

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2004 SEP 29 P 1:56

U.S. EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

JAX INNS INC)
D/B/A SPINDRFITER HOTEL)

Defendant.)

CIVIL ACTION NO.

3: 04-cv-978-J-16 MMH

COMPLAINT

JURY TRIAL DEMANDED

INJUNCTIVE RELIEF SOUGHT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 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 Malerie Meyers who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that the Defendant Employer subjected Ms. Meyers to unlawful race discrimination when it terminated her employment because of her association with individuals of the Black race.

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, Jacksonville 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. § 2000e-5(f)(1) and (3).

4. At all relevant times, Jax Inns Inc. d/b/a Spindrifter Hotel, a Florida corporation, has continuously been doing business in the State of Florida and the City of Orange Park, and has continuously had at least 15 employees.

5. At all relevant times Jax Inns, Inc., d/b/a Spindrifter Hotel 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, Malerie Meyers filed a charge with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 2003, Defendant Employer engaged in unlawful employment practices at its Orange Park, Florida location in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a).

a. Malerie Meyers was hired by Defendant corporation in October 2002

b. In December of 2002 Malerie Meyers introduced her bi-racial children to

Defendant's Management.

c. The following week Defendant's Management made several derogatory comments about persons of the Black race to Malerie Meyers.

d. On or about January 17, 2003, Defendant terminated Malerie Meyers because of her association with persons of the Black race.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Malerie Meyers of equal employment opportunities and otherwise adversely affect her status as an employee because of her association with individuals of the Black race.

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 Malerie Meyers.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with Defendant, from engaging in the termination of an individual's employment because of that individual's association with members of a specific race and/or any other employment practice which discriminates on the basis of race.

B. Order Defendant, to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees regardless of race and/or his or her association with individuals of a specific race and which eradicate the effects of its past unlawful

employment practices.

C. Order Defendant to make whole Malerie Meyers 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 reinstatement or front pay.

D. Order Defendant to make whole Malerie Meyers 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 in amounts to be determined at trial.

E. Order Defendant to make whole Malerie Meyers by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Malerie Meyers 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,

ERIC S. DRIEBAND
General Counsel

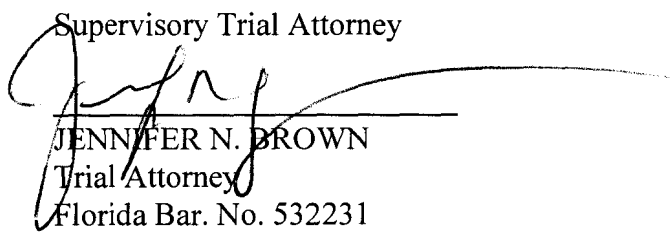
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