

FILED

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

OCT 16 PM 2:31
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

ANTONIO D. ANGLIN,

CASE NO: 8:00-CV-2012-T-24EAJ

Plaintiff,

vs.

ENTERPRISE LEASING COMPANY,

Defendant.

_____ /

**AMENDED COMPLAINT OF PLAINTIFF, ANTONIO ANGLIN,
AND DEMAND FOR JURY TRIAL**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, Title I of the Civil Rights Act of 1991 and the Florida Civil Rights Act of 1992 to correct unlawful employment practices. Following a complaint by Antonio Anglin, the United States Equal Employment Opportunity Commission (EEOC) investigated, found cause (Exhibit "A") and attempted to conciliate the complaint. Defendants are on notice of all of Mr. Anglin's charges as the conciliation efforts included the issues of race discrimination, retaliation and constructive discharge. After conciliation was unsuccessful, the EEOC filed a Complaint and an Amended Complaint alleging that Antonio D. Anglin was denied promotion

67

from an entry level management position because of his race, black, while employed by Defendant. The EEOC opted not to file suit alleging retaliation and constructive discharge. Mr. Anglin petitioned the Court for leave to intervene. By Order of the Court dated October 1, 2001 Antonio Anglin was granted permission to intervene. On October 16, 2001, the EEOC issued a right to sue letter to Antonio Anglin (Exhibit "B").

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3)(4). This action is authorized and instituted pursuant to § 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)(3) and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A. The Court has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. § 1367 as that claim arises under Chapter 760, Florida Statutes, the Florida Civil Rights Act of 1992.

2. Venue is appropriate in the United States District Court, Middle District of Florida, Tampa Division, where the Defendant is doing business. The claims arose in this district.

PARTIES

3. The Equal Employment Opportunity Commission (EEOC) is an agency of the United States charged with the administrative interpretation and enforcement of Title VII and it is authorized to bring civil actions pursuant to §

796(f)(1)(3) of Title VII, the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1)(3).

4. Antonio Anglin is a black male and a resident of Hillsborough County. Mr. Anglin was formerly employed by Defendant in its Polk County locations from December 12, 1994 to August 8, 1997.

5. The Defendant, Enterprise Leasing Company, was the employer of Antonio Anglin.

6. On or about April 1, 1997 Antonio Anglin filed a complaint with the EEOC. The EEOC filed suit on September 29, 2000. On October 16, 2001, Antonio Anglin received a right to sue letter for retaliation and constructive discharge. All conditions precedent to the filing of this suit have been satisfied by Antonio Anglin.

COUNT I - CIVIL RIGHTS ACT OF 1964, 1991 AND 42 U.S.C. § 1981

7. Plaintiff is a black male. Throughout Plaintiff's employment, the Defendant engaged in unlawful employment practice at certain of its facilities located in or near Polk County, Florida in violation of § 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a) and 42 U.S.C. § 1981. These unlawful practices consisted of denial of promotions to positions for which he was qualified.

8. Antonio Anglin was denied promotions to these positions because of his race, black.

9. Similar situated non-blacks with lesser qualifications were given the promotions.

10. In December 1996 Antonio Anglin complained to the Human Resources office of Defendant that he was being discriminated against because of his race, black. As a result of his complaint, and because of his race, the Defendant retaliated against Mr. Anglin by convening a committee to review his charges, by placing Mr. Anglin on a ninety (90) day observation period (probation) and by refusing to promote him. The process of convening a committee to review Mr. Anglin's performance was a new creation of Defendant and had not been used to address employment deficiencies by other employees regardless of race.

11. The effect of the unlawful employment practices referenced in paragraphs 7 through 10 above denied Antonio Anglin equal employment opportunities and otherwise adversely effected his status as an employee because of his race and because of his complaints.

12. The Defendant established criteria for promotion which were designed to deny Antonio Anglin promotion and to retaliate against him for his complaints and because of his race. The criteria established for promotion were waived or otherwise not followed for non-black employees seeking promotion.

13. The unlawful employment practices complained of above were intentional and done with the express purpose of denying Antonio Anglin

promotion, to retaliate against him for his complaints and because of his race with the purpose of forcing Antonio Anglin's resignation as an employee.

14. As a result of the unlawful employment practices, Antonio Anglin was left with no alternative but to involuntarily terminate his employment with Defendant. This termination was caused by Defendant's failure to adhere to and abide by its own established criteria for promotion with respect to all of its employees. Non-whites were promoted without meeting the criteria while the Defendant strictly adhered to those criteria to deny Antonio Anglin promotions. Additionally, Mr. Anglin was told he would not be promoted.

15. The unlawful employment practices alleged above was done with malice and reckless indifference and disregard to the protected rights of Antonio Anglin.

WHEREFORE, based on the above, Plaintiff Anglin seeks injunctive and declaratory relief, front pay, back pay, compensatory damages, including damages for mental anguish, loss of dignity and other intangible injuries, punitive damages, attorneys' fees and costs and such other relief as the Court deems appropriate.

COUNT II - THE FLORIDA CIVIL RIGHTS ACT OF 1992

16. The EEOC sent Mr. Anglin's charge to the Florida Commission on Human Relations (FCHR). The FCHR did not investigate the complaint and plans no further action (Exhibit "C"). All conditions precedent to filing suit under

Chapter 760, Florida Statutes (1999), have been satisfied or waived.

17. Antonio Anglin realleges paragraphs 3 through 6, 7 through 10 and 11 through 15 above and incorporates them by reference herein. Specifically excluded from adoption in this Count are the allegations of retaliation in paragraphs 10, 12 and 13.

18. The unlawful employment practices referenced in paragraphs 7 through 10 and 11 through 15, excluding the retaliation claims in Count I above, denied Antonio Anglin his equal employment opportunity and resulted in his termination as an employee. These acts constitute violations of Chapter 760, Florida Statutes (1999) which prohibits unlawful employment practice.

19. Antonio Anglin has suffered damages as a result of the unlawful employment actions of the Defendant.

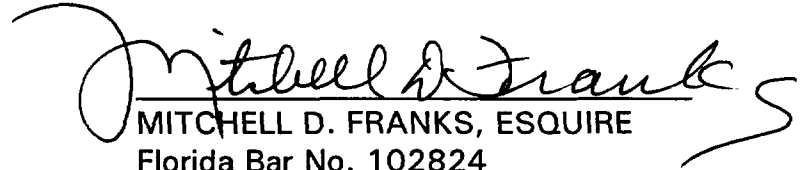
WHEREFORE, based on the above, Plaintiff seeks an order prohibiting the discriminatory practices of Defendant, injunctive and declaratory relief, back pay, front pay, compensatory damages, including damages for mental anguish, loss of dignity and other intangible injuries, punitive damages, attorneys' fees and costs, and such other relief as the Court deems appropriate.

DEMAND FOR JURY TRIAL

Antonio Anglin demands a trial by jury on all issues triable by a jury.

Respectfully submitted,

GRAY HARRIS ROBINSON LANE TROHN



MITCHELL D. FRANKS, ESQUIRE

Florida Bar No. 102824

NEIL A. RODDENBERY, ESQUIRE

Florida Bar No. 366919

One Lake Morton Drive (33801)

Post Office Box 3

Lakeland, FL 33802-0003

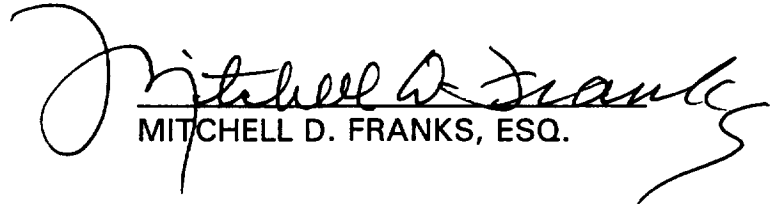
Telephone: 863/284-2200

Facsimile: 863/688-9771

Attorneys for Plaintiff Antonio Anglin

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by regular U.S. mail this 16th day of October, 2001, to: M. TERESA RODRIGUEZ, ESQ., U.S. EEOC, 2 S. Biscayne Blvd., #2700, Miami, Florida 33131; PETER W. ZINOBER, ESQ. and LUISETTE GIERBOLINI, ESQ., 201 East Kennedy Blvd., Suite 800, Tampa, FL 33602.



MITCHELL D. FRANKS, ESQ.



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Tampa Area Office**

501 East Polk Street, Room 1020
Tampa, FL 33602
(813) 228-2310
TTY (813) 228-2003
FAX (813) 228-2841

Charge Number: 151970960

Antonio Anglin
3504 Shady Brooke Drive North
Mulberry, Florida 33860

Charging Party

Enterprise Rent-a-Car
3909 W. Hillsborough Avenue
Tampa, Florida 33614

Respondent

Letter of Determination

On behalf of the Commission I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended and timeliness, deferral and all other requirements for coverage have been met.

Charging Party alleged that he was denied opportunities for promotion by the Respondent because of his race, Black, in violation of Title VII. Charging Party further alleged that the Respondent retaliated against him because of his opposition to its unlawful employment practices, also in violation of Title VII.

Examination of the evidence indicates that the Charging Party was eligible and qualified for promotion to available management positions with the Respondent during the relevant time period. The evidence further indicates that the Charging Party was subjected to discrimination on the basis of his race, Black, and retaliation for complaining of such discrimination, when the Respondent repeatedly denied him opportunities for promotion to those positions and placed him on probationary status. In addition, examination of the evidence demonstrates that similarly situated Black individuals were also denied opportunities for promotion to management positions by the Respondent because of their race.

I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that violations of the statute have occurred



LETTER OF DETERMINATION
EEOC Charge No. 151970960
page 2

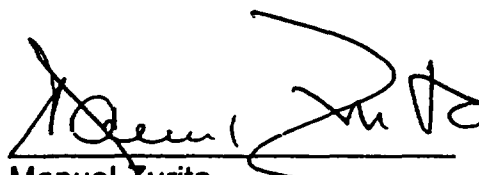
Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. Please complete the enclosed Invitation to Conciliate and return it to the Commission at the above address no later than August 20, 1999. You may also fax your response directly to (813) 228-2841.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

8/4/99
Date


Manuel Zurita
Area Director

enclosures: Invitation to Conciliate

cc: Wayne A. Schrader, Esq.
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue., N.W.
Washington, D.C. 20036-5306

Robert H. Grizzard, II, Esq.
P.O. Box 992
Lakeland, Florida 33802-0992



EEOC Form 161-A (10/96)

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)

To: Antonio Anglin
PO Box 4822
Plant City, Florida 33564-4822

From: U. S. Equal Employment Opportunity Commission
Tampa Area Office
501 E. Polk Street, Room 1020
Tampa, Florida 33602

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
151-97-9060

EEOC Representative
Karen Oshiro

Telephone No.
(813) 228-2310

TO THE PERSON AGGRIEVED:

The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge. EEOC attempted to conciliate the issues of race-based failure to promote, retaliation and constructive discharge, but could not obtain a settlement with the Respondent that would provide relief for you. The EEOC has decided that it will not bring suit against the Respondent at this time based on any of those issues, other than race-based failure to promote, and will close its files on those issues. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of your right to sue that we will send you. You may pursue this matter further by bringing suit in federal or state court against the Respondent(s) named in the charge. **Your suit must be filed WITHIN 90 DAYS from your receipt of this Notice.** Otherwise your right to sue based on the above-numbered charge will be lost.

Equal Pay Act (EPA): EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Manuel Zurita
for Manuel Zurita, Area Director

10/16/01
(Date Mailed)

Enclosure
Copy of Charge

cc: Charging Party Attorney:
Mitchell Franks, Esq
Gray, Harris & Robinson
Ona Lake Morton Drive, P.O. Box 3
Lakeland, Florida 33802-0003
Tampa, Fl. 33601

Respondent Attorney:
Peter W. Zinober, Esq
201 East Kennedy Blvd.
Suite 800
Tampa, Florida 33602



Oct-18-01 09:10

From-WMDO EEOC

3055364494

T-393 P 03/03 F-550

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS – Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed)

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS – Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment. Backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/96 to 12/1/96, you should file suit before 7/1/98 - not 12/1/98 -- in order to recover unpaid wages due for July 1996. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION – Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE – All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charges are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FLORIDA COMMISSION ON HUMAN REL.
325 JOHN KNOX ROAD
BLDG. F, ROOM 240
TALLAHASSEE, FL 32399

DATE 04/04/97

EEOC CHARGE 151970960

FEPA CHARGE

SUBJECT: CHARGE TRANSMITTAL

Anglin, Antonio D
(Charging Party)

v. ENTERPRISE RENT-A-CAR
(Respondent)

Transmitted herewith is a charge of employment discrimination initially received by the:

EEOC _____ on 04/01/97
(Name of FEPA) (Date of Receipt)

Pursuant to the worksharing agreement, this charge is to be initially investigated by the EEOC.

Pursuant to the worksharing agreement, this charge is to be initially investigated by the FEPA.

The worksharing agreement does not determine which agency is to initially investigate the charge.

EEOC requests a waiver

FEPA waives

No waiver requested

FEPA will investigate the charge initially

Please complete the bottom portion of this form to acknowledge receipt of the charge and, where appropriate, to indicate whether the Agency will initially investigate the charge.

TYPED NAME OF EEOC OR FEPA DIRECTOR

SIGNATURE

J. D. Packwood, Jr.

Anglin, Antonio D
(Charging Party)

v. ENTERPRISE RENT-A-CAR
(Respondent)

To whom it may concern:

This will acknowledge receipt of the referenced charge and indicate this Agency's intention to initially investigate the charge

This will acknowledge receipt of the referenced charge and indicate this Agency's intention not to initially investigate the charge

This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency.

This will acknowledge receipt of the referenced charge and indicate this agency's intention to dismiss/close/not docket the charge for the following reason:

TYPED NAME OF EEOC OR FEPA DIRECTOR

SIGNATURE

Don Mc Elrath

DATE

TO: EEOC - TAMPA AREA OFFICE
501 EAST POLK STREET
ROOM 1020
TAMPA, FLORIDA 33602

EEOC CHARGE 151970960

FEPA CHARGE

AFFIDAVIT

I, D'Antoinette Davis, being first duly sworn, make the following statement:

1. I am over the age of eighteen (18) years and competent to make this statement.

2. On, April 1, 1997, Antonio Anglin filed a claim with the EEOC, EEOC Charge Number 151970960. A copy of Mr. Anglin's charge was filed with the Florida Commission on Human Relations (FCHR).

3. Pursuant to the Work Sharing Agreement between the EEOC and FCHR, the charge was referred to the EEOC for investigation. The Florida Commission did not investigate this matter.

4. The Florida Commission has not made any cause determination nor a finding of "no cause".

5. Under the Work Sharing Agreement with the EEOC, the Florida Commission may conduct a substantial weight review of the EEOC decision but other than that plans no further action as the EEOC has investigated and issued a Letter of Determination.

FURTHER, Affiant sayeth naught.

D'Antoinette L. Davis
Signature
Printed Name: D'Antoinette L. Davis

State of Florida
County of Leon

BEFORE ME personally appeared D'Antoinette Davis
to me well known and known to me to be the person described herein or who has produced personally known as identification and who did take an oath and who executed the foregoing instrument, and acknowledged to and before me that he/she executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 5th day of July, 2001.

Phaedra D. Mallory
Notary Public

My Commission Expires: Phaedra D. Mallory
MY COMMISSION # CC950155 EXPIRES
June 28, 2004
BONDED THRU TROY FAIR INSURANCE, INC.

