

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

97-10092

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KEY LARGO GROUP, INC., f/k/a )  
OCEAN REEF CLUB, INC., )  
a not for profit corporation, and f/k/a )  
OCEAN REEF CLUB, INC., )  
a for profit a corporation, )  
 )  
 )  
 )  
 )  
Defendant. )

Civil Action No. - PAINE

MAGISTRATE JUDGE  
VITUNAC

COMPLAINT

JURY TRIAL  
DEMAND

FILED BY [Signature] D.C.  
97 SEP 30 PM 3:09  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

NATURE OF THE ACTION

This is a class action suit under the Age Discrimination in Employment Act of 1967, as amended (the "ADEA"), to correct unlawful employment practices on the basis of age and to provide appropriate relief to Carol Bolton, Linda Pou, Glenda Register and other similarly situated individuals. As alleged with greater particularity below in paragraphs 7 to 11 below, the Equal Employment Opportunity Commission (the "Commission"), alleges that the Key Largo Group, Inc., f/k/a as the Ocean Reef Club, Inc., a not for profit corporation, and f/k/a Ocean Reef Club, Inc., a for profit corporation (the Defendant), violated the ADEA when they discharged Carol Bolton, then age 47, Linda Pou, then age 46, Glenda Register, then age 46, and discharged, constructively discharged and/or laid off other similarly situated individuals from their employment on the basis

[Handwritten Signature]

of their respective ages and replaced them with younger individuals to fill the vacated positions. Additionally, the Commission alleges that the Defendants violated Section 7(a) of the ADEA, by failing to keep necessary records in accordance with the Act.

### **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 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA") which incorporates by reference Section 16(c) of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. 216 (c).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Florida, Miami 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 the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, the Defendant, Key Largo Group, Inc. f/k/a Ocean Reef Club, Inc., a not for profit corporation and f/k/a/ Ocean Reef Club, Inc., a for profit corporation (the "Employer"), has continuously been doing business in the State of Florida and in the City of Key Largo, and has continuously had at least 20 employees.

5. At all relevant times, the Defendant Employer has continuously been an employer

engaged in an industry affecting commerce within the meaning of Sections 11 (b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

### **CONCILIATION**

6. Prior to the institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conferences and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

### **STATEMENT OF CLAIMS**

7. Since at least November 1991, the Defendant Employer has engaged in unlawful employment practices at their Key Largo, Florida, facility in violation of Section 4 (a) of the ADEA, 29 U.S.C. Section 623 (a) by terminating, constructively discharging and/or laying off individuals because of their age.

8. (a) On or about November 1991, Carol Bolton was discharged from the position of Secretary/Receptionist, by the Defendant Employer because of her age, then 47.
- (b) On or about May 20, 1992, Linda Pou was discharged from the position of Commissary Manager, by the Defendant Employer because of her age, then 46.
- (c) On or about April 15, 1992, Glenda Register was discharged from the position of Director of Human Resources, by the Defendant Employer because of her age, then 46.
- (d) Since at least November, 1991, Defendant has engaged in terminating,

constructively discharging and/or laying off other similarly situated individuals because of their age.

9. Since at least November, 1991, the Defendant has failed to maintain copies of all of the personnel files of their employees and other relevant documents to this action as required pursuant to Section 7(a) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Section 626(a), by failing to make and preserve records required by the Commission necessary to the Commission's administration of the ADEA.

10. The effect of the practices complained of in paragraphs 7 to 9 above, has been to deprive Carol Bolton, Linda Pou, Glenda Register and other similarly situated individuals who were terminated, constructively discharged and/or laid off because of their age, including all of the individuals named on Exhibit A attached hereto, of equal employment opportunities and otherwise adversely affect their status as employees because of their age.

11. The unlawful employment practices complained of in paragraphs 7-10 above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

#### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, their officers, successors, assigns and all persons in active concert or participation with it, from engaging in policies and/or practices to terminate, constructively discharge and/or lay off individuals because they are 40 years of age and older, or engaging in any other employment practices which discriminate on the basis of age against individuals 40 years of age and older.

B. Order the Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals who are at least 40 years of age, and which eradicate the effects of its unlawful employment practices.

C. Grant a judgment requiring the Defendant Employer to pay appropriate back wages in an amount to be determined at trial and an equal sum as liquidated damages, and prejudgement interest to individuals whose wages are being unlawfully withheld as a result of the acts complained of above, including but not limited to, the termination, constructive discharge and/or lay offs of Carol Bolton, Linda Pou, Glenda Register and those individuals named on Exhibit A, attached hereto.

D. Order the Defendant Employer to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to, reinstatement and/or front pay to the individuals listed on Exhibit A.

E. Order the Defendant Employer to make and preserve records required by the Commission pursuant to Section 7(a) of the ADEA, 29 U.S.C. Section 626(a).

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

G. Award the Commission its costs of this action.

### **JURY TRIAL DEMAND**

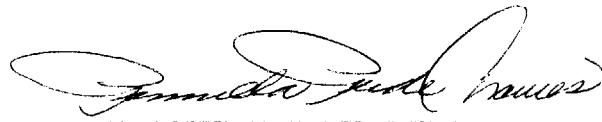
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully Submitted,

C. GREGORY STEWART  
General Counsel

J. RAY TERRY  
Deputy General Counsel

EVE G. LOWE  
Acting Regional Attorney



---

PAMELA PRIDE-CHAVIES  
Senior Trial Attorney  
Florida Bar No. 497010

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
MIAMI DISTRICT OFFICE  
One Biscayne Tower  
2 South Biscayne Boulevard  
Suite 2700  
Miami, FL. 33131  
(305) 530-6002

**EXHIBIT A**

Barbara Epperson  
Paul Bergeron  
Diana McPherson  
Daryl Knapp  
Leo Reymers  
Ana Williams  
Roberta Richcreek  
Kathy Kendall  
Rene Rodriguez  
George Henderson  
Judi Callahan  
Ervin Neitzel  
Pearlie Curry  
Frank Telerico  
Carol Bolton  
Linda Pou  
Glenda Register

97-10092

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings and other papers required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**  
 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DEFENDANTS**  
 KEY LARGO GROUP, INC., f/k/a  
 OCEAN REEF CLUB, INC., a not for profit corp.,  
 OCEAN REEF CLUB, INC., a not for profit corp.  
**CIVIL - PAINE**  
**MAGISTRATE JUDGE**  
**VITUNAC**

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT** Monroe  
 (IN U.S. PLAINTIFF CASES ONLY)

**NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED**

*K.W.*  
*A-MONROE / 97CV10092 Paine Vitunac*

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
 Pamela Pride-Chavies & Eve G. Lowe  
 One Biscayne Tower, Suite 2700  
 Two So. Biscayne Blvd.  
 Miami, FL 33131 (305) 530-6002

**ATTORNEYS (IF KNOWN)**

**(d) CIRCLE COUNTY WHERE ACTION AROSE:**

DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This is a class action suit, under the Age Discrimination in Employment Act of 1967, as amended (ADEA), to correct unlawful employment practices, and to provide appropriate relief to Carol Bolton, Linda Pou, Glenda Register and other similarly situated individuals.  
 IVa. 5 days estimated (for both sides) to try entire case.

**V. NATURE OF SUIT** (PLACE AN X IN ONE BOX ONLY)

<b>A CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>A PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>B PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>B PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>B FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>A LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>A BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>B SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>A FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>A OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>A REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>A CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>B PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights *A or B			<b>B</b>	

**VI. ORIGIN** (PLACE AN X IN ONE BOX ONLY)  
 1 Original Proceeding  
 2 Removed from State Court  
 3 Remanded from Appellate Court  
 4 Refiled  
 5 Transferred from another district (specify) \_\_\_\_\_  
 6 Multidistrict Litigation  
 7 Appeal to District Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS **CLASS ACTION**  UNDER F.R.C.P. 23 **DEMAND \$** \_\_\_\_\_ **JURY DEMAND:**  YES  NO  
 Check YES only if demanded in complaint:

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE September 30, 1997 SIGNATURE OF ATTORNEY OF RECORD Pamela Pride-Chavies

UNITED STATES DISTRICT COURT FOR OFFICE USE ONLY: Receipt No. \_\_\_\_\_ Amount: \_\_\_\_\_  
 S/F I-2 Date Paid: \_\_\_\_\_ N/IFP: \_\_\_\_\_  
 REV. 6/90