

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARIANO J. REIS,

Plaintiff,

v.

Case No.

ALLSTATE INSURANCE COMPANY,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

The Plaintiff, MARIANO J. REIS, sues the Defendant, ALLSTATE INSURANCE CO., and alleges as follows:

1. This is an action to redress discrimination in employment on the basis of national origin and retaliation, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*
2. At all times relevant to this claim, the Plaintiff was a resident of Treasure Island, Pinellas County, Florida.
3. The Plaintiff was employed by the Defendant from February 1986 until September 9, 2011.
4. The Defendant is a foreign corporation which maintains offices and transacts business within the geographical jurisdiction of this Court. The Defendant is also an “employer,” as that term is defined in Title VII.

COUNT I—DISCRIMINATION

5. The Plaintiff repeats the allegations set forth in paragraphs 1 through 3, above, as if fully set forth herein.
6. In April 2011, the Plaintiff's then immediate supervisor, Bob Jackson, instructed the Plaintiff to terminate 65 of the Defendant's Florida-based agents by the end of 2011.
7. In or about May 2011, the Plaintiff complained to Mr. Jackson that approximately 75% of the Florida agents targeted by the Defendant for termination were members of protected minority groups and that the selection criteria being used by the Defendant to identify the agents to be terminated unlawfully targeted members of racial minorities, older workers and women.
8. Shortly after voicing his concerns to Mr. Jackson, the Plaintiff was informed that he was the target of an investigation being conducted by the Defendant for allegedly permitting unlicensed agents to operate Allstate agencies within the State of Florida.
9. On September 8, 2011, the Plaintiff filed a formal complaint with the Defendant's management in which he alleged that the Defendant was discriminating against racial minorities, women and older workers in selecting agents for termination. The Plaintiff's employment was terminated, without reason and without just cause, on the following day, September 9, 2011.
10. The Plaintiff's national origin, Hispanic, was a determining factor in the Defendant's decision to terminate the Plaintiff's employment.
11. As a result of the Defendant's unlawful conduct, as set forth in paragraph 9, above, the Plaintiff has suffered, and continues to suffer, the loss of income and the loss of the fringe benefits he would have received had his employment not been terminated. In addition,

the Plaintiff has suffered, and continues to suffer, mental anguish, emotional distress and embarrassment as a result of the wrongful termination of his employment by the Defendant.

12. The Plaintiff has exhausted all the requisite administrative remedies prior to bringing this action. Specifically, but not as a limitation, the Plaintiff timely filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC). The EEOC completed its investigation of the Plaintiff's charge without issuing findings as to cause. Plaintiff timely commenced this action upon his receive of the EEOC's Notice of Right to Sue.

WHEREFORE, the Plaintiff prays:

- a. That the Court take jurisdiction over this action;
- b. that the Court award the Plaintiff his lost pay and the value of his lost fringe benefits;
- c. that the Court award the Plaintiff compensatory damages;
- d. that the court order the Defendant to reinstate the Plaintiff to his former or to a like position or award the Plaintiff front pay in lieu of reinstatement; and
- e. that the Court award the Plaintiff the cost of this action, including a reasonable attorney's fee.

COUNT II—RETALIATION

13. The Plaintiff repeats the allegations set forth in paragraphs 1 through 9, above, as though fully set forth herein.
14. Subsequent to being terminated by the Defendant, the Plaintiff obtained employment with eBridge, a company that developed and sold agency management software to insurance agents. In Plaintiff's new position, he marketed such software to

Defendant's agents. The Defendant interfered with the Plaintiff's ability to perform in this position by refusing to allow the Plaintiff to attend conferences and meetings which were sponsored by the Defendant.

15. In September 2012, the Defendant purchased the rights to agency software the Plaintiff marketed from eBridge. The Defendant offered employment to eBridge's employees except the Plaintiff.
16. The Defendant's actions in interfering with the Plaintiff's employment with eBridge and its failure to offer Plaintiff employment when it purchased the rights to the agency management software from eBridge were intended to retaliate against the Plaintiff for having complained about the Defendant's discriminatory employment practices as described in paragraph 7, above, and to punish the Plaintiff for having filed charges of discrimination and retaliation with the Equal Employment Opportunity Commission in November of 2011 and September of 2012, respectively.
17. The Defendant terminated the Plaintiff's employment on September 9, 2011, to retaliate against the Plaintiff for having complained about the Defendant's discriminatory employment practices as described in paragraph 7, above.
18. As a result of the Defendant's unlawful retaliatory actions against the Plaintiff, described in paragraphs 14 and 15, above, the Plaintiff has suffered, and continues to suffer, a loss of income and a loss of valuable employment benefits. The Plaintiff also suffered, and continues to suffer, mental anguish, emotional distress and embarrassment as a result of the Defendant's unlawful interference with his employment and its failure to offer the Plaintiff employment, as described in paragraphs 14 and 15, above.

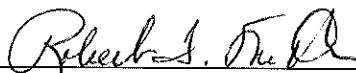
19. The Plaintiff has exhausted all the requisite administrative remedies prior to bringing this action. Specifically, but not as a limitation, the Plaintiff timely filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC). The EEOC completed its investigation of the Plaintiff's charge without issuing findings as to cause. Plaintiff timely commenced this action upon his receive of the EEOC's Notice of Right to Sue.

WHEREFORE, the Plaintiff prays:

- a. That the Court take jurisdiction over this action;
- b. that the Court award the Plaintiff his lost pay and the value of his lost fringe benefits;
- c. that the Court award the Plaintiff compensatory damages;
- d. that the court order the Defendant to reinstate the Plaintiff to his former or to a like position or award the Plaintiff front pay in lieu of reinstatement; and
- e. that the Court award the Plaintiff the cost of this action, including a reasonable attorney's fee.

JURY TRIAL DEMAND

The Plaintiff demands a trial by jury on all issues so triable.



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