

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

97 - 4375

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
MEARS TRANSPORTATION GROUP, INC.)
)
and)
)
A-1 LIQUIDATING CORPORATION,)
f/k/a A-1 BUS LINES,)
)
Defendants.)

CIV-MOORE
CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND
INJUNCTIVE RELIEF SOUGHT

MAGISTRATE JUDGE
BROWN
DEC 23
1997
U.S. DISTRICT COURT
MIAMI
20

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Harriet Quarles who was adversely affected by such practices. As stated with greater particularity in paragraphs nine and ten, the Commission alleges that the terms and conditions of Ms. Quarles' employment with A-1 Bus Lines was adversely affected because of her sex, female, and that she was later denied rehire by A-1 Bus Lines in retaliation for alleging she had been the victim of employment discrimination. The Commission also alleges that Mears Transportation Group, Inc., later refused to hire Ms. Quarles in retaliation for her having filed a complaint with the Equal Employment Opportunity Commission.

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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 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) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A .

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 Southern District of Florida, Miami Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission" or "EEOC"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Mears Transportation Group, Inc. ("Employer Mears"), has continuously been a Florida Corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, A-1 Liquidating Corporation, f/k/a A-1 Bus Lines ("Employer A-1"), has continuously been a Florida Corporation doing business in the State of Florida and the City of Miami, and has continuously had at least 15 employees.

6. At all relevant times, Defendant Employer Mears has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

7. At all relevant times, Defendant Employer A-1 has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Harriet Quarles filed a charge with the Commission alleging violations of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least December 1992, Defendant Employer A-1 was engaged in unlawful employment practices at its Miami, Florida facility, in violation of Section 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and § 2000e-3(a) in that it:

a. paid the costs of one hotel room for the male drivers assigned to the Miami to Orlando route, while Harriet Quarles was told to either share the company paid hotel room with the male driver or to pay for her own hotel room:
and,

b. retaliated against Harriet Quarles for filing a Charge of Discrimination with the EEOC by not rehiring her as an employee, as it had done the year(s) before she had filed an EEOC Charge. Ms. Quarles was qualified, applied, was not rehired, although Defendant Employer A-1 continued to seek applicants who had not filed an EEOC Charge.

10. Since at least January 1995, Defendant Employer Mears has engaged in unlawful employment practices at Miami, Florida facility, in violation of Section 704 (a) of Title VII, 42 U.S.C. § 2000e-3(a) in that it retaliated against Harriet Quarles by not hiring her for available

positions because she had previously filed a discrimination charge against her former Employer, A-1 Bus Lines. Ms. Quarles was qualified, applied, was not hired, although Defendant Employer Mears continued to seek applicants who had not filed an EEOC Charge.

11. The effect of the practice(s) complained of in paragraphs 9 and 10 have been to deprive Harriet Quarles of equal employment opportunities and otherwise adversely affect her status as an employee and as an applicant for employment, because of her sex.

12. The unlawful employment practices complained of in paragraphs 9 and 10 were and are intentional.

13. The unlawful employment practices complained of in paragraphs 9 and 10 were and are being done with malice or with reckless indifference to the federally protected rights of Harriet Quarles.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer Mears, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating and engaging in any other employment practice which discriminates on the basis of opposition to an unlawful employment practice.

B. Grant a permanent injunction enjoining Defendant Employer A-1, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination and retaliation and any other employment practice which discriminates on the basis of sex and opposition to an unlawful employment practice.

C. Order Defendant Employer Mears to institute and carry out policies, practices,

and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

D. Order Defendant Employer A-1 to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

E. Order Defendant Employer Mears to make whole Harriet Quarles, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, rightful-place hiring or front pay.

F. Order Defendant Employer A-1 to make whole Harriet Quarles, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, rightful-place hiring or front pay, and providing equal terms and conditions of employment to both genders.

G. Order Defendant Employer Mears to make whole Harriet Quarles by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraph 10 above, in amounts to be determined at trial.

H. Order Defendant Employer A-1 to make whole Harriet Quarles by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, in amounts to be determined at trial.

I. Order Defendant Employer Mears to make whole Harriet Quarles by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices

complained of in paragraph 10 above, including the emotional pain, suffering, inconvenience and humiliation, in amounts to be determined at trial.

J. Order Defendant Employer A-1 to make whole Harriet Quarles by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, including emotional pain, suffering, inconvenience and humiliation, in amounts to be determined at trial.

K. Order Defendant Employer Mears to pay Harriet Quarles punitive damages for its malicious and reckless conduct described in paragraph 10 above, in amounts to be determined at trial.

L. Order Defendant Employer A-1 to pay Harriet Quarles punitive damages for its malicious and reckless conduct described in paragraph 9 above, in amounts to be determined at trial.

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

N. Award the Commission its costs of this action.

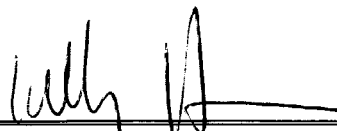
JURY TRIAL DEMAND

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

C. GREGORY STEWART
General Counsel

GWENDOLN Y. REAMS
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KELLY HENDERSON

Trial Attorney

Florida Bar Number 980500

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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CIVIL COVER SHEET

97-4375
MOORE
MAGISTRATE JUDGE
BROWN

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as provided 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 federal courts. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DEFENDANTS

MEARS TRANSPORTATION GROUP, INC.
and -
A-1 LIQUIDATING COPORATION, f/k/a A-1
BUS LINES

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

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Eve G. Lowe and Kelly Henderson, Esq.
One Biscayne Tower, Suite 2700
Two So. Biscayne Blvd., Miami, Florida 33131 (305)530-6006

ATTORNEYS (IF KNOWN)

AD00E97C/4375/KMM/STB

(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 (For Diversity Cases Only)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal Place of Business in Another State, Foreign Nation.

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex (female), and to make whole Harriet Quarles, who was denied employment opportunities and retaliated against for filing a charge with the EEOC. 5 days estimated (for both sides) to try entire case.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

VI. ORIGIN

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 Judge from Magistrate Judgment, 8 Appeal to District

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23, DEMAND \$, JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD