

**FILED**

**JAN 07 2002**

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

CLERK, U. S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	CIVIL ACTION NO:
	)	3:00-CV-1084-J-20TEM
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THOMPSON & WARD LEASING CO., INC.,	)	
	)	
Defendant,	)	AMENDED
	)	INTERVENING COMPLAINT
and	)	
	)	
FLORIDA PHYSICIANS LEASING CO., INC.)	)	
d/b/a PHYSICIANS LEASING CO.	)	
	)	
Defendant.	)	
	)	
and	)	
	)	
THERESA MCWILLIAMS,	)	
	)	
Plaintiff-Intervener	)	

Theresa McWilliams sues the Defendants under Title VII of the Civil Rights Act of 1964, as amended, for damages and states:

1. The Defendants are sued for violating Title VII, as amended, by the Civil Rights Act of 1991, 42 U.S.C. §2000(e) et seq. This Court has jurisdiction of the Intervening Plaintiff's Title VII action by virtue of 28 U.S.C. §1331. The Intervening Plaintiff, McWilliams, is a "person aggrieved" by the unlawful conduct of the Defendants as contemplated by 42 U.S.C. §2000(e-f) (1).

2. At all relevant times, Defendant, Thompson & Ward

Leasing Company, Inc., has been an Ohio corporation doing business in the State of Florida in Duval and St. Johns Counties as Physicians Leasing Co. and has continuously had at least 15 employees.

3. At all relevant times, Defendant, Florida Physicians Leasing Company, Inc., has been a Florida corporation doing business in the State of Florida in Duval and St. Johns Counties as Physicians Leasing Co. and has continuously had at least 15 employees.

4. At all relevant times, the Defendants operated as an "integrated enterprise" with integrated personnel functions, management and finances.

5. At all relevant times, the Defendants have been employers as contemplated by 42 U.S.C. §2000 E (2)(a)1.

6. The Intervening Plaintiff, McWilliams, has timely filed a charge of discrimination with the EEOC and all conditions precedent to the institution of this lawsuit have been fulfilled.

7. Between January of 1998 and January of 1999, McWilliams, was employed by Thompson & Ward Leasing Co., Inc., to work for Physicians Leasing Co. in their local offices which were at varying times located in Duval and St. Johns County, Florida.

8. At all times McWilliams performed her job duties in a satisfactory manner and was in all respects qualified to perform her job duties with the Defendants.

9. Beginning in January of 1998, McWilliams was subjected to unlawful sexual harassment in the work place consisting of vulgar language, abusive behavior, sexual remarks of a personal nature, pornography, profanity, and/or physical touching. This conduct was directed at the Intervening Plaintiff and other females, in her presence, because of their sex, and was sufficiently severe and pervasive to affect the terms and conditions of her employment and create a hostile and offensive work environment. Ms. McWilliams made it known to the harassers that such conduct was unwelcome.

10. At all times material, the Defendants failed to have any policies concerning sexual harassment in the work place. Notwithstanding this, the Defendants' managerial employees were aware of the unwelcome sexual harassment both by virtue of witnessing said conduct and by virtue of the complaints of Ms. McWilliams and other similarly situated females.

11. The Defendants failed to take prompt remedial action concerning sexual harassment and allowed it to continue.

12. The Intervening Plaintiff, McWilliams, made complaints concerning the sexual harassment to managerial employees with the Defendants and as a result was subjected to retaliation in the form of heightened scrutiny where compared to those who had not complained, and termination when she persisted in making complaints. These actions by the Defendant employer were in

retaliation for the Intervening Plaintiff's protected speech in opposition to the sexual harassment occurring in the work place.

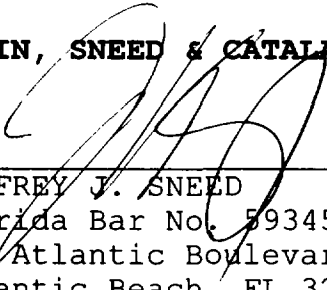
13. The unlawful employment practices complained of above were at all times intentional, and were done with malice or reckless indifference to the federally protected rights of Theresa McWilliams.

14. The Intervening Plaintiff has retained the undersigned attorney and has agreed to pay him a reasonable fee for his services.

15. As a direct and proximate result of the harassing conduct of the Defendants the Intervening Plaintiff, McWilliams has sustained damages in the form of lost wages, lost earning capacity, expenses for counseling, medical expenses, lost benefits, mental anguish, humiliation, and other compensatory damages.

WHEREFORE, the Intervening Plaintiff demands judgment against the Defendants for damages, punitive damages, attorneys' fees and costs and requests a jury trial on all issues so triable.

**EAKIN, SNEED & CATALAN**



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JEFFREY J. SNEED  
Florida Bar No. 593450  
599 Atlantic Boulevard, Suite 4  
Atlantic Beach, FL 32233  
(904) 247-6565  
Attorney for Theresa McWilliams