

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	Case No.:
Plaintiff,)	
)	COMPLAINT
v.)	
)	JURY TRIAL
LAGO MAR PROPERTIES, INC.)	DEMAND
(D/B/A LAGO MAR BEACH RESORT & CLUB))	
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NATURE OF THE ACTION

This is an action under the Pregnant Workers Fairness Act (“PWFA”), 42 U.S.C. § 2000gg-2000gg-6, and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12112(a). Plaintiff, the U.S. Equal Employment Opportunity Commission, alleges that Defendant Lago Mar Properties, d/b/a “Lago Mar Beach Resort and Club”, discriminated against Charging Party Ms. Wilda Jean Louis (“Ms. Jean Louis” or “Charging Party”) by failing to reasonably accommodate her in violation of the PWFA and ADA, which resulted in her termination.

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 107(a) of the ADA, 42 U.S.C. § 12117(a), and Section 104(a) of the PWFA, 42 U.S.C. §2000gg-2(a), which incorporate by reference Section 706(f)(1) of Title VII of the Civil

Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e-5(f)(1), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. Venue is proper because the employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Florida, Fort Lauderdale Division.

PARTIES

3. Plaintiff, the U.S. Equal Employment Opportunity Commission (“Plaintiff” or “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of the PWFPA and ADA, and is expressly authorized to bring this action by Section 104(a) of the PWFPA, 42 U.S.C. §2000gg-2(a), and Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporate by reference Section 706(f)(1) of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e-5(f)(1), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

4. The Defendant Lago Mar Properties, Inc, d/b/a “Lago Mar Beach Resort and Club” (“Lago Mar” or “Defendant”), a Florida corporation, owns and operates a hotel and beach resort in Fort Lauderdale, Florida called “Lago Mar Beach Resort and Club.”

5. At all relevant times, Lago Mar has continuously been doing business in the State of Florida and the City of Fort Lauderdale and has continuously had at least 15 employees.

6. At all relevant times, Lago Mar has been an employer engaged in an industry affecting commerce under Sections 101(5) and 101(7) of the ADA, 42 U.S.C. §§ 12111(5), (7).

7. At all relevant times, Lago Mar has been a covered entity under Section 102(2) of the PWFA, 42 U.S.C. § 2000gg(2), and Section 101(2) of the ADA, 42 U.S.C. §12111(2).

ADMINISTRATIVE PROCEDURES

8. More than thirty days prior to the institution of this lawsuit, Ms. Jean Louis filed a charge with the Commission against Lago Mar alleging discrimination in violation of the PWFA and ADA.

9. The Commission sent Lago Mar notice of Ms. Jean Louis's discrimination charge.

10. On March 18, 2024, the Commission issued to Lago Mar a Letter of Determination finding reasonable cause to believe that it discriminated against Ms. Jean Louis in violation of the PWFA and ADA and inviting Lago Mar to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

11. On May 1, 2024, the Commission issued to Lago Mar a Notice of Failure of Conciliation advising that the Commission was unable to secure a conciliation agreement acceptable to the Commission.

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

STATEMENT OF FACTS

13. Lago Mar is an oceanfront resort located in Fort Lauderdale, Florida.

14. In July 2023, Ms. Jean Louis, who was employed by Lago Mar as a line cook, was in the fifth month of her pregnancy.

15. On Sunday, July 2, 2023 – her day off – Ms. Jean Louis began experiencing complications related to her pregnancy and was admitted to the hospital for evaluation.

16. Later that day, Ms. Jean Louis experienced a stillbirth. The pregnancy loss caused Ms. Jean Louis significant physical and emotional trauma.

17. On July 3, 2023, Ms. Jean Louis sent a text to her immediate supervisor, Lago Mar's resort chef, informing him that she had been admitted to the hospital over the weekend and would provide a doctor's note on when she can safely return to work.

18. On July 4, 2023, Ms. Jean Louis sent an email to Lago Mar's food and beverage manager, who oversees the kitchen, notifying him of her pregnancy loss and that she would follow-up with a doctor's note on when she could return to work.

19. On July 5, 2023, Ms. Jean Louis sent a letter from her doctor confirming the pregnancy loss, and informing Lago Mar that she would need approximately six (6) weeks to recuperate physically and to grieve.

20. During this time, Ms. Jean Louis's major life activities were substantially impaired due to the mental and physical trauma from losing her pregnancy at five months, and she suffered from depression.

21. Ms. Jean Louis was limited in her ability to cook, drive, concentrate, think, care for herself, sit, stand, and provide childcare.

22. On July 6, 2023, Ms. Jean Louis received a letter from Lago Mar's General Manager terminating her employment.

23. Lago Mar did not engage Ms. Jean Louis in any interactive process concerning her request for leave as an accommodation prior to terminating her employment.

24. As a result of Lago Mar's unlawful employment practices, Ms. Jean Louis suffered damages.

STATEMENT OF CLAIMS

COUNT I (PWFA)

25. Plaintiff repeats, re-alleges, and incorporates by reference the allegations in paragraphs 1-24 of this Complaint as fully set forth herein.

26. Ms. Jean Louis suffered from a known limitation which was related to, affected by, or arose out of pregnancy, childbirth or related medical condition (*i.e.* stillbirth).

27. Ms. Jean Louis informed Defendant of her pregnancy-related medical condition and requested, as a reasonable accommodation, a six-week leave of absence.

28. Ms. Jean Louis was a qualified employee under Section 102(6) of the PWFA, 42 U.S.C. § 2000gg(6), because she could perform the essential functions of the job with the accommodation of a six-week leave to recover from stillbirth.

29. Defendant has intentionally discriminated against Ms. Jean Louis by failing to accommodate her known limitation, which was related to, affected by, or arose out of her pregnancy-related medical condition, in violation of the PFWA, 42 U.S.C. § 2000gg-1(1), resulting in her termination.

30. The unlawful employment practices complained of in paragraphs 1-24 were intentional and done with malice or with reckless indifference to Ms. Jean Louis's federally protected rights.

COUNT II (ADA)

31. Plaintiff repeats, re-alleges, and incorporates by reference the allegations in paragraphs 1-24 of this Complaint as fully set forth herein.

32. Ms. Jean Louis suffered from a pregnancy-related disability that substantially limited her major life activities. Accordingly, Ms. Jean Louis was a qualified individual with a disability under Section 3 and 101(8) of the ADA, 42 U.S.C. §§12102 and 12111(8).

33. Defendant has intentionally discriminated against Ms. Jean Louis in violation of Title I of the ADA, 42 U.S.C. § 12112(a) and (b)(5), by failing to accommodate her disability and by terminating her employment because of that disability and her need for a reasonable accommodation.

34. The unlawful employment practices complained of in paragraphs 1-24 were intentional and done with malice or with reckless indifference to Ms. Jean Louis's federally protected rights.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, servants, employees, attorneys, and all persons in active concert or participation with it, from failing or refusing to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of qualified employees;

B. Grant a permanent injunction enjoining Defendant, its officers, servants, employees, attorneys, and all persons in active concert or participation with it, from discriminating on the basis of disability by failing or refusing to provide reasonable accommodations to qualified individuals with disabilities;

C. Grant a permanent injunction enjoining Defendant, its officers, servants, employees, attorneys, and all persons in active concert or participation with it, from discriminating on the basis of disability by terminating employees because of their disabilities;

D. Order Defendant to make whole Ms. Jean Louis who was adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices including but not limited to, back pay;

E. Order Defendant to make whole Ms. Jean Louis by providing compensation for past and future pecuniary and nonpecuniary losses resulting from

the unlawful practices complained of above, including emotional pain, suffering, mental anguish, and inconvenience in amounts to be determined at trial.

F. Order Defendant to pay Ms. Jean Louis punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

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

H. Award the Commission its costs for this action.

JURY TRIAL DEMAND

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

Date: September 30, 2024

Respectfully submitted,

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

KARLA GILBRIDE

General Counsel

CHRISTOPHER LAGE

Deputy General Counsel

GWENDOLYN YOUNG REAMS

Associate General Counsel

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

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Counsel for Plaintiff, EEOC

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.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

U.S. Equal Employment Opportunity Comm.

DEFENDANTS

Lago Mar Properties, Inc. (d/b/a Lago Mar Beach Resort & Club)

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

County of Residence of First Listed Defendant Broward (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number) Sabarish Neelakanta, US EEOC, 100 SE 2nd St. Ste. 1500, Miami, FL 33131; (786) 648-5897

Attorneys (If Known) Douglas H. Reynolds, Tripp Scott, 110 SE Sixth Street, Ste. 1500, Fort Lauderdale, FL 33301

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Grid of categories: CONTRACT, TORTS, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, PERSONAL PROPERTY, HABES CORPUS, etc.

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge from Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Reremanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES X NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Lengths under Sec. 107(a), ADA, 42 U.S.C. § 12117(a); Sec. 104(a), PWFA, 42 U.S.C. § 2000gg-2(a) LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE SIGNATURE OF ATTORNEY OF RECORD

9/30/2024

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.C.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; 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. 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. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge’s decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. 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

VIII. 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 dollar amount (in thousands of dollars) 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.

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

Southern District of Florida

U.S. Equal Employment Opportunity Commission

Plaintiff(s)

v.

Lago Mar Properties, Inc. (d/b/a Lago Mar Beach Resort & Club)

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Lago Mar Properties, Inc.
c/o its Registered Agent
Tanya Taradash CFO
1700 S Ocean Lane
Fort Lauderdale, FL 33316

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: Sabarish Neelakanta
US EEOC
100 SE 2nd Street, Suite 1500
(786) 648-5897
sabarish.neelakanta@eeoc.gov

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

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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: