

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
T.S.S.O., Inc. d/b/a Applebee's)
)
Defendant.)
_____)

CIVIL ACTION NO.

3:99cv512/RV

COMPLAINT

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 to provide appropriate relief to Hope Williams, and any other similarly situated individuals, who were adversely affected by such practices. As alleged with greater particularity in paragraph 7, the Defendant T.S.S.O. Inc. d/b/a/ Applebee's, failed to hire Hope Williams, and any other similarly situated individuals, for the position of Server because of their race, Black.

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.

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2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Florida, Pensacola 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, T.S.S.O, Inc. d/b/a Applebee's (the "Employer"), has continuously been doing business in the State of Florida and the City of Pensacola, 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, Hope Williams 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 August 1996, Defendant Employer has engaged in unlawful employment practices at their Pensacola facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

a. The Defendant, T.S.S.O., Inc. d/b/a Applebee's, failed to hire Hope Williams in the position of Server because of her race, Black.

b. The Defendant, T.S.S.O, Inc. d/b/a Applebee's failed to hire any other similarly situated individuals in the position of Server because of their race.

c. Since at least August 1996, Defendant Employer has failed, in violation of Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c), and 29 CFR §1602.14 (1999), to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Hope Williams, 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.

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 Hope Williams, and any other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant T.S.S.O., Inc. d/b/a Applebee's, 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.

B. Order Defendant T.S.S.O., Inc. d/b/a Applebee's, to institute and carry out policies, practices, and programs which provide equal employment opportunities for Blacks, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant T.S.S.O., Inc. d/b/a Applebee's, to make whole Hope Williams, and any other similarly situated individuals, by providing appropriate backpay 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 Hope Williams, and any other similarly situated individuals.

D. Order Defendant T.S.S.O., Inc. d/b/a Applebee's, to make whole Hope Williams, 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 T.S.S.O., Inc. d/b/a Applebee's, to make whole Hope Williams, and any other similarly situated individuals, by providing compensation for past and future nonpecuniary 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 T.S.S.O., Inc. d/b/a Applebee's, to pay Hope Williams, 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

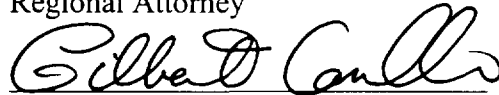
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

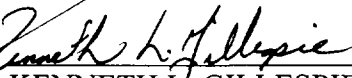
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