

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

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

-against-

WASTE PRO OF FLORIDA, INC,

Defendant.

Civil Action No. _____

**COMPLAINT
AND DEMAND FOR JURY TRIAL**

INJUNCTIVE RELIEF SOUGHT

NATURE OF 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 race and national origin-based employment practices and to provide appropriate relief to Charging Party Fednol Pierre (“Pierre”), and a class of other aggrieved Black and/or Haitian-American employees who were adversely impacted by such practices. As alleged with greater specificity below, Defendant Waste Pro of Florida, Inc. (“Waste Pro”) violated and continues to violate Title VII of the Civil Rights Act of 1964 by subjecting Black and Haitian-American employees to a hostile work environment based on their race, color, and national origin and by retaliating against employees who complain of the hostile work environment.

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

2. Venue is proper because a substantial part of the events giving rise to the Title VII violations occurred in the Middle District of Florida. Further, Waste Pro is headquartered in Longwood, Florida, which is within the jurisdiction of the U.S. District Court for the Middle District of Florida, Jacksonville Division.

PARTIES

3. Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) 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. Defendant Waste Pro is a limited liability company registered to do business in Florida, has continuously done business in Florida, and, at all relevant times, employed at least 15 employees.

5. At all relevant times, Waste Pro 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, Mr. Pierre filed a Charge of Discrimination with EEOC alleging that Waste Pro violated Title VII.

7. EEOC issued a Letter of Determination, finding reasonable cause to believe that Waste Pro discriminated against Mr. Pierre and a class of Black and/or Haitian employees based on their race, color, or national origin. EEOC's Letter of Determination further found reasonable cause to believe that Waste Pro retaliated against Mr. Pierre for opposing and complaining about the discriminatory practices in violation of Title VII.

8. Prior to initiating this lawsuit, EEOC attempted to correct the unlawful employment practices alleged herein through informal methods of conciliation, conference, and persuasion, to remedy the discriminatory practices and provide appropriate relief.

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

STATEMENT OF FACTS

10. Waste Pro of Florida engages in commercial and residential solid waste and recycling collection and disposal services at locations throughout Florida.

11. At its Jacksonville location, Waste Pro employs supervisors, sales staff, and administrative personnel as well as drivers, dispatchers, helpers, technicians, and welders.

12. In its Jacksonville maintenance department, welders, technicians, and helpers perform repairs on and maintain Waste Pro's equipment, including dumpsters, containers, sanitation trucks, and other vehicles.

Charging Party

13. Charging Party Fednol Pierre is a certified welder and worked for Waste Pro as a welder at its Port St. Lucie location from July 10, 2019 until October 2021 when he transferred to Waste Pro's Jacksonville, Florida location.

14. Shortly after Mr. Pierre transferred to the Jacksonville facility, he began experiencing racial harassment by his co-worker, William Watts, also a welder, who told him that "there is no need for you here" and that he needed to return to his country, and called him a "N*gger" (hereinafter "N*****" or "N-word").

15. Thereafter, Mr. Pierre continued to be frequently subjected to the N-word and other derogatory racial slurs and language, including: "Go back to Haiti N*****"; "Y'all don't belong here"; "go back on the banana boat"; "this is Trump country"; and numerous others.

16. In December 2021, Mr. Pierre reported to Maintenance Manager John Lovelady that Mr. Shuman had called him the N-word, but no corrective or disciplinary action was taken.

17. Mr. Pierre continued to endure comments and slurs regarding his race and Haitian heritage on a nearly daily basis.

18. The comments and slurs were ubiquitous, frequent, and occurred openly, including in the presence of Deandra Pinckney a technician, and other similarly

aggrieved Black and/or Haitian-American coworkers.

19. In March 2022, Fleet Maintenance Supervisor Granville Carter approached Mr. Pierre and told him he overheard Mr. Watts and Mr. Shuman using derogatory racial language to describe him.

20. Mr. Pierre complained to Maintenance Supervisor Carter about the ongoing racial harassment by Mr. Watts and Mr. Shuman.

21. Mr. Carter reported Mr. Pierre's complaint to his supervisor, Maintenance Manager John Lovelady, who notified human resources, and an investigation finally commenced on March 29, 2022.

22. During the investigation, Charging Party again reported the discriminatory conduct to Regional Maintenance Manager Todd Juniper and told him he feared retaliation based upon the investigation.

23. Because Waste Pro did not separate Charging Party from Mr. Watts and Mr. Shuman, he requested a transfer to a later shift, even though he would suffer a loss of hours and pay as a result. However, even with the later start time, Charging Party still had to work with Mr. Watts and Mr. Shuman for an hour each day.

24. Charging Party requested Regional HRM Risner to permit him to remain anonymous and to not disclose he was the person who had reported the open and ongoing use of racial slurs at the facility.

25. Regional HRM Risner agreed not to disclose his identity; however, the following day, without notifying Charging Party, she disclosed to Mr. Watts that Charging Party had made a race discrimination complaint against him and Mr.

Shuman, even though it was Maintenance Manager John Lovelady, who formally notified human resources.

26. Following Waste Pro's investigation, Regional HRM Risner notified Charging Party, among other things, that she planned to hold a maintenance staff meeting later that day to discuss race discrimination with maintenance employees.

27. Before the staff meeting, Charging Party and another Black employee discovered a stuffed monkey carrying an American flag in Mr. Pierre's work area:



28. Mr. Pierre immediately reported the monkey incident to management and demanded the stuffed monkey be removed and that management review video footage and conduct an investigation into the matter; *however, no corrective action was taken before the staff meeting.*

29. Following his complaints, Mr. Watts and Mr. Shuman began retaliating against Mr. Pierre. Specifically, Mr. Watts and Mr. Shuman refused to communicate with Mr. Pierre about auto-repairs, and they often left him with the least desirable,

most difficult welding tasks to complete at night.

30. Mr. Watts and Mr. Shuman also locked the best welding equipment in their personal lockers so that Charging Party could not access it.

31. After approximately two more weeks had passed, due to the ongoing harassment, and because no investigation or corrective measures stemming from the monkey incident were forthcoming, Charging Party resigned.

32. On the evening of his resignation, May 12, 2022, Charging Party told Maintenance Manager Carter that he was quitting because he could no longer work with the men who continued to harass and mistreat him and because no action had been taken in response to the monkey incident.

33. Thereafter, on May 13, 2022, Regional Maintenance Manager Juniper instructed Maintenance Manager Outten to incorrectly note in Mr. Pierre's termination paperwork that he was not rehireable because he had *twice* walked off the job.

34. Because of Waste Pro's unlawful conduct, Mr. Pierre was harmed and suffered damages.

Class of Black and Haitian-American Employees

35. From at least February 2021 to present, Waste Pro subjected a class of Black and/or Haitian-American employees at its Jacksonville location to a hostile work environment based on their race, color, or national origin.

36. Waste Pro managers and employees alike subjected Black and Haitian-American employees in Jacksonville to hostile treatment, including racial slurs and

derogatory comments, such as the N-word.

37. Managers were aware of and condoned the ongoing racial harassment of Black and Haitian-American employees, which was committed openly and, at times, in their presence.

38. For example, as set forth in paragraphs 27 and 28 above, on March 29, 2022, the day of the race discrimination meeting, a stuffed monkey holding an American flag was displayed openly in Mr. Pierre's work area, in a location which everyone, including other Black and Haitian-American employees who entered the facility on that day, could see.

39. Managers left the stuffed monkey for everyone to see for several hours after receiving a complaint, until after the conclusion of the race discrimination meeting.

40. Even though managers received several complaints of race discrimination, it consistently failed to properly investigate them and take adequate remedial and corrective measures.

41. In addition to subjecting employees to racially and ethnically inflammatory language, managers perpetuated a hostile work environment by purposefully assigning Black and Haitian-American maintenance employees to do more difficult repair work and provided them with inferior equipment and tools.

42. Likewise, supervisors of drivers also mistreated their subordinates and made racial comments in the workplace about their skin color; for example, one supervisor commented, "It's awful dark around here," referring to the presence of his

Black subordinates.

43. Managers also delegated and assigned Black drivers to complete less desirable routes and provided them with inferior vehicles.

44. White employees were often given leniency in the enforcement of company policies and were generally treated more favorably than their Black counterparts.

45. For example, Waste Pro's Jacksonville Division Manager, Tim Williams, who was the top official in charge of the Jacksonville Division, was openly racist and sexist and required Office Manager Melissa Pauley to discriminate on his behalf against Black applicants for positions in the Jacksonville Division.

46. When Office Manager Pauley proposed hiring a Black female for a dispatcher position, Division Manager Williams asked whether she was White or Black and objected to her hire.

47. Division Manager Williams also openly mistreated other Black employees, including a Black male supervisor named George Cearcy, on whose facial features Mr. Williams commented, stating that Mr. Cearcy had "Billy Idol lips."

48. Because of Waste Pro's unlawful conduct, a class of Black and Haitian-American employees were harmed and suffered damages.

STATEMENT OF CLAIMS

Count I: Hostile Work Environment (Fednol Pierre)

49. As set forth in paragraphs 10 through 34, which are fully incorporated

herein, Defendant engaged in unlawful employment practices in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by subjecting Mr. Pierre to a hostile work environment on the basis of his race and color, Black, and national origin, Haitian American.

50. The effect of the practices complained of in paragraphs 10 through 34 have been to affect the terms and conditions of Mr. Pierre's employment, to deprive him of equal employment opportunities, and to otherwise adversely affect his status as an employee because of his race, color and national origin.

51. The unlawful employment practices complained of in paragraphs 10 through 34 were done intentionally with malice or with reckless indifference to the federally protected rights of Mr. Pierre, based on his race, color and national origin.

52. Mr. Pierre suffered damages as a result of the conduct described herein.

Count II: Hostile Work Environment (Class Members)

53. As set forth in paragraphs 34 through 48, which are fully incorporated herein, Waste Pro engaged in unlawful employment practices in violation of 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1) by subjecting a class of employees at Waste Pro's Jacksonville location to a hostile work environment based on color, race, Black and/or national origin, Haitian American.

54. The effect of the practices complained of in paragraphs 34 to 48 has been to deprive the aggrieved class members of equal employment opportunities because of their race, color and/or national origin.

55. The unlawful employment practices complained of in paragraphs 34 to

48 were done intentionally and with malice and/or with reckless indifference to the federally protected rights of the class of aggrieved employees, based on their race, color and/or national origin.

56. The aggrieved class members suffered damages as a result of the conduct described herein.

Count III: Retaliation (Fednol Pierre)

57. As set forth in paragraphs 16 through 34, which are fully incorporated herein, Waste Pro retaliated against Mr. Pierre as a result of his complaints and opposition to race, color and national origin-based harassment by disclosing his identity as the complainant to his harassers and refusing to investigate or take corrective measures, by subjecting him to a retaliatory hostile work environment, and by designating him as non-rehireable due to purported employee misconduct, in violation of Section 704(a)(1) of Title VII, 42 U.S.C. § 2000e-3(a)(1).

58. The effect of the practices complained of in paragraphs 16 through 34 have been to affect the terms and conditions of employment for Mr. Pierre, to deprive him of equal employment opportunities, and to otherwise adversely affect his status as an employee because he engaged in protected activity.

59. The unlawful employment practices complained of in paragraphs 16 through 34 were done intentionally and with malice and/or with reckless indifference to the federally protected rights of Mr. Pierre.

60. Mr. Pierre suffered damages as a result of the conduct described herein.

PRAYER FOR RELIEF

WHEREFORE, EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Waste Pro, its officers, agents, servants, managers, employees, and all persons in active concert or participation with it, from participating in discriminatory conduct based on color, race, and national origin, including, but not limited to, permitting a hostile work environment and/or retaliating against employees who engage in statutorily protected activity in the workplace;

B. Order Waste Pro to institute and carry out policies, practices, and programs which provide equal employment opportunities for prospective Black and Haitian-American employees and which eradicate the effects of its past and present unlawful employment practices;

C. Order Waste Pro to make Mr. Pierre, and the class of aggrieved Black and/or Haitian-American employees, whole, by providing compensation for past and future pecuniary and non-pecuniary losses resulting from the unlawful employment practices described above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

D. Order Waste Pro to pay Mr. Pierre and the class of aggrieved Black and/or Haitian-American employees punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial;

E. Grant such further relief as the Court deems necessary and proper in the public interest; and

F. Award EEOC its costs of this action.

JURY TRIAL DEMAND

EEOC requests a jury trial on all questions of fact raised by its Complaint.

Date: September 26, 2023

Respectfully submitted,

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Equal Employment Opportunity Commission

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Austin Case, Esq., U.S. EEOC, Miami District Office,
Miami Tower, 100 SE 2nd St, Suite 1500, Miami, FL
33131 (786) 648-5846

DEFENDANTS

Waste Pro of Florida, Inc.

County of Residence of First Listed Defendant Duval
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII of the Civil Rights Act of 1964, as amended

Brief description of cause:

Unlawful Employment Practices on the Basis of Race and National Origin

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

9/22/2023

SIGNATURE OF ATTORNEY OF RECORD

Austin Case

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Plaintiff(s)

V.

Waste Pro of Florida, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Waste Pro of Florida, Inc.
C/O Malenie Valez
2101 W SR 434
3rd Floor
Longwood, FL 32779

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Austin Case, Esq.

United States Equal Employment Opportunity Commission
Miami District Office
Miami Tower, Suite 1500
100 SE 2nd St
Miami, FL 33131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: