

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

**CIVIL ACTION NO:
1:13-CV-21666-KMW**

**NORMA RODRIGUEZ,
MAYKEL RUZ, ROMMY SANCHEZ,
and YANILEYDIS CAPOTE,**

Intervening Plaintiffs,

FIRST AMENDED COMPLAINT

v.

**DYNAMIC MEDICAL SERVICES
Inc.**

JURY TRIAL DEMANDED

Defendant.

_____ /

**FIRST AMENDED COMPLAINT IN INTERVENTION OF
NORMA RODRIGUEZ, MAYKEL RUZ
ROMMY SANCHEZ and YANILEYDIS CAPOTE**

Intervenors Norma Rodriguez, Maykel Ruz, Romy Sanchez and Yanileydis Capote through their undersigned counsel, file this Complaint as party Plaintiffs, as authorized by Fed. R. Civ. P. 24.

JURISDICTION AND VENUE

1. This action is brought by the Intervening Plaintiffs, for religious discrimination in employment pursuant to the “Florida Civil Rights Act of 1992.”, Chapter 760, Florida Statutes and the Florida’ Private Sector Whistleblower’s Act, Florida Statute section 448.102, protecting a person from retaliation for opposing illegal conduct.
2. Jurisdiction of Intervenors’ federal claims is invoked pursuant to 28 U.S.C. §§1331, 1332, 1343, 2201 and 2202, and 42 U.S.C. §2000e-5(f). Supplemental jurisdiction over

Intervenors' state law claims is conferred by 28 U.S.C. § 1367, as their state and federal claims arise out of a common nucleus of operative fact, as more fully set forth below.

3. Venue lies with this Court as to Intervenors' claims as the events giving rise to their claims occurred in Miami-Dade County, Florida.

PARTIES

4. The U.S. Equal Employment Opportunity Commission ("Commission" or "EEOC") is an 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. § 2000e-5(f)(1) and (3).
5. Defendant Dynamic Medical Services, Inc. (hereinafter "Dynamic") is a Florida corporation doing business in the State of Florida including Dade County, Florida. Defendant has continuously had at least 15 employees, and has been engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e (b), (g), and (h). At all relevant times Defendant has continuously been an employer within the meaning of 42 U.S.C. §2000e (b) and Chapter 760.02 (7), Florida Statutes.
6. Dynamic provides medical and chiropractic services to patients.
7. Dr. Dennis Nobbe ("Nobbe") is the owner of Dynamic.
8. Intervenor Norma Rodriguez (hereinafter "Rodriguez") is a former employee of Dynamic, having worked for Defendant from approximately March 24, 2008 to March 8, 2010.
9. Intervenor Maykel Ruz (hereinafter "Ruz") is a former employee of Dynamic having worked for Defendant from approximately November 06, 2008 to March 25, 2010.
10. Intervenor Rommy Sanchez (hereinafter "Sanchez") is a former employee of Dynamic, having worked for Defendant from approximately June, 2007 to March 8, 2010.

11. Intervenor Yanileydis Capote (hereinafter “Capote”) is a former employee of Dynamic, having worked for Defendant from approximately May 26, 2009 to June 14, 2010.

CONDITIONS PRECEDENT

12. More than 30 days previous to the institution of this lawsuit, Intervenor filed a dual Charge with the EEOC alleging that Defendant discriminated against Sanchez, Rodriguez, Capote, and Ruz in terms of conditions and privileges of employment, and subjected them to a hostile working environment based on their religion, in violation of Title VII and Florida Civil Rights Act, Chapter 760, Fl Statutes.

13. The Commission issued Letters of Determination finding reasonable cause to believe that (1) Dynamic subjected Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, and a class of individuals to a hostile work environment based on their religion; (2) Dynamic subjected Norma Rodriguez, Maykel Ruz, Rommy Sanchez, and Yanileydis Capote to disparate treatment because of their failure to conform to employer’s religion; (3) Dynamic failed to accommodate the religious beliefs of Norma Rodriguez, Maykel Ruz, Rommy Sanchez, and Yanileydis Capote; (4) Dynamic terminated Norma Rodriguez and Rommy Sanchez and constructively discharged Yanileydis Capote and Maykel Ruz in retaliation for opposing Dynamic’s unlawful employment practices.

14. Prior to the institution of this lawsuit, Intervenor have complied with all pre-suit requirements.

STATEMENTS OF FACTS

15. Dynamic’s sole owner, Nobbe, is a member of the Church of Scientology.

16. Dynamic conditions employment on attendance at mandatory courses that involve participating in Scientology religious practices (“Course(s)"). The Courses are religious in nature as demonstrated by the following: (a) Courses use written materials developed

by L. Ron Hubbard, who developed the religion of Scientology; (b) written materials contain references throughout to concepts and terms such as “ARC Triangle,” “matter, energy, space, and time (MEST),” and “Cycle of Action,” which are principle tenets of Scientology; (c) as part of Courses, employees do exercises that are Scientology religious practices and exercises, such as to sit facing another person and stay absolutely still for eight hours, scream at an ashtray, talk to a wall, and physically push or move a person from a position, among others; (d) during Courses, instructors refer to Scientology religious writings, written by L. Ron Hubbard, such as “The Way To Happiness,” “Dianetics,” and “Original Thesis,” to assist employees during the Course; and (e) the Courses were held either at one of Dynamic’s clinic locations or at the Church of Scientology.

17. Dynamic employs several Course instructors, including, Jose Luis Alarcon (“Alarcon”), Charlie Fox (“Fox”), Maria Lita Reyes (“Lita”), and Carolina Crespo (“Crespo”). Course instructors are members of the Church of Scientology or associated with the Church of Scientology. Dynamic hires Course instructors solely for the purpose of running religious Courses or, in the case of Alarcon, for running religious Courses and attending to other responsibilities, such as completing paperwork with new employees, reviewing employee handbook and policies with new employees, and completing W-4 forms.
18. Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, and a class of individuals were forced to attend the Courses on a regular basis throughout their employment at Dynamic. For example, Rodriguez attended Courses Monday through Friday from 9 a.m. to noon from approximately June 2008 to the time she was terminated in March 2010; Ruz attended Courses from about two weeks after he started working at

Dynamic in December 2008 until he left the company in March 2010; Sanchez attended Courses either from 9 a.m. to noon, or 1 p.m. to 5 p.m., or 9 a.m. to 5 p.m., Monday through Friday; and Capote attended Courses daily from 8 a.m. to 5 p.m.; and at weekly company-wide Monday meetings, employees received schedules that stated when each employee was required to attend Courses.

19. In addition to requiring mandatory attendance at Courses, Dynamic's owner and supervisors repeatedly harangued employees to go to the Church of Scientology, to engage in Scientology practices, to read Scientology religious books, and lectured employees about Scientology religious beliefs, many times forcing or coercing employees to actually engage in Scientology religious practices. For example:

- a. Nobbe and other supervisors announced at company-wide Monday meetings that employees had to attend Courses at the Church of Scientology.
- b. Nobbe would announce at other meetings that employees "have to go to the Church," going so far as to instruct employees that people who held positions as "callers" would go as a group to the Church, and sales people would go together as a group to the Church.
- c. Employees were required to sell "The Way to Happiness" and "Dianetics" to patients.
- d. A female Course instructor told Rodriguez that she should go to the Church of Scientology to undergo detoxification because it would take care of the "problems" her and her daughter had, referring to the fact Rodriguez was a cancer survivor and her daughter had recently been diagnosed with cancer as well.

- e. An instructor also told Rodriguez the Courses made her healthier, to which Rodriguez protested, telling the instructor she did not believe what Scientology believed.
 - f. Nobbe and Course instructors told Rodriguez that Scientologists did not believe people got sick, but rather that illness was just in peoples' minds.
 - g. Alarcon told Capote that Nobbe wanted her to read "The Way to Happiness" and "Dianetics."
 - h. Class members were required to undergo "audits," a Scientology practice where a member of the Church of Scientology asks you personal questions about your life.
 - i. Dynamic instructed class members to attend seminars at the Church of Scientology on topics such as "engrams," which is a principle or belief of the Scientology religion.
20. Rommy Sanchez was forced to participate in several extensive religious practices at the Church of Scientology. One religious practice involved an Electropsychometer or E-Meter is a Scientology "religious artifact." Sanchez was forced to have a machine connected to her using cables, and sit and answer personal questions about her life while connected to this machine. Sanchez was forced to do this three times a week for a month.
21. Sanchez was also forced to undergo a "purification" process which is a religious practice of Scientology. The "Purification Rundown" is a detoxification program which Scientologists believe enables an individual to rid himself of the harmful effects of drugs, toxins and other chemicals that lodge in the body and create a biochemical barrier to spiritual well-being. It is a regimen of exercise, sauna and nutrition developed by L. Ron Hubbard.

22. Nobbe approached Sanchez towards the end of 2009, with Alarcon translating for him into Spanish, and told her he wanted her to take a Course that would “purify” her. After the conversation with Nobbe, Sanchez told Alarcon that she did not want to do the “purification” Course. Alarcon said the Course was good for her, that it would change her mind and detox her. When Sanchez still said she did not want to do it, Alarcon said, “Remember you work for Dynamic and Nobbe is paying for this.”
23. Sanchez was required to undergo the purification course which was held at the Church of Scientology in the Coral Gables neighborhood in Miami. Charlie Fox (“Fox”), who was also a Course instructor at Dynamic, supervised the purification Course at the Church of Scientology.
24. As requested, Sanchez did purification every single day, even weekends, from 2 p.m. to 7 p.m. from the end of 2009 until late January 2010, when she fainted as a result of the purification process.
25. After the fainting episode, Sanchez did not go to purification for the next two or three days. Fox approached Sanchez at work, demanding why she had not gone to the Church of Scientology to continue purification.
26. Approximately three days after the fainting episode, Sanchez, Dania (last name unknown) and Alarcon met. Sanchez told Alarcon she did not want to go back to the Church of Scientology for purification. Alarcon responded, “you work for Nobbe, and Nobbe is paying for this.” Sanchez went back to the Church of Scientology to do purification Course to keep her job.
27. Dynamic’s owner, Nobbe, knew about religious Courses and proselytization occurring at Dynamic as demonstrated by the fact he employed Course instructors, he told employees

to attend the Church of Scientology, he told Sanchez to undergo “purification,” and lectured employees such as Rodriguez on Scientology religious beliefs.

28. Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, and a class of individuals all sincerely objected to their immediate supervisors and/or Course instructors about attending the religious Courses and about the repeated religious proselytization and coercion on grounds that these practices and conduct conflicted with their religious beliefs, their conscience and/or religious sensibilities as non-Scientologist. Dynamic refused to accommodate employees or stop the coercive treatment. For example:

- a. Rodriguez told her supervisor, Lucy Montero, that she refused to sell religious books “The Way To Happiness” and “Dianetics,” because they were Scientology religious texts.
- b. On another occasion, Rodriguez told her supervisor Montero and Jose Luis Alarcon that she is a Jehovah’s Witness and that she did not want to go to the Church of Scientology for Courses. Alarcon said other Christians attend the Church of Scientology for Courses. Rodriguez responded that she did not care about those people and that she personally did not want to attend because of her religion. Alarcon made a disapproving gesture with his face. Montero responded to Rodriguez that Nobbe wanted everyone to go to the Church of Scientology. A week after objecting to the Courses because of her religious beliefs, Rodriguez was terminated.
- c. During one of the Courses, Ruz, who is not a Scientologist, told Alarcon that he didn’t understand “their religion” and didn’t want to do the Courses. Alarcon told Ruz, “You will do it because Nobbe requires it.”

- d. Again, on another occasion, on or about February 2009, Ruz told Montero he did not want to attend the Courses. Montero responded, “This will help you in life,” and “it is the best thing for you.” She also said, “You have to because Nobbe requires it,” and she said “he [Nobbe] is paying for you to take these courses.”
 - e. Likewise, Capote, who is not a Scientologist, told Ana Garcia, her supervisor, that she objected to the religious Courses; and Sanchez, who is not a Scientologist, told Alarcon she did not want to attend the religious Courses. Shortly after stating her objection to her supervisor, Capote was instructed to read “Dianetics” and “The Way to Happiness” and complete a hand-out on both religious works. In response to Sanchez’s objection, Alarcon said, “Remember you work for Dynamic and Nobbe is paying for this.”
 - f. As discussed above in paragraphs 22 and 25, Sanchez told Alarcon that she did not want to continue doing purification courses and going to the Church of Scientology.
29. The mandatory Courses and repeated attempts to coerce employees into adopting Scientology beliefs and/or engaging in Scientology practices, altered employees’ conditions of employment, subjected employees to offensive conduct, and created a discriminatorily abusive work environment. For example:
- a. By requiring employees to attend Courses for several hours a day, employees were not able to meet performance quotas within regular work hours, but were forced to work overtime for which they were not always paid.

- b. Ruz found the religious exercises he was forced to engage in – such as physically pushing or moving a person from a position – to be mentally and physically debilitating and stressful.
 - c. Ruz suffered anguish and stress when Nobbe, through Alarcon translating into Spanish, told him that he and his wife had to attend the Courses, and if not he could fire them at anytime because “Balseros [refers to Cuban immigrant who arrive by rafts] like [them] arrive every day.”
 - d. Sanchez suffered mental and physical stress being forced to undergo “purification.” She had seen the detrimental physical effects “purification” had on a fellow employee, Maria Del Pino, and did not want to endure the same effects, which she ultimately did endure. Moreover, Sanchez suffered anxiety knowing that if she did not do the “purification rundown” or continue attending Courses, she would lose her job.
 - e. Rodriguez found that comments into her personal life, and statements that Scientology would cure her and her daughter’s cancer offensive and humiliating.
 - f. Capote’s objections to religious Courses were met with requirements to read Scientology religious texts, further forcing her to engage in religious practices she objected to, thus creating a discriminatorily abusive environment.
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- a. Rodriguez told her supervisor, Lucy Montero, that she refused to sell religious books “The Way To Happiness” and “Dianetics,” because they were Scientology religious texts.
 - b. On another occasion, Rodriguez told her supervisor Montero and Jose Luis Alarcon that she is a Jehovah’s Witness and that she did not want to go to the

Church of Scientology for Courses. Alarcon said other Christians attend the Church of Scientology for Courses. Rodriguez responded that she did not care about those people and that she personally did not want to attend because of her religion. Alarcon made a disapproving gesture with his face. Montero responded to Rodriguez that Nobbe wanted everyone to go to the Church of Scientology. A week after objecting to the Courses because of her religious beliefs, Rodriguez was terminated.

- c. During one of the Courses, Ruz, who is not a Scientologist, told Alarcon that he didn't understand "their religion" and didn't want to do the Courses. Alarcon told Ruz, "You will do it because Nobbe requires it."
- d. Again, on another occasion, on or about February 2009, Ruz told Montero he did not want to attend the Courses. Montero responded, "This will help you in life," and "it is the best thing for you." She also said, "You have to because Nobbe requires it," and she said "he [Nobbe] is paying for you to take these courses."
- e. Likewise, Capote, who is not a Scientologist, told Ana Garcia, her supervisor, that she objected to the religious Courses; and Sanchez, who is not a Scientologist, told Alarcon she did not want to attend the religious Courses. Shortly after stating her objection to her supervisor, Capote was instructed to read "Dianetics" and "The Way to Happiness" and complete a hand-out on both religious works. In response to Sanchez's objection, Alarcon said, "Remember you work for Dynamic and Nobbe is paying for this."

- f. As discussed above in paragraphs 22 and 25, Sanchez told Alarcon that she did not want to continue doing purification courses and going to the Church of Scientology.

COUNT I:
DISCRIMINATION BASED ON RELIGION IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT OF 1992, FLORIDA STATUTES, CHAPTER 760

30. Intervening Plaintiffs Norma Rodriguez, Maykel Ruz, Rommy Sanchez, and Yanileydis Capote incorporate by reference the allegations stated at paragraphs 12 to 26 of Plaintiff Equal Employment Opportunity Commission (EEOC) Complaint [D.E. 1], and paragraphs 1 to 29 of Intervenors' Complaint.
31. The FCRA, Fla. Stat. Chapter 760.10, (7) reads in applicable part, as follows: "It is an unlawful employment practice for an employer, an employment agency, a joint labor management committee, or a labor organization to discriminate against any person because that person has opposed any practice which is an unlawful employment practice under this section, or because that person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section".
32. Dynamic engaged in unlawful employment practices in violation of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute, Chapter 760.10, by failing to accommodate the requests of Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, and a class of individuals, that they not be required to participate in Scientology religious practices and teachings on the grounds that Dynamic's mandatory religious employment practices conflicted with employees' sincerely held religious beliefs, their conscience and/or religious sensibilities as non-Scientists.
33. Dynamic engaged in unlawful employment practices in violation of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute, Chapter 760.10, by subjecting Norma Rodriguez,

Maykel Ruz, Rommy Sanchez, Yanileydis Capote, and a class of individuals to a hostile work environment based on Religion by the employer's unwelcome imposition upon them of Scientology religious views and practices after employees had objected to being subjected to such views and practices.

34. Dynamic engaged in unlawful employment practices in violation of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute, Chapter 760.10, by terminating Norma Rodriguez and Rommy Sanchez, by constructively discharging Maykel Ruz and Yanileydis Capote based on their failure to conform to employer's Scientology religious practices and beliefs.
35. In subjecting Intervenors Rodriguez, Ruz, Sanchez and Capote to discrimination and harassment because of their religion, and in retaliating against them, for their opposition to unlawful discrimination, Defendants acted with intent, malice and with reckless disregard for Plaintiffs' protected rights, under Federal and State law.
36. As a direct and proximate result of the Defendant's intentional conduct, Plaintiffs suffered serious economic losses as well as mental pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, Intervening Plaintiffs Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, respectfully request that this Court enter an order:

- A. Granting a permanent injunction enjoining Dynamic, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of Religion in violation of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute Chapter 760; and
- B. Ordering Dynamic to make whole Rodriguez, Ruz, Sanchez and Capote, and a class of individuals subjected to disparate treatment and/or a hostile work providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described

in paragraphs 12 to 29 and 30 to 36 above, including, but not limited to, relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial;

- C. Ordering Dynamic to make whole Rodriguez, Ruz, Sanchez and Capote and a class of individuals subjected to disparate treatment and/or a hostile work environment by providing past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraphs 12 to 29 and 30 to 36 above, including emotional and physical pain, suffering and mental anguish, in amounts to be determined at trial; and
- D. Ordering Dynamic to pay Rodriguez, Ruz, Sanchez and Capote, and a class of individuals subjected to disparate treatment and/or a hostile work environment punitive damages for its Malicious and reckless conduct, as described in paragraphs 12 to 29 and 30 to 36 above, in amounts to be determined at trial; and
- E. Awarding Intervening Plaintiffs damages for the amount of the costs of litigation and filing including attorney's fees; and
- F. Grant such other and further equitable relief as this court deems equitable and just and/or available pursuant to State Law including punitive damages.

JURY TRIAL DEMAND

Intervening Plaintiffs Rodriguez, Ruz, Sanchez, and Capote demand trial by jury of all issues triable as of right by jury.

COUNT II:
VIOLATION OF FLORIDA CIVIL RIGHTS ACT OF 1992, FLORIDA STATUTES,
CHAPTER 760, RETALIATION

- 37. Intervening Plaintiffs Rodriguez, Ruz, Sanchez, and Capote incorporate by reference the allegations stated at paragraphs 12 to 30 of Plaintiff Equal Employment Opportunity Commission (EEOC) Complaint [D.E. 1], and paragraphs 1 to 36 of Intervenors' Complaint.

38. The FCRA, Fla. Stat. Chapter 760.10, (1) (a) reads in applicable part, as follows: It is an unlawful employment practice for an employer: (a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.
39. Intervenor Ruz worked for Dynamic from December 2008 to March 2010 as a salesperson. As set forth in paragraph 28 and 28(c) Ruz repeatedly objected about being forced to attend the Scientology religious Courses because he did not understand Scientology. On one occasion Nobbe told Ruz, with Alarcon translating into Spanish, that if Ruz did not attend Courses he could not work at Dynamic. Ruz went back to taking Courses because he did not want to get fired. Approximately, a month later he again complained to Alarcon telling him he did not want to do the Courses. Alarcon told Ruz, "If you don't continue attending Courses you have to leave." Ruz could not tolerate the hostile working environment anymore and as a result, he resigned, no reasonable person could continue working under those oppressive conditions. Therefore, Ruz was constructively discharged by Defendant on or about March 25, 2010.
40. Intervenor Capote worked for Dynamic from May 2009 to approximately May or June 2010, in Public Patient Relations, working directly with doctors and patients in the clinic. When Capote objected to religious Courses and stopped attending Courses in protest, she was subjected to further religious coercion, being forced to read Scientology religious texts. As a result, Capote had to resign, no reasonable person could continue working under that abusive work environment. Therefore, Capote was constructively discharged by Defendant on or about July 14, 2010.

41. Intervenor Rodriguez worked for Dynamic from April 2008 to March 8, 2010 as a salesperson. Prior to her termination, Rodriguez had not received a written or verbal warning nor had she failed to meet her sales quota. However, she was fired a week after she told Alarcon and Montero that she objected to the Courses because of her religion as a Jehovah's Witness.
42. Intervenor Sanchez worked for Dynamic from approximately June or July 2007 to March 2010. Sanchez was one of the top performing employees as a caller and telemarketer – as she was one of the best patient recruiters – and had received raises throughout her time of employment. As set forth in paragraph 22 and 25 Sanchez repeatedly complained about being forced to do “purification” and Courses, but continued to comply with religious job requirements out of fear of losing her job. Alarcon communicated to her that Nobbe expected her to attend Courses and complete “purification.” However, in February 2010, Sanchez stopped complying with religious requirements or conforming to employers religious expectations by not regularly attending Courses at the Church of Scientology. Throughout February 2010, Alarcon approached Sanchez several times at work and asked why she was not going to the Church of Scientology. Alarcon and Fox concluded Sanchez was not regularly attending the Church of Scientology. Shortly thereafter, in March 2010, Sanchez was fired for not conforming to or adopting her employer's religious practices and beliefs.
43. Intervening Plaintiffs' protected activities resulted in retaliatory adverse actions that altered the terms, conditions and privileges of their employment.
44. Dynamic engaged in unlawful employment practices in violation of the Florida Civil Rights Act of 1992, Chapter 760 Fla. Stat., by terminating Norma Rodriguez and Rommy Sanchez and by constructively discharging Maykel Ruz and Yanileydis Capote in retaliation for

opposing Dynamic's unlawful employment practices, and in retaliation for their refusal to participate in Dynamic's Scientology practices based on their sincerely held religious beliefs, their conscience and/or religious sensibilities as non-Scientists.

45. Intervening Plaintiffs were forced to endure a continued, unrelenting, abusive and disparate treatment at the hands of individuals with the ability to hire, fire, promote, and discipline them, and they were eventually terminated in retaliation to their refusal to accept the unlawful discriminatory employment practices.

46. Dynamic's actions were done wantonly, willingly, malicious and were recklessly indifferent to the Intervening Plaintiffs' rights pursuant to Florida Statute Section 760, protecting a person from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

47. As a direct and proximate result of the Defendant's intentional conduct, Plaintiff suffered serious economic losses as well as mental pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, Intervening Plaintiffs Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, respectfully request that this Court enter an order:

- A. Granting a permanent injunction enjoining Dynamic, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of Religion in violation of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute Chapter 760; and
- B. Ordering Dynamic to make whole Rodriguez, Ruz, Sanchez and Capote and a class of individuals subjected to disparate treatment and/or a hostile work environment by providing past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraphs 12 to 29 and 37 to 47 above, including emotional

and physical pain, suffering, mental anguish, and humiliation from being terminated due to their opposition to the illegal actions of Defendant in amounts to be determined at trial; and

- C. Ordering Dynamic to make whole Rodriguez, Ruz, Sanchez and Capote by providing appropriate back pay with pre-judgment 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 awarding front pay to Rodriguez, Ruz, Sanchez, and Capote;
- D. Ordering Dynamic to pay Rodriguez, Ruz, Sanchez and Capote, and a class of individuals subjected to disparate treatment and/or a hostile work environment punitive damages for its malicious and reckless conduct, as described in paragraphs 12 to 29 and 37 to 47 above, in amounts to be determined at trial; and
- E. Awarding Intervening Plaintiffs damages for the amount of the costs of litigation and filing including attorney's fees pursuant to Florida Statute §448.104.; and
- F. Grant such other and further equitable relief as this court deems equitable and just and/or available pursuant to State Law including punitive damages.

JURY TRIAL DEMAND

Intervening Plaintiffs Rodriguez, Ruz, Sanchez, and Capote demand trial by jury of all issues triable as of right by jury.

COUNT III:
VIOLATION OF THE FLORIDA PRIVATE SECTOR WHISTLEBLOWER'S ACT,
SECTION 448.102 (3) F.S.

48. Intervening Plaintiffs Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, re-adopts each and every factual allegation as stated in paragraphs 1-47 of this complaint as if set out in full herein.
49. The corporate Defendant Dynamic is a corporation registered to do business in the State Of Florida. Dynamic provides medical and chiropractic services to patients in Miami-Dade, Florida. Defendant employs more than 10 persons.
50. Intervening Plaintiffs Rodriguez, Ruz, Sanchez, and Capote worked for Defendant's business in different positions.
51. Intervenor Norma Rodriguez (hereinafter "Rodriguez") is a former employee of Dynamic, having worked for Defendant as a salesperson from approximately March 24, 2008 to March 8, 2010.
52. Intervenor Maykel Ruz is a former employee of Dynamic having worked for Defendant as a salesperson from approximately November 06, 2008 to March 25, 2010.
53. Intervenor Rommy Sanchez is a former employee of Dynamic, having worked for Defendant as a caller and telemarketer from approximately June, 2007 to March 8, 2010.
54. Intervenor Yanileydis Capote is a former employee of Dynamic, having worked for Defendant as a Public Patient Relations employee from approximately May 26, 2009 to June 14, 2010.
55. Rodriguez, Ruz, Sanchez, and Capote were qualified individuals for their positions, since they possessed the required skills, training, and education to perform the jobs in question.
56. Throughout their employment with Defendant, Rodriguez, Ruz, Sanchez, and Capote always performed and excelled at the essential functions of their positions.

57. However, during their employment with Defendant Dynamic, Plaintiffs suffered discrimination and harassment on basis of their Religion.
58. Dynamic engaged in unlawful employment practices in violation of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute, Chapter 760.10, by subjecting Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, and a class of individuals to a hostile work environment based on Religion by the employer's unwelcome imposition upon them of Scientology religious views and practices after employees had objected to being subjected to such views and practices.
59. Dynamic engaged in unlawful employment practices in violation of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute, Chapter 760.10, by terminating Norma Rodriguez and Rommy Sanchez, and by constructively discharging Maykel Ruz and Yanileydis Capote based on their failure to conform to employer's Scientology religious practices and beliefs.
60. Plaintiffs objected to the illegal employment practices of Defendant concerning discrimination on basis of their Religion. As a result, Defendant retaliated against Plaintiffs by discharging them, as further described in Paragraphs 37 to 47 of this Complaint.
61. Plaintiffs were subjected to adverse employment actions including constructive discharge or termination from their employment with Defendant as a direct result of, and in retaliation for, their reporting of, and opposition to violations of the Florida Civil Rights Act of 1992 (FCRA), Florida Statute Chapter 760.
62. Defendant, willfully and intentionally refused to comply with the anti-discrimination provisions as required by the laws of the United States as set forth above and instead, discharged Plaintiff. The retaliatory actions described above were conducted by Defendant because Plaintiffs objected to, and refused to participate in unlawful activities.

63. The above described actions of Defendant constitute a violation of the Florida Private Whistleblower's Act, Section 448.102(3) F.S.
64. At all times material hereto, Defendant Dynamic failed to comply with Florida's Private sector Whistleblower's Act, Florida Statute Section 448.102 (1), which provides, in relevant part: "An employer may not take any retaliatory personnel action against an employee because the employee has: ...(3) Objected to, or refused to participate in, any activity, policy, or practice of the employer which is in violation of a law, rule, or regulation."
65. The discharge of Rodriguez, Ruz, Sanchez, and Capote by Defendant Dynamic was on the basis of Plaintiffs complaining and objecting to an illegal activity.
66. At all relevant times aforementioned, including the time of termination of Plaintiffs, Defendants were aware of Plaintiffs' rights as employees.
67. The Defendant's actions were malicious and were recklessly indifferent to the Plaintiffs' rights pursuant to Florida' private sector Whistleblower's Act, Florida Statute section 448.102, protecting a person from retaliation for opposing illegal conduct.
68. The aforementioned actions of Defendant were done wantonly, willfully, maliciously and with reckless disregard of the consequences of such actions.
69. Plaintiffs have retained the law offices of the undersigned attorney to represent them in this action and are obligated to pay a reasonable attorneys' fee.

PRAYER FOR RELIEF

WHEREFORE, Intervening Plaintiffs Norma Rodriguez, Maykel Ruz, Rommy Sanchez, Yanileydis Capote, respectfully request that this Court enter an order:

- A. Grant a permanent injunction enjoining Dynamic its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which violates the Florida Private Whistleblower's Act.
- B. Reinstate Plaintiffs Rodriguez, Ruz, Sanchez, and Capote to the same position they held before the retaliatory personnel action, or to an equivalent position.
- C. Reinstate full fringe benefits and seniority rights to Plaintiffs.
- D. Order Dynamic to make Plaintiffs whole, by compensating Plaintiffs Rodriguez, Ruz, Sanchez, and Capote for lost wages, benefits, including front pay, back pay with prejudgment interest and other remuneration for mental pain, anguish, pain and humiliation from being terminated due to their opposition to the illegal actions of Defendant.
- E. For a money judgment representing prejudgment interest.
- F. Award any other compensation allowed by law including attorney's fees pursuant to 448.104 F.S.

JURY TRIAL DEMAND

Intervening Plaintiffs Rodriguez, Ruz, Sanchez, and Capote demand trial by jury of all issues triable as of right by jury.

Dated: October 04, 2013

Respectfully submitted,

By: /s/ Zandro E. Palma
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