

EXHIBIT "A"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case Number: 05-61581-CIV-GOLD/TURNOFF

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

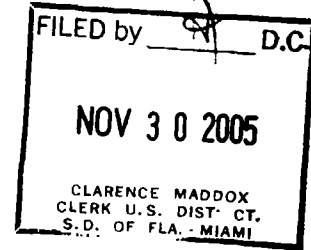
CHIMERE HILL,

Plaintiff/Intervenor,

vs.

COGNISA SECURITY, INC.,

Defendant.



INTERVENOR'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff/Intervenor, CHIMERE HILL, ("HILL"), by and through her undersigned attorneys, files this, her Complaint against Defendant, COGNISA SECURITY, INC., ("COGNISA"), a Georgia corporation, and states as follows:

INTRODUCTION

1. This is an action for injunctive relief and monetary damages to remedy discrimination on the basis of sex and pregnancy in the terms, conditions, and privileges of employment, and to redress the deprivation of rights secured to Plaintiff/Intervenor by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., ("Title VII"), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991), and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

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2. At all times material hereto, Plaintiff/Intervenor was and continues to be a citizen of the State of Florida.

3. At all times material hereto, Defendant, Cognisa, was and continues to be a Georgia Corporation with its principal place of business located at 2000 Riveredge Parkway - Suite GL100, Atlanta, Georgia 30328.

4. At all times material hereto, Plaintiff/Intervenor is seeking damages against the Defendant in excess of \$ 75,000.00 exclusive of interest, attorney's fees and costs.

JURISDICTION

5. The jurisdiction of the Court over this controversy is based upon the following:
- a. The Court's jurisdiction conferred by 28 U.S.C. §§ 1331 and 1343(a)(4) conferring original jurisdiction upon this Court of any civil action to recover damages or to secure equitable relief under any act of Congress providing for the protection of Civil Rights;
 - b. Title VII, 42 U.S.C. § 2000e-5(f)(1), (3), and
 - c. 28 U.S.C. § 1332.

VENUE

6. The venue of this Court over this controversy is based upon the following:
- a. The unlawful employment practices alleged below occurred and/or were committed within the State of Florida, within Broward County. Accordingly, venue lies in the United States District Court for the Southern District of Florida pursuant to 28 U.S.C. § 1391(b); and
 - b. Plaintiff/Intervenor avers that Defendant, COGNISA, is a corporation doing business in this judicial district within the meaning of 28 U.S.C. § 1391(c). Accordingly, venue lies in this judicial district pursuant to 28 U.S.C. §1391(c).

PARTIES

7. At all times material hereto, Plaintiff/Intervenor, HILL, was and continues to be a female citizen of the United States, and a resident of Broward County, Florida.

8. At all times material hereto, Plaintiff/Intervenor, HILL, was an employee or former employee of Defendant, COGNISA.

9. At all times material hereto, Plaintiff/Intervenor, HILL, was employed by Defendant's, COGNISA, in Broward County, Florida.

10. At all times material hereto, Defendant's, COGNISA, transacted and continues to transact business and perform services in Broward County, Florida at 3433 N.W. 55th Street, Bldg. # 9, Fort Lauderdale, Florida, within the Southern District of Florida.

11. At all times material hereto, Defendant, COGNISA, was and continues to be an "employer" within the meaning of Title VII and the Florida Civil Rights Act of 1992.

12. At all times material hereto, Defendant, COGNISA, had and continues to have more than 500 employees in each of twenty or more calendar weeks in the current or preceding year.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

13. Plaintiff/Intervenor, HILL, has fulfilled all conditions precedent to the institution of this action by timely filing a written Charge of Discrimination with the Equal Employment Opportunity Commission, ("EEOC"), and the Florida Commission on Human Relations, ("FCHR") in September of 2004.

14. On or about March 9, 2005, the Plaintiff, EEOC issued a letter of determination, finding that there was reasonable cause to believe the Defendant, COGNISA, committed violations of Title VII in the form of sex (pregnancy) discrimination).

15. After attempts at conciliation were unsuccessful, on or about September 28, 2005, the Plaintiff, EEOC, filed a lawsuit against the Defendant under Title VII of the Civil Rights Act of 1964, as amended, seeking to provide appropriate relief for Plaintiff/Intervenor, HILL, and any other similarly situated individuals.

16. In conjunction with this Complaint, Plaintiff/Intervenor, HILL, has moved this Honorable Court to intervene as a party to the Plaintiff's, EEOC, Title VII action against the Defendant, COGNISA, as well as adding a cause of action based on the Defendant's violation of the Florida Civil Rights Act of 1992, as amended.

17. At all times material hereto, Plaintiff/Intervenor's claims brought under the Florida Civil Rights Act have been brought more than 180 days from the date of her filing a charge of discrimination with the Florida Commission on Human Relations.

STATEMENT OF FACTS

18. Plaintiff/Intervenor was hired by Defendant, COGNISA, as a security guard on or about October 1, 2003. Plaintiff/Intervenor was approximately three months pregnant at the time of her hire.

19. At all times material hereto, Plaintiff/Intervenor, HILL, was qualified for her position and performed her job duties with distinction.

20. In February of 2004, Plaintiff/Intervenor was approximately seven months pregnant.

21. On or about February 21, 2004, while at work, Plaintiff/Intervenor was feeling ill due to the effects of dehydration and was rushed to the hospital by EMS.

22. Later the same day, Plaintiff/Intervenor, HILL, contacted her supervisor to inform him that she would be returning to work. She further advised him that her physician had approved her return to work the next day. Despite this, Defendant advised Plaintiff/Intervenor

that she was not to come back and that she was terminated effective immediately without any reason.

23. At all times material hereto, Plaintiff/Intervenor was able to perform the essential functions of her job.

24. Plaintiff/Intervenor, HILL, was terminated because of her sex (pregnancy).

25. At all times material hereto, the actions taken by Defendant, COGNISA, were intentional.

26. Defendant's acts and omissions set forth in this Complaint constitute conduct on the part of the Defendant, COGNISA, that was willful, wanton, malicious and reckless, demonstrating a knowing and/or reckless disregard for the rights of Plaintiff/Intervenor.

27. Further, Defendant's acts and/or omissions set forth in this Complaint, constitute conduct on the part of Defendant, COGNISA, demonstrating a malicious and/or reckless indifference to the federally protected rights of Plaintiff/Intervenor so as to entitle her to receive an award of punitive damages to punish Defendant and to deter Defendant and its agents from such conduct in the future.

28. Plaintiff/Intervenor, HILL, has retained the Law Firm of ROTHSTEIN ROSENFELDT ADLER to represent her in this litigation, and has agreed to pay the firm a reasonable fee for its services.

STATEMENT OF CLAIMS

COUNT I – SEX (PREGNANCY) DISCRIMINATION VIOLATION OF TITLE VII

29. Plaintiff/Intervenor realleges and reavers paragraphs 1 through 28 of this Complaint as if fully set forth herein.

30. Defendant, COGNISA, has discriminated against Plaintiff in the terms and conditions of her employment because of her sex (pregnancy).

31. The unlawful discriminatory pattern, practice, usage and custom by Defendant, COGNISA, its agents and employees, as set forth herein, violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as amended by the Civil Rights Act of 1991, Pub. L. No., 102-166, 105 Stat. 1071 (1991).

32. As a direct and proximate result of Defendant's, COGNISA, unlawful and discriminatory employment policies and practices, Plaintiff has suffered damages and will continue to suffer irreparable injury and damages in the future, including, but not limited to:

- (1) Loss of past and future income;
- (2) Stress, anxiety and emotional distress;
- (3) Significant past and future pain and suffering; and
- (4) Other financial losses.

33. Plaintiff/Intervenor is entitled to an award of reasonable attorney's fees, expert fees, costs and expenses related to the litigation pursuant to § 706(k) of Title VII, 42 U.S.C. §2000e-5(k), as amended by Section 113 of the Civil Rights Act of 1991.

WHEREFORE, Plaintiff/Intervenor, HILL, respectfully requests that judgment be entered in her favor against Defendant, COGNISA:

- a. Declaring, pursuant to 28 U.S.C. §§ 2201 and 2202, that the acts and practices complained of herein are in violation of Title VII;
- b. Permanently enjoining Defendant from continuing and/or maintaining the policy, practice and custom of denying, abridging, withholding or conditioning, the federally protected rights of female employees on the basis of pregnancy;

- c. Awarding back pay, prejudgment interest, post judgment interest and damages for all employment benefits Plaintiff/Intervenor would have received but for the discriminatory acts and practices of Defendant;
- d. Directing that Defendant reinstate Plaintiff/Intervenor to the position she would have occupied but for the Defendant's discriminatory treatment of her, or in the alternative, awarding her front pay;
- e. Directing Defendant to pay Plaintiff/Intervenor compensatory damages for her mental anguish and humiliation;
- f. Awarding reasonable attorney's fees, expert fees, and costs incurred in this action pursuant to Section 706(k) of Title VII, 42 U.S.C. § 2000(e)-5(k), as amended by Section 113 of the Civil Rights Act of 1991;
- g. Awarding Plaintiff/Intervenor all other sums of money, medical benefits and other employment benefits with interest thereon, to which she is entitled; and
- h. Ordering any other relief this Court deems to be just and proper.

**COUNT II – SEX (PREGNANCY) DISCRIMINATION
VIOLATION OF FLORIDA CIVIL RIGHTS ACT OF 1992
§ 760.10, FLORIDA STATUTES**

34. Plaintiff/Intervenor realleges and reavers Paragraphs 1 through 28 of this Complaint as if fully set forth herein.

35. Defendant, COGNISA, has discriminated against Plaintiff/Intervenor in the terms and conditions of her employment her because of her sex (pregnancy).

36. The unlawful discriminatory pattern, practice, usage and custom by Defendant, COGNISA, and its agents and employees, as set forth above, violates the Florida Civil Rights Act of 1992, Section 760.10, Florida Statutes.

37. As a direct and proximate result of Defendant's, COGNISA, unlawful and discriminatory employment policies and practices, Plaintiff/Intervenor has suffered damages and will continue to suffer irreparable injury and damages in the future, including, but not limited to:

- (1) Loss of past and future income;
- (2) Stress, anxiety and emotional distress;
- (3) Significant past and future pain and suffering; and
- (4) Other financial losses.

38. Plaintiff/Intervenor is entitled to an award of reasonable attorney's fees, expert fees, costs and expenses related to this litigation pursuant to § 760.11(5), Florida Statutes.

WHEREFORE, Plaintiff/Intervenor, HILL, respectfully requests that judgment be entered in her favor against Defendant, COGNISA:

- a. Declaring, pursuant to 28 U.S.C. §§ 2201 and 2202, that the acts and practices complained of herein are in violation of the Florida Civil Rights Act of 1992;
- b. Permanently enjoining Defendant from continuing and/or maintaining the policy, practice and custom of denying, abridging, withholding or conditioning, the state protected rights of female employees on the basis of pregnancy;
- c. Directing Defendant, COGNISA, to reinstate Plaintiff/Intervenor to the position she would have occupied but for Defendant's discriminatory treatment of her, or in the alternative, awarding her front pay;
- d. Awarding Plaintiff/Intervenor back pay, prejudgment interest, postjudgment interest and damages for all employment benefits she would have received but for the discriminatory acts and practices of Defendant;

- e. Awarding Plaintiff/Intervenor compensatory, consequential and punitive damages for her mental anguish and humiliation pursuant to §760.11(5), Florida Statutes;
- f. Awarding reasonable attorney's fees and costs incurred in this action pursuant to § 760.11(5), Florida Statutes;
- g. Awarding Plaintiff/Intervenor all other sums of money, including medical benefits and other employment benefits with interest thereon, to which she is entitled; and
- h. Ordering any other and further relief this Court deems to be just and proper.

JURY DEMAND

39. Plaintiff/Intervenor, demands trial by jury on all Counts set forth above.

Respectfully submitted,

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