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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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CLERK OF DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JANESVILLE, FLORIDA

TINA LAWLER,

CASE NO.: 99-65-CV-OC-100

Plaintiff,

vs.

SUMTER ELECTRIC
COOPERATIVE INC.,

Defendant.

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiff, TINA LAWLER, by and through her undersigned counsel, sues the Defendant, SUMTER ELECTRIC COOPERATIVE, INC., a corporation, and alleges:

1. This is an action is brought and jurisdiction lies pursuant to 28 USC §1331, 1391 (b), 42 USC §2000 e-5(f)(3), Middle District of Florida Rule 1.02 (b)(2).

2. Plaintiff, TINA LAWLER, (hereinafter referred to as "Lawler") is a female citizen of the United States of America and of Citrus County, Florida.

3. Defendant, SUMTER ELECTRIC COOPERATIVE, INC., (hereinafter referred to as "Sumter"), is a corporation authorized to do business in the state for Florida and operates a business in the city of Sumterville, Florida, with the

actual location at which Plaintiff was an employee at 293 South US 301, Sumterville, Florida.

4. All, or substantially all of the actions alleged in this complaint occurred within Sumter County, Florida.

5. At all times relevant to this complaint, Defendant, Sumter employed in excess of two hundred and fifty (250) employees, and is involved in an industry that affects commerce, as such Sumter is an employer within the meaning of §760.02(7), F.S. and 42 U.S.C. §2000(e)(b).

6. Plaintiff timely filed charges with the Equal Employment Opportunity Commission ("EEOC") relating to the allegations contained in this complaint and received a notice of right to sue, and therefore, all conditions precedent to the instant action have been performed by Plaintiff. Said notice of right to sue is attached hereto as Exhibit A.

7. Plaintiff has been employed by Sumter since January 9, 1984.

COUNT I - CHAPTER 760

8. Plaintiff realleges, adopts and incorporates herein by reference, paragraphs 1-7.

9. This count is brought and jurisdiction lies pursuant to the Florida Civil Rights Act, §760.10, Florida Statutes.

10. As an employee of Sumter Plaintiff is paid on average, \$13.15 per hour.

11. During her employment with Sumter, Plaintiff has been subjected to

unwanted sexual harassment, discriminatory treatment, and was because of her gender, as were other similarly situated female employees, in that:

- a) Plaintiff was touched against her will by her supervisor, Jon Perry.
- b) Plaintiff was forced to sit on the lap of John Perry.
- c) Plaintiff was forced to model dresses in front of John Perry.
- d) Plaintiff was subjected to continued retaliation and harassment for testifying on behalf of Eddie Swistack, who was protecting his rights under Title III and Chapter 760.

12. Plaintiff complained to upper management about this intimidating, hostile work environment.

13. Despite Plaintiff's complaints, Defendant, Sumter, took no effective, corrective or disciplinary action.

14. Defendant, Sumter, failed or refused to enforce any policy against gender discrimination by refusing to take any effective corrective action and defendants' failure to take corrective or disciplinary action resulted in the continued discriminatory treatment of Plaintiff .

15. Defendant's actions were discriminatory toward Plaintiff as male employees were not subjected to the same type of harassment.

16. Defendant's actions outlined in paragraph 11 were malicious, intentional and undertaken with reckless disregard of the rights of Plaintiff.

17. As a result of Defendant's actions alleged herein, Plaintiff has

been damaged and continues to sustain irreparable harm in numerous respects, including, but not limited to the following:

- a. She has sustained loss of income;
- b. She has sustained loss of dignity, embarrassment, mental anguish and inconvenience;
- c. She has incurred attorney's fees and expense in pursuing redress for the wrongs she has suffered by the hands of Defendant.

WHEREFORE, Plaintiff prays that this court grant her the following relief:

- a. A judgment against the Defendant, Sumter Electric Cooperative, Inc., and in favor of Plaintiff, Tina Lawler, for payment of compensatory damages for lost wages, her emotional pain and suffering, inconvenience and loss of enjoyment of life as a direct result of the Defendant's intentional discrimination;
- b. An order requiring Defendant, Sumter, to pay Plaintiff her attorney's fees, costs and expenses of litigation pursuant to §760.11(5), Florida Statutes;
- c. A judgment against Defendant, Sumter and in favor of Plaintiff, Lawler, for punitive damages as allowed by law and pursuant to §760.11(5), Florida Statutes in order to deter Defendant and other similar employers from future discriminatory conduct;
- d. For such further and other relief as the court deems just and proper.

COUNT II - TITLE VII

18. Plaintiff, Lawler, realleges, adopts and incorporates herein by reference, paragraphs 1 through 7 and 10 through 17.

19. This count is brought pursuant to Title 42 of the United States Code, Section 2000e, et. seq., known as Title VII of the Civil Rights Act of 1964, as amended.

20. By means and practices alleged more specifically in paragraphs 13 through 15 of Count I of this complaint, Defendant intentionally and maliciously discriminated against Plaintiff on account of her sex with respect to the terms, conditions or privileges of her employment in violation of 42 U.S.C. §2000e-2(a).

21. As a result of Defendant, Sumter's, actions, Plaintiff has sustained damages, as more specifically alleged in paragraph 17 of Count I.

WHEREFORE, Plaintiff prays that this court grant her the following relief:

a. A judgment against the Defendant, Sumter Electric Cooperative, Inc., and in favor of Plaintiff, Tina Lawler, for payment of compensatory damages for lost wages, her emotional pain and suffering, inconvenience and loss of enjoyment of life as a direct result of the Defendant's intentional discrimination;

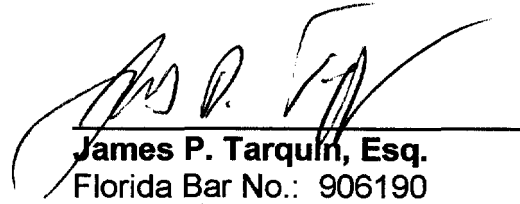
b. An order requiring Defendant, Sumter, to pay Plaintiff her attorney's fees, costs and expenses of litigation pursuant to 42 USC §2000e-5 (k).

c. A judgment against Defendant, Sumter, and in favor of Plaintiff, Lawler, for punitive damages as allowed by law and pursuant to 42 USC § 2000

e-5(k), in order to deter Defendant and other similar employers from future discriminatory conduct;

d. For such further and other relief as the court deems just and proper.

DATED this 26 day of February, 1999.



James P. Tarquin, Esq.

Florida Bar No.: 906190

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Ocala, Florida 34471

(352) 401-7671

(352) 401-7673 Fax

Attorney for Plaintiff

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DISMISSAL AND NOTICE OF RIGHTS

To: Tina Lawler
1180 S. Hickory Hill Way
Inverness, FL 34450-5334

From: Miami District Office
Equal Employment Opportunity Commission
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131-1805

On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge Number
150974443

EEOC Representative
Acacia Martinez, Investigator

Telephone No.
(305) 530-6058 or 530-6036

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- We cannot investigate your charge because it was not filed within the time limit required by law.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or Age Discrimination in Employment Act and of your right to sue that we will send you. You may pursue this matter further by bringing respondent(s) named in the charge. If you decide to sue, you must sue **WITHIN 90 DAYS** from your right to sue based on the above-numbered charge will be lost.

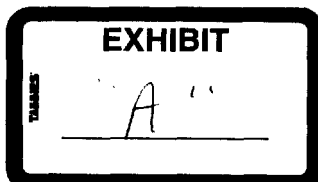
Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years underpayment. This means that backpay due for any violations that occurred **more than 2 yrs** collectible. (If you file suit, please send a copy of your court complaint to this office.)

On behalf of the Commission

Federico Costales
Federico Costales, District Director

NOV 27 1998
(Date Mailed)

cc: Jona J. Miller, Esquire
POWELL, GOLDSTEIN, FRAZER & MURPHY
Sixteenth Floor
191 Peachtree Street, N.E.
Atlanta, Georgia 30303



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PS Form 3800 April 1995

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Dismissal