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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
MEDICAL CENTER RADIOLOGY GROUP OF)
DRS. CURRY, HARDING, GEORGE & ELISCU,)
P.A.)
)
Defendant.)
_____)

CIVIL ACTION NO. 99-1181-Civ-Orl-19.

COMPLAINT
JURY TRIAL DEMANDED
INJUNCTIVE RELIEF SOUGHT

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 retaliation, and to provide appropriate relief to Mr. Joseph J. Waechter who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that Mr. Waechter was retaliated against by his employer, Medical Center Radiology Group of Drs. Curry, Harding, George & Eliscu, P.A.. ("Medical Radiology"), for complaining of sexual harassment that certain employees were being subjected to by Dr. Hedrick Rivero, chief executive officer of Medical Radiology. The retaliation consisted of subjecting Mr. Waechter to adverse terms and conditions of employment, as well as discharge.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343

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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 committed within the jurisdiction of the United States District Court for the Middle District of Florida, Orlando Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission ("Commission"), 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, Medical Radiology has continuously been doing business in the State of Florida and the City of Orlando, and has continuously had at least 15 employees.

5. At all relevant times Medical Radiology 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

6. More than thirty days before the institution of this lawsuit, Mr. Joseph J. Waechter filed a charge with the Commission alleging violations of Title VII by Medical Radiology. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least November of 1997, Defendant Employer engaged in unlawful employment practices at its Orlando, Florida location in violation of Section 703(a) and Section

704(a) of Title VII, 42 U.S.C. §2000e-2(a) and §2000e-3(a):

- a. In or about November and December of 1997, Mr. Waechter observed, and certain employees reported to him incidents of sexual harassment, in the form of unwelcome physical and verbal conduct that were carried out by Dr. Hedrick Rivero, the chief executive officer of Medical Radiology.
- b. On or about December 8, 1997, Mr. Waechter complained to representatives of Medical Radiology of the unlawful sexual harassment. Thereafter, Defendant retaliated against Mr. Waechter for complaining of the unlawful sexual harassment by subjecting him to adverse terms and conditions of employment, including unfavorable work schedules and job assignments, and subsequently discharged him from his position as Medical Radiology's administrator.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Mr. Waechter of equal employment opportunities and otherwise adversely affect his status as an employee because of his good faith opposition to what he believed to be unlawful employment practices.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Mr. Waechter.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of an employee's opposition to an unlawful employment practice.

B. Order Defendant, to institute and carry out policies, practices, and programs which provide equal employment opportunities for its employees, and which eradicate the effects of its past unlawful employment practices.

C. Order Defendant to make whole Mr. Waechter, 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 reinstatement and rightful place promotion or front pay.

D. Order Defendant to make whole Mr. Waechter, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including out of pocket losses in amounts to be determined at trial.

E. Order Defendant to make whole Mr. Waechter, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Mr. Waechter punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

- G. Grant such further relief as the Court deems necessary and proper in the public interest.
- H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

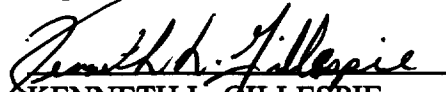
The Commission requests a jury trial on all questions of fact raised by its complaint.

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