

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JUN 15 11:47  
*[Handwritten signature]*

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
v. )  
 )  
SUN-RICH OF IMMOKALEE, INC. f/k/a )  
SUN-RICH OF FLORIDA CITY, FLORIDA )  
 )  
Defendant. )

CIVIL ACTION NO. 2:00-cv-264-FTH-211  
COMPLAINT  
INJUNCTIVE RELIEF  
REQUESTED  
JURY TRIAL DEMAND

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 race and national origin, and to provide appropriate relief to Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Erilia Francois, Examene Dorvilus, Antonia Benjamin, and any other similarly situated individuals, who were adversely affected by such practices. As alleged with greater particularity in paragraph 7, the Defendant Sun-Rich of Immokalee, Inc., f/k/a Sun-Rich of Florida City, Florida (hereinafter "Defendant Sun-Rich of Immokalee, Inc." failed to hire the above named individuals, or any other similarly situated individuals, because of their race (black) and national origin (Haitian).

|

### 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. Section 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981 A.

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, Fort Myers 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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Sun-Rich of Immokalee, Inc., (the "Employer"), has continuously been doing business in the State of Florida and the City of Immokalee 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, Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Erilia Francois, Examene Dorvilus, and Antonia Benjamin filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March, 1999, Defendant Employer has engaged in unlawful employment practices at its Immokalee work site, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a)

a. The Defendant failed to hire Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Erilia Francois, Examene Dorvilus, or Antonia Benjamin for the position of tomato packer because of their race (black) and national origin (Haitian).

b. The Defendant failed to hire any other similarly situated individuals for the position of tomato packer because of their race (black) and national origin (Haitian).

8. The effect of the practices complained of in paragraph 7 above has been to deprive Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Erilia Francois, Examene Dorvilus, Antonia Benjamin, and any other similarly situated individuals, of equal employment opportunities and otherwise adversely affect their status as applicants for employment because of their race (black) and national origin (Haitian).

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 Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Eriia Francois, Examene Dorvilus, Antonia Benjamin, and any other similarly situated individuals.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Sun-Rich of Immokalee, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in race discrimination and any other employment practice which discriminates on the basis of race or national origin.

B. Order Defendant Sun-Rich of Immokalee, Inc., to institute and carry out policies, practices, and programs which provide equal employment opportunities for blacks and Haitians and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Sun-Rich of Immokalee, Inc., to make whole Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Eriia Francois, Examene Dorvilus, Antonia Benjamin, and any other similarly situated individuals, 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 reinstatement of Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Eriia Francois, Examene Dorvilus, Antonia Benjamin, and any other similarly situated individuals.

D. Order Defendant Sun-Rich of Immokalee, Inc., to make whole Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Eriia Francois, Examene Dorvilus, Antonia Benjamin, and any other similarly situated individuals, 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, job search expenses, and medical expenses in amounts to be determined at trial.

E. Order Defendant Sun-Rich of Immokalee, Inc., to make whole Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Eriia Francois, Examene Dorvilus, Antonia Benjamin, and any other similarly situated individuals, by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain and suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Sun-Rich of Immokalee, Inc., to pay Antoine Leveque, Wislin Damas, Marie Semervil, Islande Regis, Anne Marie Joseph, Georges Jean-Denis, Michelle Duboise, Eugenie Belsnice, Charleus Agathe, Eriia Francois, Examene Dorvilus, Antonia

Benjamin , and any other similarly situated individuals, 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.

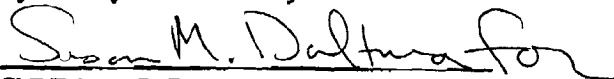
Respectfully submitted,

C. GREGORY STEWART  
General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

DELNER FRANKLIN-THOMAS  
Regional Attorney

GILBERT CARRILLO  
Supervisory Trial Attorney

  
JENNIFER H. ZAWID  
Senior Trial Attorney  
Florida Bar Number: 50385

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Two South Biscayne Boulevard  
One Biscayne Tower, Suite 2700  
Miami, Florida 33131  
(305) 530-6010  
(305) 536-4494 facsimile