

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

Case No.: 3:04-CV-000978-JHM-MMH

MALERIE MEYERS,

Intervenor,

v.

SPINDRIFTER HOTEL/JAX INNS, INC.,

Defendant.

INTERVENOR'S COMPLAINT AND DEMAND FOR JURY TRIAL

JURISDICTION AND PARTIES

1. This suit is brought and jurisdiction lies pursuant to §706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1343(a)(4). This suit is also brought pursuant to the Florida Civil Rights Act of 1992, Fla. Stat. 760 et seq., over which this Court has supplemental jurisdiction.

2. Intervenor, Malerie Meyers, is a citizen of the United States and the State of Florida, and at all times material to this complaint was a resident of Clay County, Florida.

3. Defendant, Spindrifter Hotel/Jax Inns, Inc., is a foreign corporation licensed to do business in the State of Florida and in the city of Jacksonville, Florida.

4. Defendant, Spindrifter Hotel/Jax Inns, Inc., at all times material to this Complaint, has employed fifteen (15) or more employees, and is an "employer" within the meaning of Title VII and the Florida Civil Rights Act.

CONDITIONS PRECEDENT

5. The Intervenor has filed timely administrative charges of employment discrimination with the Equal Employment Opportunity Commission ("EEOC"). The EEOC has filed a Civil Action with the United States District Court, Middle District of Florida, Jacksonville Division, wherein Intervenor has filed a Motion to Intervene. All of the discriminatory employment practices alleged herein were committed within the Middle District of Florida, Jacksonville Division.

6. Intervenor also dual filed her charge of employment discrimination with the Florida Commission on Human Relations. Intervenor has complied with all conditions precedent before filing suit under the Florida Civil Rights Act in that this lawsuit was filed after this matter had been pending before the Florida Commission on Human Relations for more than 180 days. This lawsuit was further filed within four years of the discriminatory acts complained of herein.

FACTUAL BACKGROUND

7. Ms. Meyers worked for the Defendant's "Spindrifter Hotel" (the hotel is owned by Jax Inns, Inc.) in Orange Park, Florida, in the position of Director of Sales, until she was unlawfully terminated on January 17, 2003. After Intervenor was initially hired, Jitendra

"Jay" Patel had become the new owner of the hotel, and Intervenor's direct supervisor at the time of her termination was Susan Soltys.

8. On or about December of 2002, Ms. Meyers introduced Jay to her two children, who are bi-racial, and Mr. Patel seemed shocked. Thereafter, Mr. Patel treated Intervenor differently and made several racist comments. For example, Mr. Patel would tell Intervenor "I know you like black people, but . . ." and proceeded to tell her how black people supposedly cannot be trusted, that they don't pay their loans, etc. He said that if you give black employees their pay up front, they will leave without doing the job. He also would say that black women seemed all right, but that black men cannot be trusted.

9. Also, shortly after he learned that Intervenor's children were bi-racial, Intervenor learned that the employer was interviewing applicants for the "Director of Sales" position. Intervenor also learned that the employer was advertising for her position.

10. On or about January 17, 2003, Intervenor was told by Susan Soltys that she was being terminated, and she was told that the reason was the hotel could no longer be marketed since it was under renovation. Afterwards, Intervenor obtained an e-mail from another employee indicating that the employer claimed she was terminated for performance related reasons such as absenteeism and tardiness. Ms. Soltys had indicated to Plaintiff that she did not want to fire her and that it was the decision of Mr. Patel. Any reasons given for Ms. Meyers' termination are merely pretext for unlawful discrimination based on race.

COUNT I

**UNLAWFUL RACE DISCRIMINATION IN VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,
AS AMENDED IN 1991, 42 U.S.C. 2000e ET SEQ.**

11. Intervenor restates and realleges each and every factual allegation contained in Paragraphs 1 through 10.

12. Race was a substantial motivating factor in the Defendant's decision to terminate Intervenor's employment. Moreover, Defendant would not have made the same decision in the absence of this unlawful motivating factor. Any reasons articulated by Defendant for the termination are merely pretext for discrimination based on race.

13. Defendant acted with malice and with a reckless disregard for Intervenor's rights under federal law.

WHEREFORE, Intervenor demands a trial by jury and relief in the form of economic damages, backpay and frontpay, compensatory damages and emotional distress damages, lost benefits, punitive damages, attorney's fees and costs with prejudgment interest thereon, injunctive relief including reinstatement, and any other such relief that Intervenor may be entitled to under the law or in equity.

COUNT II

**UNLAWFUL RACE DISCRIMINATION IN VIOLATION OF THE
FLORIDA CIVIL RIGHTS ACT OF 1992, FLA. STAT. 760 ET SEQ.**

14. Intervenor restates and realleges each and every factual allegation contained

in Paragraphs 1 through 10.

15. Race was a substantial motivating factor in the Defendant's decision to terminate Intervenor's employment. Moreover, Defendant would not have made the same decision in the absence of this unlawful motivating factor. Any reasons articulated by Defendant for the termination are merely pretext for discrimination based on race.

16. Defendant acted with malice and with a reckless disregard for Intervenor's rights under state law.

17. Defendant's discrimination caused, continues to cause, and will cause Intervenor to suffer substantial damages for lost wages, and other pecuniary losses, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

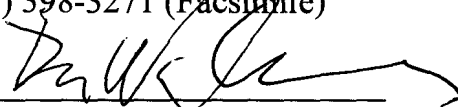
WHEREFORE, Intervenor demands a trial by jury and relief in the form of economic damages, backpay and frontpay, compensatory damages and emotional distress damages, lost benefits, punitive damages, attorney's fees and costs with prejudgment interest thereon, injunctive relief including reinstatement, and any other such relief that Intervenor may be entitled to under the law or in equity.

DEMAND FOR JURY TRIAL

Intervenor hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

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