

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
GARGIULO, INC.,)
)
Defendant.)

CIVIL ACTION NO:
2:05-CV-460-FTM-29-SPC

JURY TRIAL DEMANDED

INJUNCTIVE RELIEF
SOUGHT

PLAINTIFF EEOC'S AMENDED COMPLAINT

NATURE OF THE ACTION

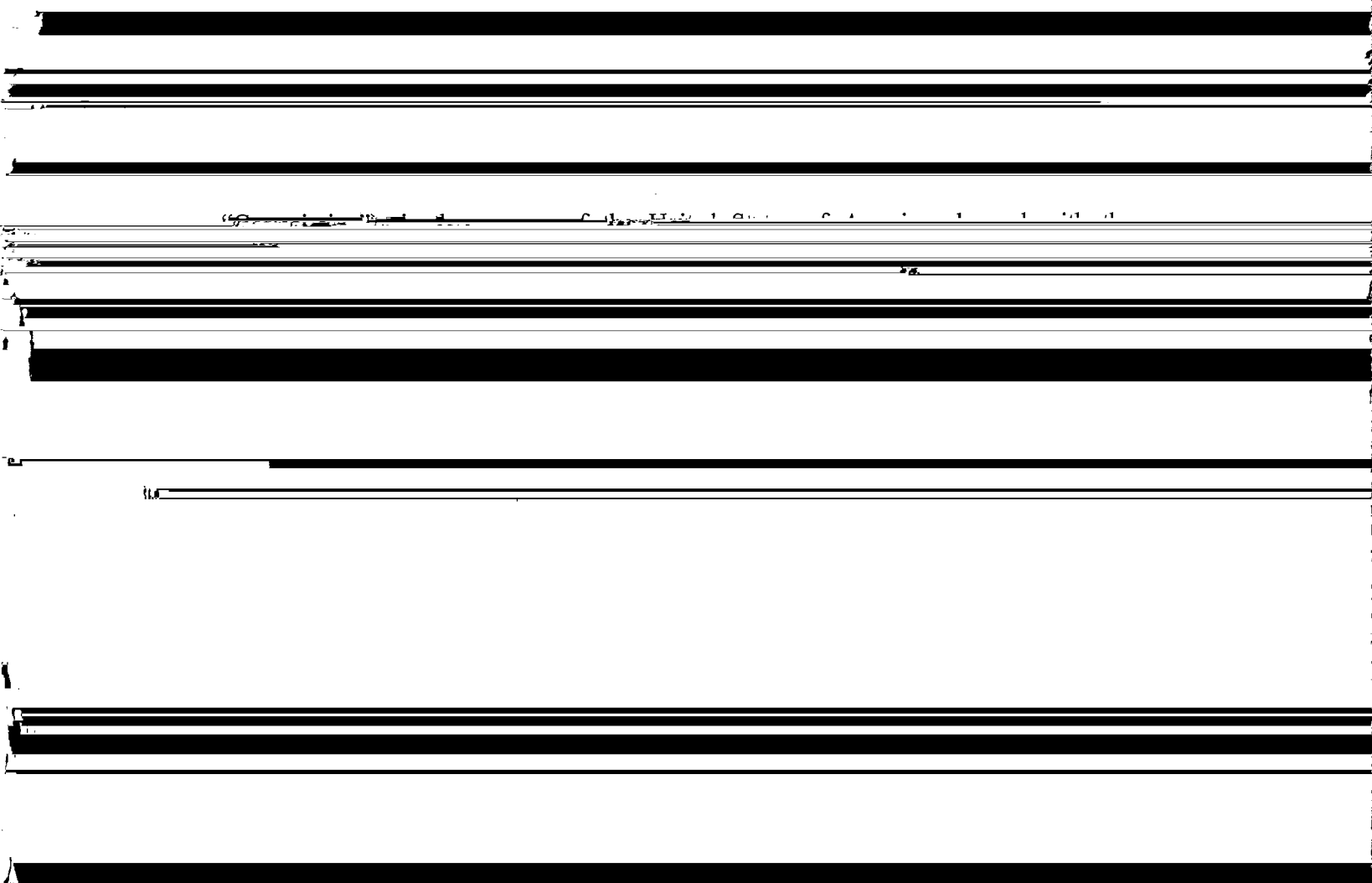
JURISDICTION AND VENUE

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. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

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, Ft. Myers Division.

PARTIES

3. Plaintiff the Equal Employment Opportunity Commission (the



Ms. Jean-Francois, Ms. Pierre, Ms. Julien, and Ms. Saint-Hilaire filed charges with the Commission alleging violations of Title VII by Defendant Employer.

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

COUNT I:

SEXUAL HARASSMENT AND DISCRIMINATION IN VIOLATION OF TITLE VII

8. Plaintiff incorporates the allegations in paragraphs 1-7 by reference

9. This is a civil action for sex discrimination under 42 U.S.C. § 2000e-2(a) of Title VII.

10. Solange Marcelin was employed by Defendant at its Immokalee, Florida facility as a tomato grader for nine seasons beginning in 1994.

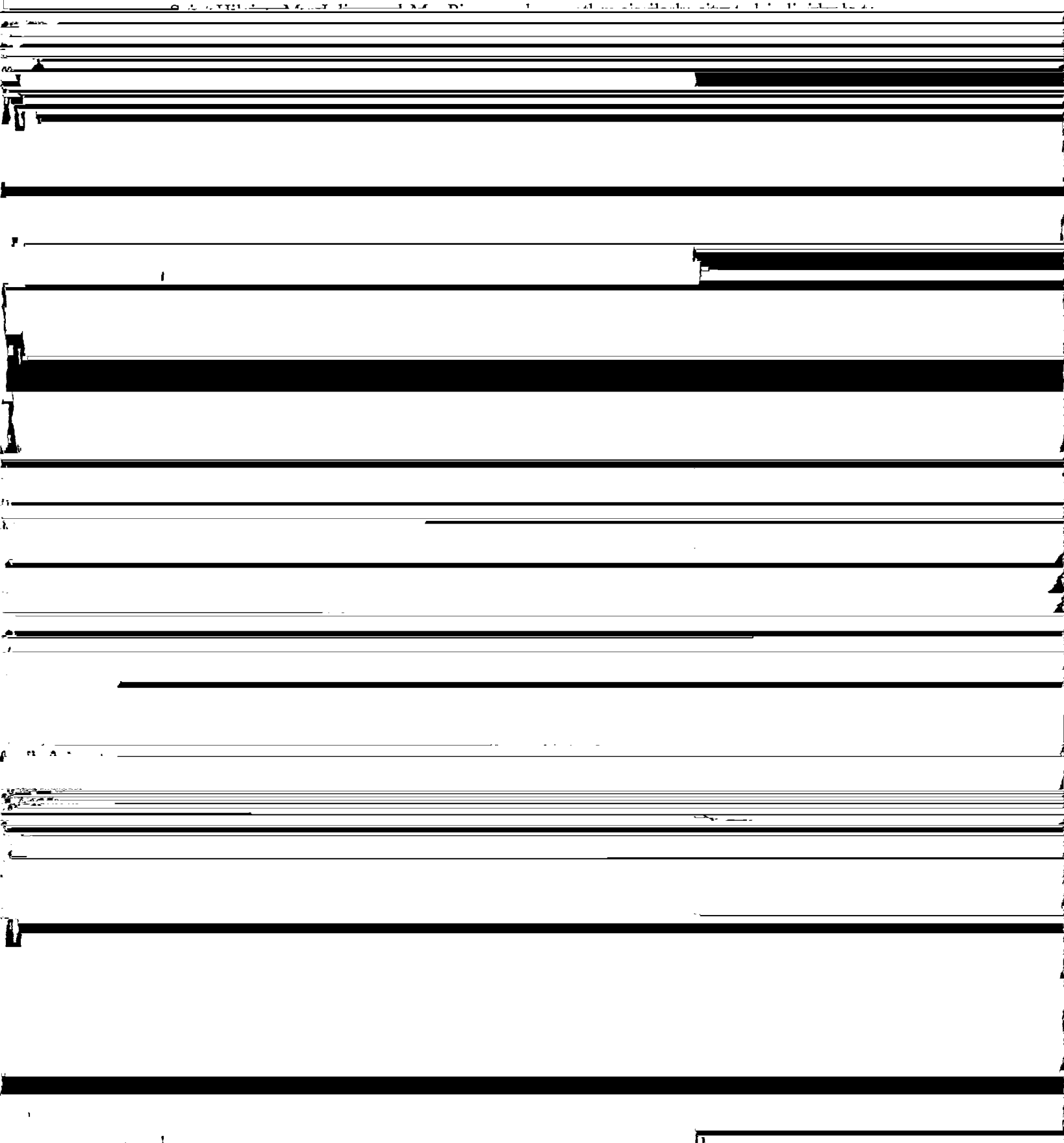
11. Viergela Jean-Francois was employed by Defendant at its Immokalee, Florida facility as a tomato grader for four seasons beginning in 2000.

12. Loundy Saint-Hilaire was employed by Defendant at its Immokalee, Florida facility as a tomato grader for three seasons beginning in 2001.

13. Changolia Julien was employed by Defendant at its Immokalee, Florida

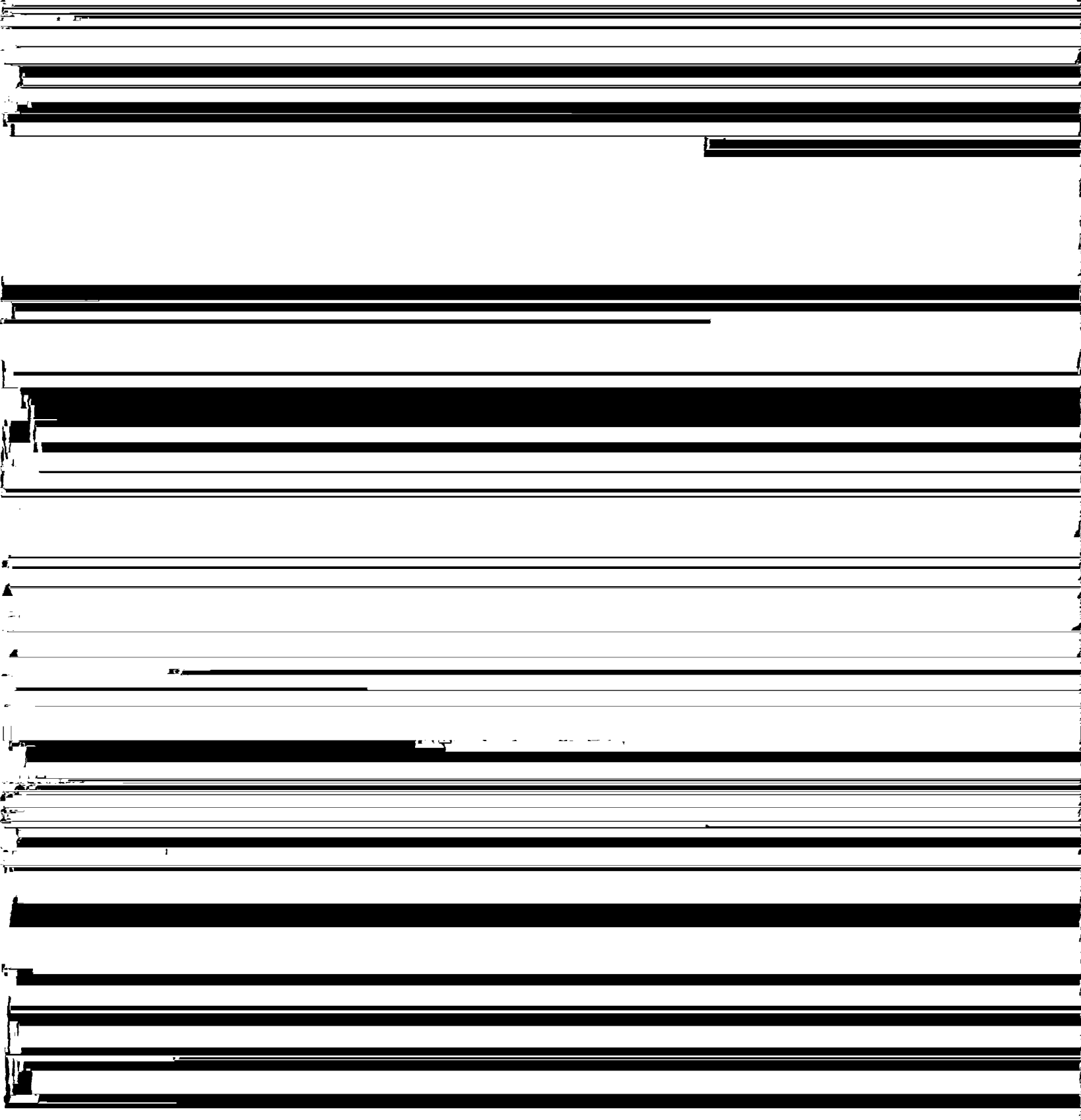
facility as a tomato grader for three seasons beginning in 2001.

16. Specifically, Defendant subjected Ms. Marcelin, Ms. Jean-Francois, Ms.



[REDACTED]

D.C. 1:05-cv-00460 Document 47-1 Filed 04/24/06 Page 7 of 11



individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above. in amounts

E. Order Defendant Employer to make whole Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Julien, and Ms. Saint-Hilaire and any other similarly situated individuals, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph seven above, including emotional

[REDACTED]

s/ Carla J. Von Greiff
CARLA J. VON GREIFF
Florida Bar No. 0110566

Senior Trial Attorney
[REDACTED]

[REDACTED]

OPPORTUNITY COMMISSION
501 East Polk Street, Suite 1000
Tampa, Florida 33602
Tel: (813) 202-7903
Tel: (813) 202-2310
Fax (813) 228-2045

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 24th, 2006 I electronically filed the

[REDACTED]

Migrant Farmworker Justice Project
508 Lucerne Ave.
Lake Worth, FL 33460-3819
Attorneys for Changolia Julien, Carmelia Pierre,
Loundy Saint-Hilaire, and Solange Marcelin

s/ Carla J. Von Greiff

Carla J. Von Greiff

IN THE UNITED STATES DISTRICT COURT

a hostile work environment. Furthermore, the Plaintiff/Intervenors were retaliated against for rejecting the sexual harassment and/or complaining to management about the sexual harassment.

PARTIES

1. 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.

supplemental jurisdiction over Plaintiff's state law claims brought pursuant to the Florida Civil

Rights Act, Chapter 760, Florida Statutes.

6. The employment practices alleged to be unlawful were committed within the

jurisdiction of the United States Court for the Middle District of Florida, Ft. Myers Division.

12. Among other activities, Constant subjected Ms. Marcelin, Ms. Jean-Francois, Ms.

[REDACTED]

Francois, Ms. Pierre, Ms. Julien, Ms. Saint-Hilaire and any other similarly situated individuals to adverse work conditions.

19 The effect of the conduct complained of is to discriminate against the

Plaintiffs of equal employment opportunities and otherwise adversely effect their status as an

24. Plaintiffs reallege Paragraphs 11 and 12 above.

25. The effect of the conduct complained of in Paragraphs 11 and 12 above is that

the Plaintiffs of equal employment opportunities and otherwise adversely effect their status as an employee because of their sex. In addition, the Plaintiffs have suffered emotional pain and suffering, humiliation and embarrassment because of this unlawful conduct.

26. The unlawful employment practices complained of in Paragraphs 11 and 12 above were intentional.

27. The Plaintiff's damages are as follows: 1. Back pay: \$11,140.00

21 Plaintiff's Motion Document 17-1

[REDACTED]

32. The effect of the conduct complained of in Paragraph 17 has been to deprive the Plaintiffs of equal employment opportunities and otherwise adversely effect their status as an employee in retaliation for their opposition to unlawful employment practices. Y. 11/1/05

[REDACTED]

harassment and retaliation, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Marcelin Ms. Jean-Francois Ms



The Intervenor/Plaintiffs request a jury trial on all questions of fact raised by its complaint.

By: /s/ Mónica Ramírez
Mónica Ramírez
Florida Bar No. 0711861

Florida Legal Services, Inc.
Migrant Farmworker Justice Project
508 Lucerne Ave.
Lake Worth, FL 33460
Telephone: 561-582-3921

Attorney for Intervenor/Plaintiffs Solange Marcelin,

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January, 2006, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following: John M. Hament, Esq., and Lorraine Maass Hultman, Esq., Kunkel Miller & Hament, 235 N. Orange Avenue, Suite 200, Sarasota, FL 34236, Attorneys for Defendant, James I. Lee, Esq., Gwendolyn Young Reams, Esq., Delner Franklin-Thomass, Esq., and

Muslima Lewis, Esq., U.S. Equal Employment Opportunity Commission, Miami District Office, One Biscayne Tower, Suite 2700, Two Biscayne Boulevard, Miami, FL 33131, Attorney for EEOC, and Jason L. Gunter, Esq., Webb, Scarmozzino, Gunter, P.A., 1617 Hendry St., 3rd Fl., Ft. Myers, FL 33901, Attorney for Plaintiff Jean-Francois.

Respectfully submitted,

By: /s/ Mónica Ramírez
Mónica Ramírez
Florida Bar No. 0711861