

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

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA
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2003
CIVIL

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

CIVIL ACTION NO.

v.

6:03-cv-383-ORL-28DAB

C-SONYA, INC. d/b/a THE CLUB and
CONCEPT 2000 PROFESSIONAL
EMPLOYERS, INC.,

Defendants.

COMPLAINT
JURY TRIAL DEMAND
INJUNCTIVE RELIEF REQUESTED

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 Lyscott Durant, Frank Mason, and other similarly situated individuals, who were adversely affected by such practices. As alleged with greater particularity in paragraph 9, Defendants violated Title VII by terminating Lyscott Durant, Frank Mason, and other similarly situated individuals from their position as bartenders 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.

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, Orlando 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 Employer I, C-Sonya d/b/a The Club ("The Club"), has continuously been a Florida Corporation doing business in the state of Florida and the City of Orlando and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Employer II, Concept 2000 Professional Employers, Inc. ("Concept"), has continuously been a Florida Corporation doing business in the state of Florida and the City of Orlando and has continuously had at least fifteen employees.

6. At all relevant times, Defendants The Club and Concept operated as joint employers and have continuously been doing business in the State of Florida and the City of Orlando, and have continuously had at least 15 employees.

7. At all relevant times, Defendants The Club and Concept have continuously been employers 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

8. More than thirty days prior to the institution of this lawsuit, Lyscott Durant and Frank Mason filed a charge with the Commission alleging violations of Title VII by Defendants. All

conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least July 2001, Defendants have engaged in unlawful employment practices at their place of business in Orlando, Florida in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). The practice includes the discriminatory discharge of Lyscott Durant, Frank Mason and other similarly situated individuals because of their race, Black.

(A) On or about October 2000, The Club hired Lyscott Durant as a bartender. On or about December 2000, The Club also hired Frank Mason as a bartender.

(B) On or about July 2001, The Club promoted Joseph Yaus to the position of Bar Manager.

(C) On or about September 2001, The Club implemented a plan for a “new image”. As part of the plan for the “new image”, Bar Manager Yaus terminated all of its Black bartenders, including Lyscott Durant and Frank Mason, because of their race, Black.

10. The effect of the practices complained of in paragraph 9 above has been to deprive Lyscott Durant, Frank Mason and other similarly situated individuals of equal employment opportunities because of their race, Black.

11. The unlawful employment practices complained of in paragraph 9 above were intentional.

12. The unlawful employment practices complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of Lyscott Durant, Frank Mason and other similarly situated individuals.

PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in race discrimination and any other employment practice which discriminates on the basis of race.

B. Order Defendants 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 Defendants to make whole Lyscott Durant, Frank Mason and 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 their unlawful employment practices, including but not limited to reinstatement, rightful-place hiring, and front pay.

D. Order Defendants to make whole Lyscott Durant, Frank Mason and other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including out of pocket losses, job search expenses, and medical expenses in amounts to be determined at trial.

E. Order Defendants to make whole Lyscott Durant, Frank Mason and other similarly situated individuals by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, including but not limited to, emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendants to pay Lyscott Durant, Frank Mason and other similarly situated

individuals punitive damages for its malicious and reckless conduct described in paragraph 9 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,

NICHOLAS M. INZEO
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

DELNER FRANKLIN-THOMAS
Regional Attorney



HEUI YOUNG CHOI

Trial Attorney

Florida Bar Number 00179582

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Two South Biscayne Boulevard, Suite 2700

Miami, Florida 33131

(305) 530-6009

(305) 536-4494 facsimile