

NOT BOX FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

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

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

Case No. 6:01-CV-1133-ORL-28DAB  
Jury trial demanded

KMART CORPORATION,

Defendant.

**COMPLAINT IN INTERVENTION OF VIRGINIA ANDERSON, TRACY BROWN  
AND JENNIFER VALDEZ**

Intervenors VIRGINIA ANDERSON, TRACY BROWN and JENNIFER VALDEZ, 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 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. Defendant Kmart Corporation is incorporated in Michigan; has its principal place of business in Michigan; and does business in Florida, including in the Orlando area.

3. Intervenor Virginia Anderson is a citizen of the state of Florida and resident of Orlando, Florida. She is a former employee of Defendant and worked at Defendant's store located at located

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at North Hiawassee Road in Orlando from approximately November 1999 to December 1999.

4. Intervenor Tracy Brown is citizen of the state of Florida and resident of Orlando, Florida. She is a former employee of Defendant. Ms. Brown worked at Defendant's store located at North Hiawassee Road in Orlando from approximately October 1999 to January 2000.

5. Intervenor Jennifer Valdez is a citizen of the state of Florida and resident of Starke, Florida. She is a former employee of Defendant and worked at Defendant's store located at North Hiawassee Road in Orlando from approximately November 1999 to January 2000.

#### **Jurisdiction and Venue**

6. The jurisdictional bases of Plaintiff's complaint are stated at ¶1 of that complaint and are incorporated by reference herein.

7. This Court has jurisdiction over Intervenor's claims against Defendant 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.*; the Equal Pay Act of 1963, 29 U.S.C. § 206(d); and the Florida Civil Rights Act of 1992. Diversity jurisdiction under 28 U.S.C. § 1332 exists because Intervenor 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**

8. Intervenor incorporate by reference the allegations stated at ¶¶7 (with the exception of subsection (d)) and 8–11 of Plaintiff's complaint.

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

10. Intervenor have complied with all conditions precedent to bringing suit.

WHEREFORE Intervenor seek back pay; compensatory damages for humiliation, suffering, mental anguish, pain, anxiety, embarrassment, and inconvenience; punitive damages; prejudgment interest; declaratory relief; attorney's fees; costs; and such other relief as the Court deems just.

Intervenor demand a jury trial.

**Count II: Florida Civil Rights Act Claims**

11. Defendant is an "employer" within the meaning of the Florida Civil Rights Act.

12. Intervenor incorporate by reference the allegations stated at ¶¶7(a)-(c) of Plaintiff's complaint.

13. The practices complained of at ¶¶7(a)-(c) of Plaintiff's complaint constituted unlawful sex discrimination in violation of the Florida Civil rights Act.

14. Defendant acted maliciously or with reckless indifference to Intervenor's rights.

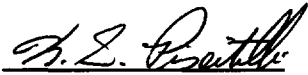
15. As a result of Defendant's unlawful conduct, Intervenor have suffered humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience and loss of income.

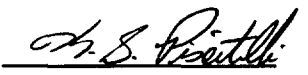
16. Intervenor complied with all conditions precedent to bringing suit.

WHEREFORE Intervenor seek back pay; compensatory damages for humiliation, suffering, mental anguish, pain, anxiety, embarrassment, and inconvenience; punitive damages; prejudgment interest; declaratory relief; attorney's fees; costs; and such other relief as the Court deems just.

Intervenor demand a jury trial.

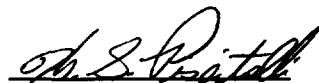
Respectfully submitted this 4<sup>th</sup> day of December, 2001 by:

  
Kathryn S. Piscitelli  
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**Counsel for Intervenors Anderson,  
Brown and Valdez**

**Certificate of Service**

I certify that a copy of the foregoing was sent via U.S. Mail to Kenneth L. Gillespie, Equal Employment Opportunity Commission, Two South Biscayne Boulevard, One Biscayne Tower, Suite 2700, Miami, Florida 33131; Ron Schirtzer, Foley & Lardner, 111 N. Orange Ave., Suite 1800, Orlando, FL 32801; Martha Chapman, 823 Irma Ave., Orlando, FL 32803; Carol Swanson, 801 N. Magnolia Ave., Suite 301, Orlando, FL 32803.

  
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