

FILED by GOTE D.C.  
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STEVEN M. LARIMORE  
CLERK U. S. DIST. CT.  
S. D. of FLA. - MIAMI

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: ~~09-22179~~

CEDIUS PIERRE, individually,

Plaintiff,

**CIV - HUCK**

vs.

MAGISTRATE JUDGE  
O'SULLIVAN

UNITED FORMING, INC., a  
Florida Corporation,

Defendant.

COMPLAINT

The Plaintiff(s), **CEDIUS PIERRE** (hereinafter "Plaintiff"), by and through the undersigned counsel, hereby sues Defendant, **UNITED FORMING, INC.**, (hereinafter "**UNITED**"), and in support avers as follows:

INTRODUCTION

1. This is an action by the Plaintiff for declaratory and injunctive relief and damages under 42 U.S.C. §1981 (Civil Rights Act of 1866) to redress injury done to Plaintiff by the Defendant, "**UNITED**" discriminatory treatment on the basis of race and national origin.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over Plaintiff's 42 U.S.C. §1981 claims pursuant to 28 U.S.C. §1331, §1343, and §1367. This action is authorized and instituted pursuant to 42 U.S.C. §1981 (Civil Rights Act of 1866).
3. The venue of this action is properly placed in the Southern District of Florida, MIAMI-DADE Division, pursuant to 28 U.S.C. §1391(b), because the events/employment practices hereafter alleged to be unlawful were committed in MIAMI-DADE County, within the jurisdiction of this Honorable Court.

**PARTIES**

4. At all times relevant, **CEDIUS PIERRE** was employed by **UNITED** and the parties had a contractual relationship with each other.
5. Plaintiff, is a resident of MIAMI-DADE County, Florida and continues to reside in MIAMI-DADE County, and resided in said County during the time of his employment with the Defendant, within the jurisdiction of this Honorable Court.
6. Plaintiff is an individual of Haitian national origin and of the Black race which is a member of a class of persons protected from discrimination in their employment under 42 U.S.C. §1981.
7. Defendant is a foreign for profit corporation. Defendant is authorized to conduct business in the State of Florida, in Miami-Dade County, and within the jurisdiction of this Court.

**COUNT I. DISCRIMINATION BASED ON RACE AND NATIONAL ORIGIN IN VIOLATION OF 42 U.S.C. §1981**

8. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-7 of this complaint as if set out in full herein.
9. At all times material hereto, Defendant, **UNITED**, was an “employer” within the meaning of Section 42 U.S.C. §1981.
10. At all times material hereto, Plaintiff, **PIERRE**, was an “employee” within the meaning of 42 U.S.C. §1981
11. The Plaintiff had been employed by Defendant since on or about **2005** as carpenters.
12. At all relevant times, Plaintiff is and continues to be qualified for the position formerly held with the Defendant.
13. At all times material hereto, the Plaintiff’s job performance was satisfactory or above satisfactory.
14. Plaintiff was terminated from their employment on or about 2006.
15. Defendant has engaged in a pattern of continuous discrimination against Plaintiff because he’s of HAITIAN national origin and of the BLACK race.
16. During the course of their employment with the Defendant, the Plaintiff was continually and repeatedly subjected to severe and pervasive race and national origin discrimination by Defendant’s agents, who were non-Black and non Haitian.

17. On a frequent and continual basis, Plaintiff was employed as a carpenter, but Defendant's agents with authority to hire and fire, verbally abused Plaintiff by way of discriminatory comments and demotion.
18. On a frequent and continual basis, Defendant, through its agents, cursed at Plaintiff and made derogatory comments against Blacks and Haitians.
19. Defendant's crafted and implemented a plan to terminate Plaintiff based upon his race and national origin. Defendant also confected a subterfuge in an attempt to hide their blatant and unlawful discriminatory motivation.
20. Plaintiff was singled out for treatment in a discriminatory manner by Defendant due to his race and national origin.
21. Defendant's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendant **UNITED**, and its supervisory personnel were aware that discrimination on the basis of race and national origin was unlawful but acted in reckless disregard of the law.
22. Defendant, through the actions of its agents, outrageously disregarded the requirements to investigate and remedy claims of discrimination.
23. The actions and language of the Defendant's agents were so severe and pervasive as to alter the terms, conditions and/or privileges of his employment with the Defendant, and thereby creating a hostile work environment.
24. The actions of the Defendant were based upon the Plaintiff being of Haitian national origin and of the Black race and Haitian national origin. The Defendant subjected the Plaintiff to race and national origin based animosity.

25. The Plaintiff would have continued in his employment with entitlement to his wages and benefits but for the discriminatory conduct of the Defendant.
26. When the Defendant terminated the Plaintiff's employment, it retained all employees involved who exhibited discriminatory conduct upon the Plaintiff. The Defendant did so despite the knowledge of those employees engaging in discriminatory actions and/or comments and thereby fostering a hostile work environment for Plaintiff and other individuals of the Haitian national origin.
27. The discrimination was based upon the Plaintiff's national origin and race in that but for the fact that the Plaintiff is of the Black race and Haitian National origin, they would not have been the object of discrimination.
28. As a result of the actions of the Defendant, as alleged herein, the Plaintiff has been deprived of his employment and has been exposed to ridicule and embarrassment and has suffered emotional distress and damage.
29. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff were all in a position that possessed the authority to affect the terms, conditions, and privileges of the Plaintiff employment with the Defendant.
30. The Plaintiff, by being subjected to this hostile and offensive work environment created by the Defendant, were unreasonably affected in a term, condition, or privilege of employment under applicable law in that their psychological well-being was seriously affected when the work place became hostile.
31. The conduct of the Defendant, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt







