

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

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

CIVIL ACTION NO.  
8:04-cv-2155-T-24-TBM

and

TAMMY LEIGH and TANYA MORRISON,

Plaintiff-Intervenors,

v.

ROOMS TO GO, INC. and  
R.T.G. FURNITURE CORP.,

Defendants.

---

**PLAINTIFF-INTERVENORS' AMENDED COMPLAINT  
AND DEMAND FOR JURY TRIAL**

Plaintiff-Intervenors, Tammy Leigh (“Ms. Leigh”) and Tanya Morrison (“Ms. Morrison”) (collectively “Intervenors”), by and through undersigned counsel, sue Defendants, ROOMS TO GO, INC. and R.T.G. FURNITURE CORP. (collectively “Employers”), 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, 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).

4. At all relevant times, Defendant, Rooms to Go, Inc., 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, R.T.G. Furniture Corp., 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.

6. At all relevant times, Defendant, Rooms to Go, Inc., 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, R.T.G. Furniture Corp., 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).

8. At all relevant times, 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 Employers and are “employees” as defined by Title VII and the Florida Civil Rights Act of 1992.

**COUNT I: TITLE VII CLAIMS**

9. Intervenors incorporate by reference the allegations stated in ¶¶ 8-12 of the Amended Complaint filed by Plaintiff, EEOC.

10. As a result of Defendant Employers unlawful conduct, Intervenors have experienced humiliation, suffering, mental anguish, pain, anxiety, embarrassment, inconvenience, and loss of income.

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

12. Intervenors have retained the undersigned attorneys and have agreed to pay them a reasonable fee.

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

- (a) a jury trial on all issues;
- (b) judgment against Defendant Employers and for Intervenors awarding compensatory damages and punitive damages against Defendant Employers for their violations of law enumerated herein;
- (c) judgment against Defendant Employers and for Intervenors permanently enjoining Defendant Employers from future violations of law enumerated herein and remedying all lost income, raises, promotions, and other benefits of which Intervenors were unlawfully deprived;

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

(e) prejudgment interest on all monetary recovery obtained;

(f) judgment against Defendant Employers 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**

13. Intervenors incorporate by reference the allegations stated in ¶¶ 8-12 of the Complaint filed by Plaintiff, EEOC.

14. The practices complained of in ¶¶ 9-12 of the Complaint filed by Plaintiff, EEOC constitute unlawful sex discrimination in violation of the Florida Civil Rights Act of 1992.

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

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

17. Intervenors have retained the undersigned attorneys and have agreed to pay them a fee.

WHEREFORE, Intervenors pray for the following relief:

(a) a jury trial on all issues;

(b) judgment against Defendant Employers and for Intervenor awarding compensatory damages and punitive damages against Defendant Employers for their violations of law enumerated herein;

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

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

(e) prejudgment interest on all monetary recovery obtained;

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

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

Dated: October 7, 2005

Respectfully Submitted,

s/Cally Catania

CALLY CATANIA

Florida Bar Number: 773506

Cally E. Catania, P.A.

13336 N. Central Avenue

Tampa, FL 33612

Telephone: (813) 964-8878

[Callycat@tampabay.rr.com](mailto:Callycat@tampabay.rr.com)

Co-Counsel for Plaintiff-Intervenor

s/Mark G. Rodriguez  
MARK G. RODRIGUEZ  
Florida Bar Number: 769060  
Mark G. Rodriguez, P.A.  
501 E. Kennedy Blvd., Ste. 1200  
Tampa, FL 33602  
Telephone: (813) 227-9642  
[mgrlaw@tampabay.rr.com](mailto:mgrlaw@tampabay.rr.com)  
Co-Counsel for Plaintiff Intervenors

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 7, 2005, 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: **Richard C. McCrea, Jr., Esq., and Nancy A. Chad, Esq.**, Zinober & McCrea, P.A., P.O. Box 1378, Tampa, FL 33601-1378 and **Muslima Lewis, Esquire**, Equal Employment Opportunity Commission, Miami District Office, One Biscayne Tower, Suite 2700, Two Biscayne Boulevard, Miami, Florida 33131 .

s/Cally Catania  
Cally Catania, Esq.