

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

UNITED STATES EQUAL EMPLOYMENT	)	
OPPORTUNITY COMMISSION,	)	
	)	CIVIL ACTION NO.
Plaintiff,	)	
	)	
v.	)	
	)	<u>COMPLAINT</u>
ROOMS TO GO, INC.,	)	
	)	<u>JURY TRIAL DEMANDED</u>
Defendant.	)	<u>INJUNCTIVE RELIEF SOUGHT</u>
_____	)	

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 race and to provide appropriate relief to Tammy Shelton-Leigh (“Ms. Shelton”), Tanya Young-Morrison (“Ms. Young”) and any other similarly situated individuals who were adversely affected by such practices. As stated with greater particularity in paragraph seven (7) below, the Commission alleges that management and non-management officials of the Defendant subjected Ms. Shelton, Ms. Young, and any other similarly situated individuals, to harassment based on sex (Female) and/or race (Black) which was sufficiently severe and pervasive to constitute a hostile, intimidating work environment. Defendant knew or should of known of the unlawful harassment, but failed to take prompt corrective action.

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 committed within the jurisdiction of the United States District Court for the Middle District of Florida, Tampa 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 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, Rooms to Go Inc. (the "Employer") has continuously been a Florida corporation doing business in the State of Florida and the City of Seffner, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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 prior to the institution of this lawsuit, Ms. Shelton and Ms. Young filed charges with the Commission alleging violations of Title VII by the Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July of 1995, Defendant Employer has engaged in unlawful employment practices at its Seffner, Florida location in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a).

- a. Tanya Young-Morrisson was subjected to sexual harassment by a management official of the Defendant Employer in the form of unwelcome conduct of a sexual nature which was sufficiently severe and pervasive to constitute a hostile, intimidating work environment. The harassment included, but was not limited to, suggestions that she perform sexual acts on him or reveal parts of her body to him, touching her breasts and buttocks, making comments regarding her breasts, referring to her by derogatory sexual names and making vulgar sexual comments in her presence regarding female customers.
- b. Tammy Shelton-Leigh was subjected to sexual and racial harassment by management officials and coworkers of the Defendant Employer in the form of unwelcome conduct of a sexual and racial nature which was sufficiently severe and pervasive to constitute a hostile, intimidating work environment. The harassment included, but was not limited to, a management official suggesting that she perform sexual acts on him, making comments about her breasts, referring to her and female customers by derogatory sexual names, recounting sexual encounters with a Black female, referring to her as “Black Bitch,” and making racially offensive remarks to her regarding Black individuals and the fact that she was married to a White male. The harassment also included management and coworkers making racially offensive comments and using racial epithets such as “nigger” to refer to minority customers in her presence.

c. Other similarly situated individuals were subjected to sexual and/or racial harassment by the Defendant.

d. Ms. Young and Ms. Shelton complained of the unlawful harassment to which they were being subjected, but Defendant failed to take prompt, corrective action.

8. The effect of the conduct complained of in paragraph seven (7) above has been to deprive Ms. Shelton, Ms. Young and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and/or race.

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

10. The unlawful employment practices complained of in paragraph seven (7) above were done with malice or with reckless indifference to the federally protected rights of Ms. Shelton, Ms. Young and any other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with Defendant, from engaging in sexual and/or racial harassment and any other employment practice which discriminates on the basis of sex and/or race.

B. Order Defendant Employer, to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees regardless of sex or race and which

eradicate the effects of its past unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Shelton, Ms. Young and any other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven (7) above, including out of pocket losses in amounts to be determined at trial.

D. Order Defendant Employer to make whole Ms. Shelton, Ms. Young and any other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph seven (7) above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order Defendant Employer to pay Ms. Shelton, Ms. Young and any other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraph seven (7) above, in amounts to be determined at trial.

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

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully Submitted,

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