

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Case No.: 2:00-409-cv-FtM-29DNF

VICTORIA BRIGGS and
RESA GASTON

Intervenors,

v.

KRONGBERG BAGEL CO. d/b/a
BAKIN BAGELS,

Defendant.

FILED
2001 APR 23 PM 2:51
Date Time

CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS, FLORIDA

SW
Initials

**INTERVENORS' FIRST AMENDED COMPLAINT
AND DEMAND FOR JURY TRIAL**

Victoria Briggs ("Briggs") and Resa Gaston ("Gaston") hereby sue
KRONGBERG BAGEL CO. d/b/a BAKIN BAGELS, (hereinafter "Defendant") and in
support thereof allege as follows:

Nature of the Case

This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as
amended, 42 U.S.C. §2000e *et. seq.*, and the Florida Civil Rights Act of 1992, Chapter
760, *Fla. Stat.*, ("FCRA"), to correct unlawful employment practices on the basis of sex,
and to provide appropriate relief to Intervenors Briggs and Gaston, who were adversely
affected by such practices. Intervenors Briggs and Gaston allege that a co-worker

EXHIBIT A

sexually harassed them and that the harassment persisted despite their complaint(s) and/or Defendant's knowledge of the harassment. As alleged with greater particularity below, Intervenor(s) were subjected to unwelcome sexual comments and physical contact because of their sex, which created a hostile work environment. As a result of the sexual harassment and Defendant's failure to take prompt remedial action, the employment conditions of the Intervenor(s) were so intolerable that they were forced to resign their positions. Intervenor(s) seek back pay, front pay, compensatory damages, punitive damages, attorneys' fees and costs and all other relief this court deems just and proper.

Jurisdiction and Venue

1. This Court has original jurisdiction over Plaintiff's claims under Title VII of the Civil Rights Act of 1964, as amended, pursuant to 28 U.S.C. §1331. This Court has supplemental jurisdiction over Briggs' and Gaston's state law claims pursuant to 28 U.S.C. §1367, as their state law claims are so related to their claims under federal law that they form part of the same case or controversy.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Middle District of Florida, Fort Myers Division.

Parties

3. At all material times, Defendant was a Florida corporation authorized to do business and doing business within the State of Florida.

4. At all material times, Defendant employed at least fifteen employees and was an employer within the meaning of the FCRA and Title VII.

5. Plaintiff Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, as amended.

6. At all material times, Briggs was a female citizen of the United States and a resident the State of Florida.

7. At all material times, Briggs was an employee of Defendant and was an aggrieved person within the meaning of the FCRA and Title VII.

8. At all material times, Gaston was a female citizen of the United States and a resident the State of Florida.

9. At all material times, Gaston was an employee of Defendant and was an aggrieved person within the meaning of the FCRA and Title VII.

STATEMENT OF TITLE VII CLAIMS

10. Intervenors Briggs and Gaston restate and incorporate by reference the allegations set for in paragraph numbers 6 through 10 of the Complaint and Jury Trial Demand filed by the EEOC.

11. Briggs and Gaston have met all conditions precedent and have exhausted all administrative remedies prior to the institution of this action.

12. As a result of the above actions, Briggs and Gaston have had to retain the undersigned law firm to which they are obligated to pay reasonable attorneys’ fees, costs and expenses.

Prayer for Relief

WHEREFORE, Briggs and Gaston respectfully request that this Court:

A. Intervenors Briggs and Gaston restate and incorporate by reference the allegations set for in paragraphs A through G of the Complaint and Jury Trial Demand filed by the EEOC;

B. Award Briggs and Gaston reasonable attorneys' fees and costs incurred in this action and such other relief as the Court deems just and appropriate.

STATEMENT OF FCRA CLAIMS

13. Intervenors Briggs and Gaston restate and incorporates by reference the allegations set for in paragraph numbers 6 through 10 of the Complaint and Jury Trial Demand filed by the EEOC.

14. Briggs and Gaston have met all conditions precedent and exhausted all administrative remedies prior to the institution of this action.

15. As a result of the above actions, Briggs and Gaston had to retain the undersigned law firm to which they are obligated to pay reasonable attorneys' fees, costs and expenses.

Prayer for Relief

WHEREFORE, Briggs respectfully request that this Court:

A. Intervenors Briggs and Gaston restate and incorporate by reference the allegations set for in paragraphs A through G of the Complaint and Jury Trial Demand filed by the EEOC;

B. Award Briggs and Gaston reasonable attorneys' fees and costs incurred in this action and such other relief as the Court deems just and appropriate.

Demand for Jury Trial

16. Briggs and Gaston demand a trial by jury on all issues so triable.

Respectfully submitted,



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