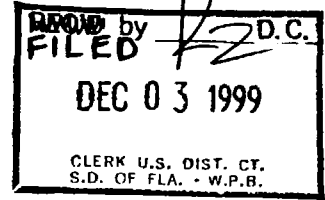


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH



Case No. 99-CV-8707-RYSKAMP
Magistrate Judge: Ann E. Vitunac

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Plaintiff(s),

v.

INTRACOASTAL HEALTH SYSTEMS, INC.,
and ST. MARY'S HOSPITAL, INC.,
Defendants(s),

DOROTHY HENDERSON SWAIN,
Intervenor.

_____ /

INTERVENOR DOROTHY HENDERSON SWAIN'S COMPLAINT

DOROTHY HENDERSON SWAIN ("Plaintiff") sues Defendants, INTRACOASTAL HEALTH SYSTEMS, INC., and ST. MARY'S HOSPITAL, INC. ("Defendants"), for employment discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et. seq., as amended, and in support thereof states as follows:

1. This action is brought to remedy unlawful gender discrimination in employment. The legal basis is Title VII of the Federal Civil Rights Acts of 1964, 42 U.S.C. 2000e, et seq., as amended ("Title VII") and the Civil Rights Act of 1991, 42 U.S.C. 1981a. Plaintiff seeks equitable relief and damages.

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2. This Court has original jurisdiction over Plaintiff's Title VII claim under 28 U.S.C. §§1331 and 1343(a)(3) and (4).

3. Plaintiff Equal Employment Opportunity Commission ("EEOC") made a finding of discrimination and filed a suit in its own right and on behalf of DOROTHY HENDERSON SWAIN, giving her the right to intervene as a plaintiff. DOROTHY HENDERSON SWAIN brings her claim herein as an intervening plaintiff.

4. Plaintiff is a citizen of the State of Florida and resides in Palm Beach County, Florida.

5. Defendant INTRACOASTAL HEALTH SYSTEMS, INC., is a corporation incorporated under the laws of Florida having its principle place of business in the Southern District of Florida.

6. Defendant INTRACOASTAL HEALTH SYSTEMS, INC., is engaged in an industry affecting commerce, and has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, is an employer defined by 42 U.S.C. 2000e(b), and is capable of being sued under Title VII.

7. Defendant ST. MARY'S HOSPITAL, INC., is a corporation incorporated under the laws of Florida having its principle place of business in the Southern District of Florida.

8. Defendant ST. MARY'S HOSPITAL, INC., is engaged in an industry affecting commerce, and has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, is an employer defined by 42 U.S.C. 2000e(b), and is capable of being sued under Title VII.

9. Defendant ST. MARY'S HOSPITAL, INC., is a subsidiary, division or affiliate of Defendant INTRACOASTAL HEALTH SYSTEMS, INC.

GENERAL ALLEGATIONS

10. Plaintiff's sex is female.

11. Defendants collectively and jointly employed Plaintiff during the time of the discriminatory acts alleged herein.

12. Plaintiff has worked for Defendants as a mental health technician in Defendant ST. MARY'S HOSPITAL Psychiatric Ward and was at all times relevant qualified for the position.

13. Beginning in 1995 Defendants commenced a practice of discriminating against Plaintiff based upon her sex. The discrimination consisted of paying her less than similar situated male employees, by not giving her the same availability for and awarding of pay raises and merit increases as it did to male employees, and by canceling her shifts and reducing her work hours so that male employees could work instead.

14. As a result of the Defendants' wrongful acts alleged herein, Plaintiff has suffered economic and emotional damages.

15. The acts of Defendants alleged herein were done with malice or reckless indifference to Plaintiff's rights protected by Title VII.

**COUNT
GENDER DISCRIMINATION**

16. Plaintiff incorporates paragraphs 1 through 15 herein.

17. This is a claim for all affirmative action, equitable relief and damages for unlawful discrimination under the Federal Civil Rights Act of 1964, as amended, at 42 U.S.C. 2000e et seq., and as provided in 42 U.S.C. 1981a.

18. Plaintiff is an employee as defined by 42 U.S.C. 2000e(b) and is entitled to the protections from and remedies for sex discrimination under Title VII.

19. At all times relevant hereto Defendants were Plaintiff's employer as the term is defined by Title VII of the Civil Rights of 1964.

20. Defendants' discriminatory acts alleged herein were intentional and violate Title VII.

21. Defendants have intentionally discriminated against Plaintiff because of her sex by paying her less than similar situated male employees, by not giving her the same availability for and awarding of pay raises and merit increases as it did to male employees, and by canceling her shifts and reducing her work hours so that male employees could work instead.

22. As a direct and proximate result of Defendants' acts, Plaintiff has suffered and continues to suffer lost income, employment opportunities, damage to her reputation, lost wages and benefits, humiliation, embarrassment, emotional distress, inconvenience, mental anguish, and other pecuniary and non-pecuniary losses.

23. Plaintiff timely filed with the EEOC a Charge of Discrimination relating to Defendants' discriminatory acts alleged herein.

24. Plaintiff has exhausted her administrative remedies required by 42 U.S.C. 2000e, and otherwise fulfilled all prerequisites to bringing this action.

25. The Civil Rights Act of 1964, as amended, at 42 U.S.C. 2000e-5, provides for declaratory judgment, injunctive, affirmative and equitable relief to include an award for backpay and reinstatement and for attorneys' fees. The Civil Rights Act of 1991, 42 U.S.C. 1981a, further provides for the award of compensatory and punitive damages.

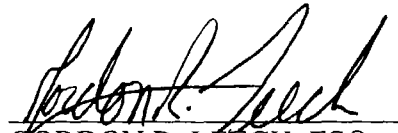
WHEREFORE, Plaintiff demands trial by jury, and requests this Court to:

- A. Declare that Defendants has unlawfully discriminated against Plaintiff in violation of Title VII of the Civil Rights Act of 1964; and
- B. Issue an order prohibiting further discrimination; and

- C. Order all equitable relief to which she is entitled to including but not limited to reinstating Plaintiff with all promotions and seniority rights to which she is entitled, backpay, frontpay and all other equitable relief provided in 42 U.S.C. 2000e-5 and 42 U.S.C. 1981a; and
- D. Award Plaintiff all compensatory and punitive damages to which she is entitled, to include prejudgment interest and the remedies provided for in 42 U.S.C. §§2000e-5 and 1981a; and
- E. Award Plaintiff her costs, attorneys' fees and such other and further relief as the Court deems proper.

PLAINTIFF DEMANDS A TRIAL BY JURY FOR ALL COUNTS ON ALL TRIABLE ISSUES.

Respectfully submitted,



GORDON R. LEECH, ESQ.
Fla. Bar No. 008923

Attorneys for Dorothy Henderson Swain

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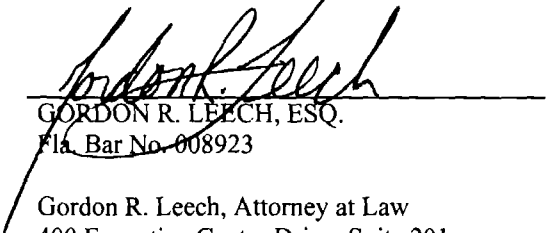
Michael D. Brown
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and by U.S. First Class mail to: Lynn G. Hawkins, Esq., Fitzgerald, Hawkins, Mayans & Cook, P.A., Attorneys for Defendants Intracoastal Health Systems and St. Mary's Hospital, at (fax 561-832-8678) P.O. Box 3795, WPB, FL 33402; and Eve G. Lowe, Esq., Equal Employment Opportunity Commission, Miami District Office, Attorneys for

Plaintiff EEOC, at (fax 305-536-4494) 2 S. Biscayne Blvd, 2700 One Biscayne Tower, Miami, FL 33131-2438, on

this 12 day of November, 1999.


GORDON R. LEECH, ESQ.
Fla. Bar No. 008923

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