

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

UNITED STATES EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	8:04-cv-2155-T-24-TBM
v.)	
)	
ROOMS TO GO, INC.)	
)	
Defendant.)	
_____)	

COMPLAINT IN INTERVENTION AND DEMAND FOR JURY TRIAL

Plaintiffs, Tammy Leigh (“Ms. Leigh”) and Tanya Morrison (“Ms. Morrison”) (collectively “Intervenors”), by and through undersigned counsel, sue Defendant, ROOMS TO GO, INC. (“Employer”), alleging unlawful employment practices and demand a trial by jury on all issues so triable. In support of their claims for relief, Intervenors allege as follows:

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343(a)(4), and 1367. This action is authorized and instituted pursuant to Section 706(f) 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”), Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981A, and the Florida Civil Rights Act of 1992.

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

4. At all relevant times, Defendant 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).

6. At all relevant times, both Ms. Leigh and Ms. Morrison have been citizens of the State of Florida, and residents of Hillsborough County. They are both former employees of Defendant Employer and are “employees” as defined by Title VII and the Florida Civil Rights Act of 1992.

COUNT I: TITLE VII CLAIMS

7. Intervenors incorporate by reference the allegations stated at ¶¶ 6-10 of the Complaint filed by the United States Equal Employment Commission.

8. As a result of Defendant Employer's unlawful conduct, Intervenors have experienced humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience, and loss of income.

9. Intervenors have complied with all conditions precedent to bringing suit.

10. Intervenors have retained the undersigned attorney and agreed to pay her a fee.

WHEREFORE, Ms. Leigh and Ms. Morrison pray for the following relief:

(a) a jury trial on all issues;

(b) judgment against Defendant Employer and for Intervenors awarding compensatory damages and punitive damages against Defendant Employer for its violations of law enumerated herein;

(c) judgment against Defendant Employer and for Intervenors permanently enjoining Defendant Employer from future violations of law enumerated herein and remedying all lost income, raises, promotions, and other benefits of which Plaintiffs were unlawfully deprived;

(d) reinstatement of Intervenors to positions comparable to positions they should have held at Defendant Employer absent the unlawful discrimination enumerated herein or, in the alternative, front pay;

(e) prejudgment interest on all monetary recovery obtained;

(f) judgment against Defendant Employer and for Intervenors awarding their attorneys' fees and costs; and

(g) such further relief as is equitable and just.

COUNT II: FLORIDA CIVIL RIGHTS ACT CLAIMS

11. Intervenor's incorporate by reference the allegations stated at ¶¶ 6-10 of the Complaint filed by the United States Equal Employment Commission.

12. The practices complained of at ¶¶ 7-10 constitute unlawful sex discrimination in violation of the Florida Civil Rights Act of 1992.

13. As a result of the Defendant Employer's unlawful conduct, Intervenor's have experienced humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience, and loss of income.

14. Intervenor's have complied with all conditions precedent to bringing suit.

15. Intervenor's have retained the undersigned attorney and agreed to pay her a fee.

WHEREFORE, Intervenor's pray for the following relief:

(a) a jury trial on all issues;

(b) judgment against Defendant Employer and for Intervenor's awarding compensatory damages and punitive damages against Defendant Employer for its violations of law enumerated herein;

(c) judgment against Defendant Employer and for Intervenor's permanently enjoining Defendant Employer from future violations of law enumerated herein and remedying all lost income, raises, promotions, and other benefits of which Intervenor's were unlawfully deprived;

(d) reinstatement of Intervenor to positions comparable to positions they should have held at Defendant Employer absent the unlawful discrimination enumerated herein or, in the alternative, front pay;

(e) prejudgment interest on all monetary recovery obtained;

(f) judgment against Defendant Employer and for Intervenor awarding their attorneys' fees and costs; and

(g) such further relief as is equitable and just.

Respectfully submitted,

s/ Cally E. Catania

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Attorney for Ms. Leigh & Ms. Morrison

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2004 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following: **Cheryl A. Cooper, Esquire**, Equal Employment Opportunity Commission, Miami District Office, One Biscayne Tower, Suite 2700, Two Biscayne Boulevard, Miami, Florida 33131; **Richard C. McCrea, Jr., Esq., and Nancy A. Chad, Esq.**, Zinober & McCrea, P.A., 201 E. Kennedy Boulevard, Suite 800, Tampa, FL 33602.

s/ Cally E. Catania

Cally E. Catania

Attorney for Ms. Leigh & Ms. Morrison