

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

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO:
v.	)	2:05-CV-460-FTM-29-SPC
	)	
GARGIULO, INC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	INJUNCTIVE RELIEF
	)	SOUGHT
	)	

**PLAINTIFF EEOC'S AMENDED COMPLAINT**

**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 sex and retaliation, and to provide appropriate relief to Solange Marcelin ("Ms. Marcelin"), Viergela Jean-Francois ("Ms. Jean-Francois"), Carmelia Pierre ("Ms. Pierre"), Changolia Julien ("Ms. Julien"), Loundy Saint-Hilaire ("Ms. Saint-Hilaire") and any other similarly situated individuals who were adversely affected by such practices. As stated with greater particularity below, the Commission alleges that Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Julien, Ms. Saint-Hilaire, and other similarly situated individuals were discriminated against on the basis of their sex, subjected to a sexually hostile work environment, and retaliated against at Defendant's place of business in Immokalee, Florida for rejecting their supervisor's unwelcome sexual advances and/or for complaining to management about the sexual harassment.

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 "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 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Gargiulo, Inc. (the "Employer"), has continuously been a Delaware corporation doing business in the State of Florida and the City of Immokalee, 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).

CONDITIONS PRECEDENT

6. More than thirty days prior to the institution of this lawsuit, Ms. Marcelin,

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.

14. Carmellia Pierre was employed by Defendant at its Immokalee, Florida facility as a tomato grader for two seasons beginning in 2002.

15. Since at least November 2003, Defendant Employer has engaged in unlawful employment practices at its Immokalee facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a).

16. Specifically, Defendant subjected Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals to sexual discrimination in the form of sexual harassment and a hostile work environment.

17. Defendant employed Sony Constant at its Immokalee facility.

18. Since at least November of 2003, Sony Constant was the immediate supervisor of Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals.

19. While acting in a supervisory capacity for the Defendant, Sony Constant subjected Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals to unwelcome conduct of a sexual nature including but not limited to: repeated unwelcome sexual advances, requests for sex, sexual propositions, offensive sexual remarks, and physical contact with their bodies; such as pressing his genitals against their buttocks and grabbing their buttocks.

20. The unwelcome physical and verbal conduct of a sexual nature Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals were subjected to by Sony Constant was sufficiently severe and pervasive to constitute an intimidating hostile and offensive work environment.

21. The unwelcome physical and verbal conduct of a sexual nature Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals were subjected to by Sony Constant resulted in tangible employment actions being taken against them.

22. Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms.

Pierre and any other similarly situated individuals rejected Sony Constant's sexual advances and propositions and as a result were 1) suspended without pay; 2) were subjected to adverse terms and conditions of employment in the form of unfavorable seating assignments; 3) were threatened with job termination; and/or 4) were terminated; and/or 5) were not re-hired by the Defendant for the Fall 2004 Season.

23. The effect of the practices complained of in paragraphs 15-23 above has been to deprive Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as an employee because of their sex.

24. The unlawful employment practices complained of in paragraphs 15-23 above were intentional.

25. The unlawful employment practices complained of in paragraphs 15-23 above were done with malice or with reckless indifference to the federally protected rights of Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals.

#### COUNT II:

#### RETALIATION IN VIOLATION OF TITLE VII

26. Plaintiff incorporates the allegations in paragraphs 1-26 by reference.

27. This is a civil action for retaliation under 42 U.S.C. § 2000e-3(a) of Title VII.

28. Ms. Jean-Francois engaged in protected activity by rejecting supervisor Sony Constant's sexual advances. Defendant retaliated against Ms. Jean-Francois for

rejecting Sony Constant's sexual advances by suspending her without pay, subjecting her to unfavorable seating assignments, and failing to re-hire her for the 2004 season.

29. Ms. Pierre engaged in protected activity by rejecting supervisor Sony Constant's sexual advances. Defendant retaliated against Ms. Pierre for rejecting Sony Constant's sexual advances by suspending her without pay, subjecting her to unfavorable seating assignments, and terminating her employment on or about March 26, 2004 by refusing to allow her to come back to work after sick leave.

30. Ms. Saint-Hilaire engaged in protected activity by rejecting supervisor Sony Constant's sexual advances. Defendant retaliated against Ms. Saint-Hilaire for rejecting Sony Constant's sexual advances by suspending her without pay, subjecting her to unfavorable seating assignments, and failing to re-hire her for the 2004 season.

31. Ms. Marcelin engaged in protected activity by rejecting supervisor Sony Constant's sexual advances. Defendant retaliated against Ms. Marcelin for rejecting Sony Constant's sexual advances by suspending her without pay, subjecting her to unfavorable seating assignments, terminating her employment and failing to re-hire her for the 2004 season.

32. In 2004, Ms. Marcelin engaged in additional protected activity by complaining about supervisor Sony Constant's sexual advances on more than one occasion to Flor Garcia, Diana Trevino, and packing house manager Joe Black. Shortly after her complaints, Defendant retaliated against Ms. Marcelin by terminating her employment on or about March 3, 2004.

33. After she was terminated, Ms. Marcelin nonetheless reapplied to work for

Defendant for the Fall 2004 season. Defendant further retaliated against Ms. Marcelin for her complaint by failing to re-hire her for the Fall 2004 season.

34. Ms. Julien engaged in protected activity by rejecting supervisor Sony Constant's sexual advances. Defendant retaliated against Ms. Julien for rejecting Sony Constant's sexual advances by suspending her without pay, subjecting her to unfavorable seating assignments, and terminating her employment.

35. Ms. Julien engaged in additional protected activity by complaining about supervisor Sony Constant's sexual advances and Constant's retaliatory actions of suspending her without pay to packing house manager Joe Black. After the first complaint, Joe Black allowed Ms. Julien to return to work. About a month thereafter, Constant's sexual advances and retaliatory actions towards Ms. Julien resumed and she again complained to Joe Black and also complained to Lorraine Hatchet. Shortly thereafter, Defendant retaliated against Ms. Julien by terminating her employment on or about April 16, 2004.

36. Defendant retaliated against other similarly situated individuals for rejecting Sony Constant's sexual advances and/or in retaliation for their complaints regarding sexual harassment.

37. The effect of the practices complained of in paragraphs 28-36 above has been to deprive Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as an employee because of their sex.

38. The unlawful employment practices complained of in paragraphs 28-36

above were intentional.

39. The unlawful employment practices complained of in paragraphs 28-36 above were done with malice or with reckless indifference to the federally protected rights of Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Julien and Ms. Pierre and any other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment or retaliation and any other employment practice which discriminates on the basis of sex and retaliation.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for victims of sexual 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. Pierre, Ms. Julien, and Ms. Saint-Hilaire and any other similarly situated individuals, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. 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 pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, in amounts to be determined at trial.

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 pain, suffering and inconvenience, in amounts to determined at trial.

F. Order Defendant Employer to pay Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Julien, Ms. Saint-Hilaire and any other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraph seven 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.

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

DELNER FRANKLIN-THOMAS  
Regional Attorney

s/ Carla J. Von Greiff  
CARLA J. VON GREIFF  
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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on April 24th, 2006 I electronically filed the foregoing with the Clerk of Court by using CM/ECF system which will send a notice of electronic filing to the following:

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s/ Carla J. Von Greiff  
Carla J. Von Greiff

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

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION )

Plaintiff, )

and )

VIERGELA JEAN-FRANCOIS, CHANGOLIA )  
JULIEN, SOLANGE MARCELIN, CARMELIA )  
PIERRE, AND LOUNDY SAINT-HILAIRE )

CIVIL ACTION NO.  
2:05-cv-460-Ft.M-29-SPC

Plaintiff )  
Intervenors, )

v. )

GARGIULO, INC., )

Defendant. )  
/

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AMENDED COMPLAINT IN INTERVENTION FOR DAMAGES AND INJUNCTIVE  
RELIEF

NATURE OF THE CASE

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes, to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Viergela Jean-Francois ("Ms. Jean-Francois"), Carmelia Pierre ("Ms. Pierre"), Changolia Julien ("Ms. Julien"), Solange Marcelin ("Ms. Marcelin") and Loundy Saint-Hilaire. As stated with greater particularity in paragraphs 11, 12, and 17 below, the Plaintiffs/Intervenors allege that they were sexually harassed and retaliated against at the Defendant's place of business in Immokalee, Florida. The Plaintiffs/Intervenors were forced to

endure unwelcome sexual comments and/or physical contact because of their sex, which created 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.

2. Plaintiffs/Intervenors Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Saint-Hilaire, Ms. Julien, at all relevant times, were employees of Defendant at their Immokalee, Florida within the meaning of 42 U.S.C. §2000e(f) and aggrieved persons within the meaning of F.S.A. §760.02.

3. At all relevant times, Defendant, Gargiulo, Inc. (the “Employer”) has continuously been a Delaware corporation doing business in the State of Florida and the City of Immokalee, and has continuously had a least 15 employees.

4. At all relevant times, Defendant employer has continuously been an employer engaged in an industry affecting commerce within the meaning of the Sections 701(b)(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

### JURISDICTION AND VENUE

5. The jurisdiction of this 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. This Court also has

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.

**CONDITIONS PRECEDENT**

7. All conditions precedent to bringing this action have been performed or occurred.

**STATEMENT OF CLAIMS**

**COUNT I**

**(SEXUAL HARASSMENT IN VIOLATION OF TITLE VII)**

8. This is a claim against the company, Gargiulo, Inc. for sexual harassment in violation of Title VII of the Civil Rights Act, as amended.

9. Since at least November 2003, Defendant Employer has engaged in unlawful employment practices at its Immokalee facility, in violation of Section 703(a)(1) and 704(a) of Title VII, 42 U.S.C. §§2000e-2(a) and 2000e-3(a).

10. Sony Constant (hereafter "Constant") was employed by Defendant Gargiulo, Inc. since at least 2003 and, on information and belief, he held the position of manager/supervisor of the tomato packing house from at least 2003 to present.

11. In this position as supervisor, Constant subjected Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Saint-Hilaire, Ms. Julien, and any other similarly situated individuals, to unwelcome physical and verbal conduct of a sexual nature. This conduct was sufficiently severe and pervasive to constitute an intimidating hostile and offensive work environment.

12. Among other activities, Constant subjected Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Saint-Hilaire, and Ms. Julien to unwelcome and offensive remarks of a sexual and personal nature. In addition, his conduct extended to physical conduct of a sexual nature.

13. The effect of the conduct complained of in paragraphs 11 and 12 above have been to deprive the Plaintiffs of equal employment opportunities and otherwise adversely effect their status as an employee because of their sex. This unlawful conduct resulted in emotional pain and suffering, embarrassment, and humiliation to the Plaintiffs/Intervenors.

14. The unlawful employment practices complained of in paragraphs 11 and 12 above were intentional.

15. The unlawful employment practices complained of in paragraphs 11 and 12 above were done with malice or with reckless indifference to the federally protected rights of the Plaintiffs.

WHEREFORE, Plaintiffs demand judgment against the Defendant for lost wages and benefits, compensatory damages, punitive damages, attorney's fees and costs, injunctive relief and any other such relief that the Court deems proper.

## COUNT II

### (UNLAWFUL RETALIATION IN VIOLATION OF TITLE VII)

16. This claim against Defendant Gargiulo, Inc. is for unlawful retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3(a).

17. The Plaintiffs and any other similarly situated individuals were retaliated against for rejecting and/or complaining about the sexual harassment. The retaliation was in the form of suspensions without pay, failure to rehire, firing and/or subjecting Ms. Marcelin, Ms. Jean-

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

18. The effect of the conduct complained 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. This unlawful conduct resulted in economic harm, emotional pain and suffering, embarrassment, and humiliation to the Plaintiffs/Intervenors.

19. The unlawful employment practices complained of in paragraph 17 were intentional.

20. The unlawful employment practices complained of in paragraph 17 were done with malice or with reckless indifference to the federally protected rights of the Plaintiffs.

WHEREFORE, Plaintiffs demand judgment against the Defendant for lost wages and benefits, compensatory damages, punitive damages, attorney's fees and costs, injunctive relief and any other such relief that the Court deems proper.

### COUNT III

#### (SEXUAL HARASSMENT IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT, CHAPTER 760, FLORIDA STATUTES)

21. Plaintiffs hereby incorporate by reference Paragraphs 10 through 12 of this complaint as if fully set forth herein.

22. This claim is a claim against the Defendant Gargiulo, Inc. for sexual harassment in violation of The Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

23. At all relevant times, Defendant Gargiulo, Inc. was an "employer" and the Plaintiffs were "employees" within the meaning of the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes. At all relevant times, Defendant employed fifteen (15) or more employees.



24. Plaintiffs reallege Paragraphs 11 and 12 above.

25. The effect of the conduct complained of in Paragraphs 11 and 12 has been to deprive 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 unlawful employment practices complained of in Paragraphs 11 and 12 above were done with malice or with reckless indifference to the federally protected rights of the Plaintiffs.

WHEREFORE, Plaintiffs demand judgment against the Defendant for lost wages and benefits, compensatory damages, punitive damages, attorney's fees and costs, injunctive relief and any other such relief that the Court deems proper.

#### COUNT IV

#### (UNLAWFUL RETALIATION IN VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT, CHAPTER 760, FLORIDA STATUTES)

28. Plaintiffs hereby incorporate by reference Paragraph 17 of this complaint as if fully set forth herein.

29. This claim is a claim against the Defendant Gargiulo, Inc. for unlawful retaliation in violation of The Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

30. At all relevant times, Defendant Gargiulo, Inc. was an "employer" and the Plaintiffs were "employees" within the meaning of the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes. At all relevant times, Defendant employed fifteen (15) or more employees.

31. Plaintiffs reallege Paragraph 17 above.

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. In addition, the Plaintiffs have suffered emotional pain and suffering, humiliation and embarrassment because of this unlawful conduct.

33. The unlawful employment practices complained of in Paragraph 17 above were intentional.

34. The unlawful employment practices complained of in Paragraph 17 above were done with malice or with reckless indifference to the federally protected rights of the Plaintiffs.

WHEREFORE, Plaintiffs demand judgment against the Defendant for lost wages and benefits, compensatory damages, punitive damages, attorney's fees and costs, injunctive relief and any other such relief that the Court deems proper.

**PRAYER FOR RELIEF FOR COUNTS I THROUGH IV**

WHEREFORE, with respect to Counts I, II, III, and IV set forth above, Ms. Marcelin, Ms. Jean-Francois, Ms. Saint-Hilaire, Ms. Pierre and Ms. Julien respectfully request that this Court:

- A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment or retaliation and any other employment practice which discriminates on the basis of sex and retaliation.
- B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for victims of sexual

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. Pierre, Ms. Julien, and Ms. Saint-Hilaire and any 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 its unlawful employment practices.
- D. 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 pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, in amounts to be determined at trial.
- E. Order Defendant Employer to make whole Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Julien, Ms. Saint-Hilaire and any other similarly situated individuals punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. Award Ms. Marcelin, Ms. Jean-Francois, Ms. Pierre, Ms. Julien, Ms. Saint-Hilaire all attorney's fees and costs incurred in this matter.

**JURY TRIAL DEMANDED**



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

Respectfully submitted,

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

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Attorney for Intervenor/Plaintiff Viegela Jean-Francois

CERTIFICATE OF SERVICE

I hereby certify that on the 23<sup>rd</sup> 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 L. Lee, Esq., Gwendolyn Young Reams, Esq., Delner Franklin-Thomaas, 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., 3<sup>rd</sup> Fl., Ft. Myers, FL 33901, Attorney for Plaintiff Jean-Francois.

Respectfully submitted,

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