovery obtained;

(f) judgment against Checkers and for Ms. Credit and Ms. Pino-King awarding their attorneys' fees and costs; and

(g) such further relief as is equitable and just.

**COUNT II: FLORIDA CIVIL RIGHTS ACT CLAIMS**

10. Intervenors incorporate by reference the allegations stated at ¶¶6-15 of the United States Equal Employment Opportunity Commission's Complaint.

11. The practices complained of at ¶¶7-11, and 13-15 constitute unlawful sex discrimination in violation of the Florida Civil Rights Act of 1992.

12. As a result of Defendant's unlawful conduct, Intervenors have suffered humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience and loss of income.

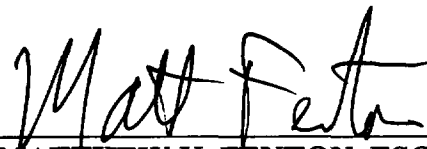
13. Intervenors have complied with all conditions precedent to bringing suit.

14. Intervenors have retained the undersigned attorneys and agreed to pay them a fee.

WHEREFORE, Ms. Credit and Ms. Pino-King pray for the following relief:

- (a) a jury trial on all issues;
- (b) judgement against Checkers and for Ms. Credit and Ms. Pino-King awarding compensatory damages and punitive damages against Checkers for Checkers' violations of law enumerated herein;
- (c) judgement against Checkers and for the Plaintiffs permanently enjoining Checkers from future violations of law enumerated herein and remedying all lost income, raises, promotions, and other benefits of which Plaintiffs were unlawfully deprived;
- (d) reinstatement of Ms. Credit and Ms. Pino-King to a position comparable to a position they should have held at Checkers absent the unlawful discrimination enumerated herein or, in the alternative, front pay;
- (e) prejudgment interest on all monetary recovery obtained;
- (f) judgment against Checkers and for Ms. Credit and Ms. Pino-King awarding their attorneys' fees and costs; and
- (g) such further relief as is equitable and just.

Respectfully submitted,



**MATTHEW K. FENTON, ESQUIRE**

Florida Bar Number: 0002089

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true copy of the foregoing has been furnished by U.S. mail to James A. Martin, Esquire, MacFarlane, Ferguson & McMullen, P.O. Box 1669, Clearwater, FL33757 and Kenneth L. Gillespie, Esquire, EEOC, One Biscayne Tower, Suite 2700, Two South Biscayne Blvd., Miami, FL 33131-1805 this 9 day of May, 2003.

  
**MATTHEW K. FENTON, ESQUIRE**