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

UNITED STATES EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
VAL WARD CADILLAC, INCORPORATED)
)
)
Defendant.)
_____)

JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

CIVIL ACTION NO.
2:00-cv-410-FEM-29D

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 Chris Weatherspoon who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that Chris Weatherspoon was subjected to a racially charged hostile environment and then discharged by his employer, Val Ward Cadillac, Inc., in retaliation for complaining about the racial harassment he was being subjected to.

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 Val Ward Cadillac, Incorporated (the "Employer"), has continuously been doing business in the State of Florida and the City of Fort Myers, 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, Chris Weatherspoon 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 June of 1996, Defendant Employer has engaged in unlawful employment practices at its place of business in Fort Myers, Florida in violation of Section 703(a), Section 704(a) of Title VII, 42 U.S.C. § 2000e-2(a), and Section 2000e-3(a) which included the

following:

(A) Chris Weatherspoon, who at all relevant times was employed by Defendant in the Maintenance Department, was constantly subjected to jokes of racial nature and racial derogatory name-calling because of his race (black), by his supervisor, manager, and other employees of Defendant. The harassing conduct also included an egregious situation where Mr. Weatherspoon was told that he should be roped and chained and then dragged behind a trunk until dead. The unwelcome racial harassment was sufficiently severe and pervasive to affect the terms and conditions of his employment and created an intimidating, hostile, and offensive work environment. Mr. Weatherspoon complained to management officials of Defendant Employer that such conduct was unwelcome. Despite Mr. Weatherspoon's complaints, Defendant Employer allowed the racial harassment to persist in its work place and failed to take prompt remedial action when it knew or should have known of the racial harassment. Defendant is liable for the behavior Mr. Weatherspoon was subjected to during his employment.

(B) On or about December 14, 1998, Defendant Employer terminated Mr. Weatherspoon shortly after he complained about the racial harassment. Mr. Weatherspoon's termination was in retaliation for his opposition to Defendant's racial harassment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Chris Weatherspoon of equal employment opportunities and otherwise adversely affect his status as an employee because of his race and/or in retaliation for his opposition to unlawful employment practices.

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 Chris Weatherspoon.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Val Ward Cadillac, Incorporated, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in race discrimination and retaliatory conduct and any other employment practice which discriminates on the basis of race and/or due to opposition to an unlawful employment practice.

B. Order Defendant Val Ward Cadillac, Incorporated, 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 Val Ward Cadillac, Incorporated, to make whole Chris Weatherspoon 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 and/or front pay, restoration of benefits and positive future employment references for Chris Weatherspoon.

D. Order Defendant Val Ward Cadillac, Incorporated, to make whole Chris Weatherspoon 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 Val Ward Cadillac, Incorporated, to make whole Chris

Weatherspoon 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 Val Ward Cadillac, Incorporated, to pay Chris Weatherspoon 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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