

FILED

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FLORIDA DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DENNY'S, INC. )  
 )  
Defendant. )

CIVIL ACTION NO.  
99-1000-CIV-T-23A  
COMPLAINT  
JURY TRIAL DEMAND

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 sex, and to provide appropriate relief to Audrey E. Jackson who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that Ms. Jackson and other similarly situated females were subjected to sexual harassment at Denny's (#1439) Davenport, Florida location.

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

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jurisdiction of the United States District Court for the Middle District of Florida, Tampa 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)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Denny's, Inc. (the "Employer" or "Denny's"), has continuously been doing business in the State of Florida and the City of Davenport, and has continuously had at least 15 employees.

5. At all relevant times, Denny's 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, Audrey E. Jackson filed a charge with the Commission alleging violations of Title VII by Defendant Denny's. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least November 1995, Defendant Employer engaged in unlawful employment practices at its Davenport, Florida location in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

(A) Audrey E. Jackson and other similarly situated females were subjected to sexual harassment by Manager Bill Mencke in the form of physical and verbal conduct of a sexual

nature. This unwelcome sexual harassment created an intimidating, hostile and offensive work environment.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Audrey E. Jackson and other similarly situated females of equal employment opportunities and otherwise adversely affect their status as employees because of sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Audrey E. Jackson and other similarly situated females.

#### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Denny's, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Denny's, to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Denny's to make whole Audrey E. Jackson and other similarly situated females by providing appropriate back pay with prejudgment interest, in amounts to be

determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Denny's to make whole Audrey E. Jackson and other similarly situated females by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including out of pocket losses in amounts to be determined at trial.

E. Order Defendant Denny's to make whole Audrey E. Jackson and other similarly situated females by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Denny's to pay Audrey E. Jackson and other similarly situated females punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

H. 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.

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