

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: **02 - 14134**
CIV-MOORE

LINDA M. ZINK,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY and
MICHAEL W. COLLETTE, individually,

Defendants.

**MAGISTRATE JUDGE
LYNCH**

NOTICE OF REMOVAL

Defendants, ALLSTATE INSURANCE COMPANY and MICHAEL W. COLLETTE ("Defendants"), through the undersigned counsel, hereby file their Notice of Removal of an action pending in the Circuit Court of the Nineteenth Judicial Circuit, in and for Martin County, Florida, to the United States District Court, Southern District of Florida, Palm Beach Division, being the district and division in which the action is pending, and states as follows:

1. Plaintiff, LINDA M. ZINK ("Plaintiff"), commenced this action against Defendants in the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, Florida, in a case styled Linda M. Zink v. Allstate Insurance Company and Michael W. Collette, Case No.: 01-1040-CA.

2. All process, pleadings, and orders, as well as all pending motions which have been filed in this case, are attached to this Notice of Removal.

3. This action was commenced when Plaintiff filed her Complaint on or about December 3, 2001. A Summons and the Complaint were served first on Defendant Collette on or about March 30, 2002. Accordingly, pursuant to 28 U.S.C. § 1446(b), Defendants have timely filed this Notice of Removal in that it is being filed within thirty (30) days from service.

4. This Court has original jurisdiction of the action under the provisions of 28 U.S.C. § 1441, in that it is a civil action of which the district courts have original jurisdiction founded on a claim or right arising under the laws of the United States.

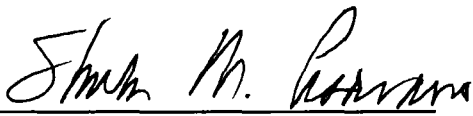
5. The allegations of the Complaint concern discrimination claims and raise a federal question under Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), a federal statute prohibiting discrimination. Plaintiff also asserts an ancillary state law claim of intentional interference with an advantageous business relationship arising out of the same facts underlying her federal statutory claims.

6. Defendants respectfully request that the United States District Court for the Southern District of Florida accept this Notice of Removal and that it assume jurisdiction of this cause and issue such further orders and process as may be necessary to bring before it all parties necessary for the trial hereof.

WHEREFORE, Defendants pray that the above action be removed from the Circuit Court for the Nineteenth Judicial Circuit in and for Martin County, Florida, to the United States District Court for the Southern District of Florida.

Respectfully submitted,

SHUTTS & BOWEN
Attorneys for Defendants
201 S. Biscayne Boulevard
1500 Miami Center
Miami, Florida 33131
(305) 358-6300
(305) 347-7386 (Facsimile)

By: 
Sheila M. Cesarano
Florida Bar No. 708364

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed
this 23 day of April, 2002 to:

JOSEPH L. ACKERMAN, JR., ESQ.
Attorneys for Plaintiff
Boose Casey Ciklin Lubitz Martens McBane & O'Connell
515 North Flagler Drive
Northbridge Center, 19th Floor
West Palm Beach, Florida 33401
(561) 832-5900
(561) 833-4209 (facsimile)


OF COUNSEL

MIADOCS 503865.1 KLL

**IN THE CIRCUIT COURT OF THE 19th
JUDICIAL CIRCUIT IN AND FOR MARTIN
COUNTY, FLORIDA**

CIVIL ACTION

LINDA M. ZINK,

Plaintiff,

Case No.: 01-1040 CA

v.

ALLSTATE INSURANCE COMPANY and
MICHAEL W. COLLETTE, Individually,

Defendants.

835
3/30/02
B. [unclear]
[unclear]

CIVIL ACTION SUMMONS

THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint or Petition in this action on Defendant

**MICHAEL W. COLLETTE
4190 12TH PLACE SW
VERO BEACH, FL 32968
561-794-9926**

Each Defendant is required to serve written defenses to the Complaint or Petition on

**JOSEPH L. ACKERMAN, JR., ESQ.
Attorney for the Plaintiff
BOOSE, CASEY, CIKLIN, LUBITZ, MARTENS,
MCBANE & O'CONNELL
515 North Flagler Drive, 19th Floor
West Palm Beach, FL 33401
561-832-5900**

within 20 days after service of this Summons on that Defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court at 100 SE Ocean Boulevard, Stuart, Florida, 34994, either before service on Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint or Petition.

DATED on the _____ day of 3/28 2002.

MARSHA G. EWING
As Clerk of the Court

NOTICE TO PERSONS WITH DISABILITIES
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Clerk of Court's Administration Division, 100 E. Ocean Blvd., Ste. 200, Stuart, FL 34994, 561-288-8978 within 10 days of your receipt of this document. If you are hearing impaired, call 1-800-955-8771.

s/s LEVI JOHNSON
By: _____
As Deputy Clerk



IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this Summons is served on you to file a written response to the attached Complaint or Petition with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

IMPORTANT

Usted ha sido demandado legalmente. Tiene 20 Días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorneys" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plaigne ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous

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ALLSTATE LEGAL
Blake A. Levy

NO. 2369 P. 4/14
561-618-8217 P.3

etes obligé de déposer votre réponse écrite, avec mention du numero de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorneys" (Plaignant ou à son avocat) nommé ci-dessous.

Plaintiff/Plaintiff's Attorney:

JOSEPH L. ACKERMAN, JR., ESQ.
Florida Bar No. 235954
Attorney for the Plaintiff
BOOSE, CASEY, CIKLIN, LUBITZ, MARTENS, MCBANE & O'CONNELL
515 North Flagler Drive, 19th Floor
West Palm Beach, FL 33401
561-832-5900

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ALLSTATE LEGAL
Blake A. Levy

NO. 2369
561-616-8217

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CIVIL COVER SHEET

The 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. This form is required for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075.

I. CASE STYLE

Linda M. Zink v. Allstate Insurance Company and Michael W. Collette, individually.

DI-10400A
s/s JUDGE BEN L. BRYAN, JR.

II. TYPE OF CASE (Place an x in one box only. If the case fits more than one type of case, select the most definitive.)

DOMESTIC RELATIONS

- Simplified dissolution
- Dissolution
- Support-IV-D
- Support-Non IV-D
- URESA-IV-D
- URESA-Non-IV-D
- Domestic violence
- Other domestic relations

TORTS

- Professional Malpractice
- Products liability
- Auto negligence
- Other negligence

OTHER CIVIL

- Contracts
- Condominium
- Real property
- Mortgage foreclosure
- Eminent domain
- Other

FILED FOR RECORD
MARTENS CO., FL
DEC-3 PM '01

III. Is Jury Trial Demanded in Complaint?

- Yes
- No

DATE: December 3, 2001

BOOSE CASEY CIKLIN LUBITZ
MARTENS MCBANE & O'CONNELL
516 North Flagler Drive, 1900
West Palm Beach, Florida 33401
(561) 832-5900

By: *Patricia M. Christensen*
Joseph L. Ackerman, Jr.
Florida Bar No. 235054
Attorneys for Plaintiffs

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ALLSTATE LEGAL
DIANE M. LEVY

561-516-4817

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IN THE CIRCUIT COURT OF THE 19th
JUDICIAL CIRCUIT IN AND FOR MARTIN
COUNTY, FLORIDA

CIVIL ACTION

01-10401A

s/a JUDGE BEN L BRYAN, JR.

LINDA M. ZINK,
Plaintiff,

v.

CASE NO.:

ALLSTATE INSURANCE COMPANY and
MICHAEL W. COLLETTE, Individually,
Defendants.

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COURT

COMPLAINT

The PLAINTIFF, LINDA ZINK, files this Complaint and sues the DEFENDANTS, ALLSTATE INSURANCE COMPANY and MICHAEL W. COLLETTE, individually, and would allege as follows:

I. GENERAL ALLEGATIONS

1. The PLAINTIFF, LINDA M. ZINK, (hereinafter "ZINK" or "MS. ZINK"), was at all times material to this action a resident of Martin County, Florida and is otherwise sui juris.

2. At all times material to this action, the DEFENDANT, ALLSTATE INSURANCE COMPANY, (hereinafter "ALLSTATE"), was and is a foreign insurance company which was authorized to do business in the State of Florida and was authorized to do business in Martin County, Florida. At all times material to this action, ALLSTATE was in fact conducting business in Martin County, Florida, and is otherwise sui juris.

3. At all times material to this action, the DEFENDANT, MICHAEL W. COLLETTE, (hereinafter "COLLETTE"), was at all times material to this action, a resident of Indian River County, Florida, and is otherwise sui juris.

4. The facts and transactions which give rise to the causes of action alleged in this Complaint took place in Martin County, Florida.

5. LINDA ZINK first became an employee of ALLSTATE INSURANCE COMPANY on October 5, 1986, when she was hired as an agent trainee. MS. ZINK then became a neighborhood office agent in January 1990, and she opened an Allstate Agency Office in Hobe Sound, Florida.

6. In February 2000, at the Sheraton Hotel in West Palm Beach, Florida, MS. ZINK attended a territory meeting for ALLSTATE at which time COLLETTE was present. At that time COLLETTE sought out MS. ZINK, told her that he was watching her, grabbed her physically by the arm and refused to let her go. While physically grabbing MS. ZINK, COLLETTE made threatening, discriminatory and sexually harassing comments.

7. In March 2000, COLLETTE called MS. ZINK to tell her that he was staying in a hotel for an exam prep course that he was taking as part of his job opportunities and made a sexually harassing remark to the effect that there was room in his bed for MS. ZINK to join him. COLLETTE also persisted and sought MS. ZINK's company even though refused. COLLETTE then made sexually discriminating jokes to MS. ZINK.

8. In September 2000 COLLETTE contacted MS. ZINK at her office in Hobe Sound and again advised her that he was watching her and that he was the love of her life. He also requested MS. ZINK to join him in a hotel room that he was renting in Vero Beach for a sexual liaison. MS. ZINK reported the sexual harassment to COLLETTE's ALLSTATE supervisor.

9. On approximately September 22, 2000, MS. ZINK was contacted by another employee at ALLSTATE who advised her that COLLETTE was still trying to get MS. ZINK to stay with him for the three days that he would be in Vero Beach.

10. Since 1990, COLLETTE has continued to make sexually discriminating and condescending remarks to ZINK, directly and in front of her co-workers, friends, and other managers.

11. COLLETTE has engaged in a pattern of calling MS. ZINK's office trying to coerce her to go to bed with him, to take courses with him and to stay in a hotel room with him, which MS.

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ZINK consistently refused.

12. These matters resulted in MS. ZINK seeking an injunction against COLLETTE, which was granted in a certain case styled Linda M. Zink v. Michael Wayne Collette, case number 00-563FSV, filed in the Circuit Court for the 19th Judicial Circuit in and for Martin County.

13. MS. ZINK complained of the sexually hostile work environment to her supervisors at ALLSTATE. Prompt remedial action was not taken by Allstate to remedy this environment. At all times material, COLLETTE acted both in his official capacity as an agent of the DEFENDANT, ALLSTATE INSURANCE COMPANY, and/or in his individual capacity. Further, COLLETTE was acting within the scope and course of his employment with ALLSTATE.

14. ALLSTATE is vicariously liable for the conduct of COLLETTE under the doctrine of respondeat superior. As a result of MS. ZINK's complaints, her co-employees commenced a campaign to interfere with the terms, conditions and or privileges of her employment. These actions were taken to retaliate against MS. ZINK for complaining of the unwelcome actions and conduct of COLLETTE.

15. All conditions precedent to filing this action have been satisfied. Specifically, MS. ZINK filed a charge with the Equal Employment Opportunity Commission (hereinafter "EEOC"). On or about September 4, 2001, MS. ZINK received a Notice of Right to Sue from the EEOC and filed her complaint within 90 days therefrom. See, Notice of Right to Sue attached hereto and marked as Exhibit 1.

COUNT I TITLE VII - HOSTILE WORK ENVIRONMENT

16. MS. ZINK realleges each and every allegation contained in paragraphs 1-15, as if they were fully set forth herein.

17. This is an action under the Civil Rights Action of 1964, Section 701 et seq. ("Title VII").

18. At all times material hereto, MS. ZINK was an "employee" within the meaning of Title

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Blake M. Levy

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VII.

19. At all times material hereto, DEFENDANT ALLSTATE was an "employer" within the meaning of Title VII.

20. During MS. ZINK's employment with the DEFENDANT, ALLSTATE, she was subjected to the aforementioned unwelcome actions and conduct of the DEFENDANT'S employees thereby creating a sexually hostile work environment, in violation of Title VII.

21. ALLSTATE knew or should have known of the actions and conduct of its employee, specifically COLLETTE, and the sexually hostile work environment created therefrom. Notwithstanding, ALLSTATE failed to take prompt remedial action to put a stop to this environment.

22. As a result of the sexually hostile work environment, MS. ZINK has suffered emotional distress, lost wages and benefits, pain and suffering, humiliation and embarrassment, all of which exist to this date and will, in all likelihood, continue to the future.

WHEREFORE, the PLAINTIFF, LINDA M. ZINK, demands a trial by jury, a judgment against the DEFENDANT ALLSTATE INSURANCE COMPANY, for compensatory damages, economic damages, punitive damages, attorneys fees and costs, injunctive relief, and any and all other relief deemed appropriate by this Court.

COUNT II (TITLE VII - RETALIATION)

23. MS. ZINK realleges each and every allegation contained in paragraph 1 through 22 as if they were fully set forth herein.

24. At all times material hereto, MS. ZINK was an "employee" within the meaning of Title VII.

25. At all times material hereto, the DEFENDANT ALLSTATE was an "employer" within the meaning of Title VII.

26. As a result of MS. ZINK's verbal and written complaints to her supervisors regarding the conduct of DEFENDANT COLLETTE, her co-employees and other supervisors retaliated against

her in that they commenced a campaign to interfere with the terms, conditions and other privileges of MS. ZINK's employment. DEFENDANT ALLSTATE ratified this retaliation through its refusal to take steps and to in fact stop it.

27. As a result of the retaliation, MS. ZINK has suffered emotional distress, lost wages and benefits, pain and suffering, humiliation and embarrassment, all of which exist to this day and are likely to continue into the future.

WHEREFORE, the PLAINTIFF, LINDA M. ZINK, demands a trial by jury, a judgment against the DEFENDANT ALLSTATE INSURANCE COMPANY, for compensatory damages, economic damages, punitive damages, attorneys fees and costs, injunctive relief, and any and all other relief deemed appropriate by this Court.

**COUNT III (INTERFERENCE WITH AN ADVANTAGEOUS BUSINESS
RELATIONSHIP AGAINST MICHAEL W. COLLETTE)**

28. MS. ZINK realleges each and every allegation contained in paragraph 1 through 27 as if they were fully set forth herein.

29. On or about July 1, 2000, MS. ZINK entered into an contract with DEFENDANT ALLSTATE called an Exclusive Agent Independent Contractor. As such, MS. ZINK became an independent agent authorized to sell and promote Allstate Insurance products to third party customers.

30. The actions set forth in paragraphs 8-12 of COLLETTE are intentional and unjustified interference with the advantageous business relationship that the PLAINTIFF ZINK has with her customers.

31. As a result of such interference by the DEFENDANT COLLETTE, the PLAINTIFF has been damaged.

WHEREFORE, the PLAINTIFF, LINDA M. ZINK, demands a trial by jury, a judgment against the DEFENDANT MICHAEL W. COLLETTE, for compensatory damages, interest, costs of this action

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Blake A. Levy

NO. 2309
561-618-8217

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and any and all other relief deemed appropriate by this Court.

Dated this 3rd day of December, 2001.

Respectfully submitted,

BOOSE CASEY CIKLIN LUBITZ
MARTENS McBANE & O'CONNELL
Attorneys for the PLAINTIFF
Northbridge Center - 19th Floor
515 North Flagler Drive
West Palm Beach, FL 33401
Telephone: (561) 832-5900
Facsimile: (561) 833-4209

BY: 
JOSEPH L. ACKERMAN, JR., ESQ.
Florida Bar No.: 235954

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ALLSTATE LEGAL
MIKE M. LEVY

NO. 2369
561-616-8417

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U.S. Equal Employment Opportunity Commission DISMISSAL AND NOTICE OF RIGHTS

To:

Ms. Linda Zink
8649 S.E. Hawkbill Way
Hobe Sound, FL 33455

On behalf of a person aggrieved whose identity is
CONFIDENTIAL (28 CFR § 1601.7(a))

From: Miami District Office

Equal Employment Opportunity Commission
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33137-1808

Charge Number
150-A1-2820

EEOC Representative
Helena Czarniecki, Sr. Investigator

Telephone No.
305-570-8038, 800-669-4000

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- We cannot investigate your charge because it was not filed within the time limit required by law.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may pursue this matter further by bringing suit in federal or state court against the respondent(s) named in the charge. If you decide to sue, you must sue **WITHIN 90 DAYS** from your receipt of this Notice. Otherwise your right to sue based on the above-numbered charge will be lost.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 3 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible. (If you file suit, please send a copy of your court complaint to this office.)

On behalf of the Commission

(SEP 04 2001)
Das Malick

Federico Cordova, District Director

cc:

Respondent Representative:

Ms. Olga Otero, Human Resources Div. Manager

Allstate Insurance Company

1903 S. Congress Avenue, Ste. 450B

Boynton Beach, FL 33467

EXHIBIT 1

INFORMATION RELATED TO FILING IT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law.)

If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed).

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment; backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/96 to 12/1/96, you should file suit before 7/1/98 -- not 12/1/98 -- in order to recover unpaid wages due for July 1996. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

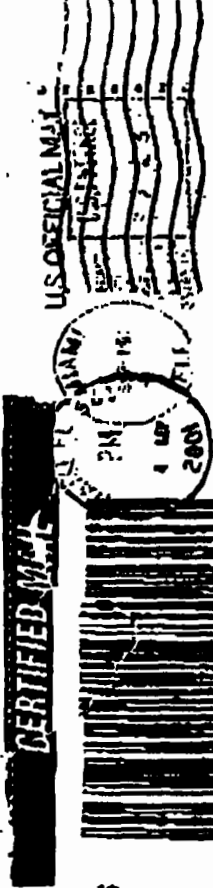
ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charges are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.



MIAMI DISTRICT OFFICE
 EQUAL EMPLOYMENT OPPORTUNITY COMMISS
 ONE BISCAYNE TOWER, SUITE 2700
 2 SOUTH BISCAYNE BOULEVARD
 MIAMI, FLORIDA 33131

7077 3480 0000 5404 2865

OFFICIAL BUSINESS
 PENALTY FOR PRIVATE USE, \$300

2/5/01

33483373107 04

IN THE CIRCUIT COURT OF THE
19TH JUDICIAL CIRCUIT IN AND
FOR MARTIN COUNTY, FLORIDA

CIVIL ACTION
CASE NO.: 01-1040-CA

LINDA M. ZINK,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY
and MICHAEL W. COLLETTE,
individually,

Defendants.

**Please date-stamp
and return**

99 APR 18 AM 9:55
MARSHA SHELTON
CLERK OF CIRCUIT COURT
MARTIN COUNTY, FL

DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

Defendants, ALLSTATE INSURANCE COMPANY and MICHAEL W. COLLETTE ("Defendants"), respectfully move this Court to enter an Order extending the time to serve their response to Plaintiff's Complaint. In support of their Motion, Defendants state as follows:

1. On or about March 30, 2002, Plaintiff served her Complaint on Defendant, Michael W. Collette.
2. On or about April 1, 2002, Plaintiff served her Complaint on Defendant, Allstate Insurance Company.
3. Defendant Allstate's response is due on or before April 22, 2002.
4. Defendant Collette's response is due on or before April 19, 2002.

5. Undersigned counsel has been recently retained by Defendants.

6. Defendants hereby request until May 7, 2002 to serve their response to the Complaint.

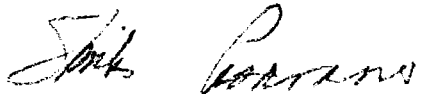
7. This Court may for good cause shown and upon timely motion enlarge the time within which an act shall otherwise be done.

8. This Motion for Enlargement of Time is not made for the purpose of delay and Plaintiff will not be prejudiced by this enlargement.

9. Undersigned counsel has contacted Plaintiff's attorney, who has agreed to the requested enlargement.

WHEREFORE, Defendants respectfully request that this Court enter an Order granting them an enlargement of time until May 7, 2002 to serve their response to the Complaint.

SHUTTS & BOWEN LLP
Attorneys for Defendants
201 S. Biscayne Boulevard
1500 Miami Center
Miami, Florida 33131
(305) 358-6300
(305) 347-7386 (Facsimile)

By:  _____

Sheila M. Cesarano
Florida Bar No. 708364

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 10 day of April, 2002 to **JOSEPH L. ACKERMAN, JR., ESQ.**, Boose Casey Ciklin Lubitz Martens McBane & O'Connell, 515 North Flagler Drive, Northbridge Center, 19th Floor, West Palm Beach, Florida 33401.



SHEILA M. CESARANO

MIADOCS 500438.1 KLL

IN THE CIRCUIT COURT OF THE
19TH JUDICIAL CIRCUIT IN AND FOR
MARTIN COUNTY, FLORIDA

CIVIL ACTION
CASE NO.: 01-1040-CA

LINDA M. ZINK,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY
and MICHAEL W. COLLETTE,
individually,

Defendants.

**ORDER GRANTING DEFENDANTS' UNOPPOSED
MOTION FOR ENLARGEMENT OF TIME**

THIS CAUSE came before the Court on Defendants' Unopposed Motion for Enlargement of Time, and the Court, having reviewed the Motion and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. Defendants' Motion for Enlargement of Time is hereby **GRANTED**.
2. Defendants shall have up to and including May 7, 2002, to serve their response to Plaintiff's Complaint.

DONE AND ORDERED in Chambers at Martin County, Florida on this _____
day of April, 2002.

CIRCUIT COURT JUDGE

Sheila M. Cesarano, Esq., Attorneys for Defendants, Shutts & Bowen, 201 S. Biscayne Boulevard, Suite 1500, Miami, Florida 33131 (305) 347-7386 (facsimile)

Joseph L. Ackerman, Jr., Esq., Attorneys for Plaintiff, Boose Casey Ciklin Lubitz Martens McBane & O'Connell, 515 North Flagler Drive, Northbridge Center, 19th Floor, West Palm Beach, Florida 33401 (561) 833-4209 (facsimile)

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil 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 THE REVERSE ON THE FORM)

I. (a) PLAINTIFFS **02-14134**
LINDA M. ZIN

DEFENDANTS
ALLSTATE INSURANCE COMPANY and MICHAEL W. COLLETTE

(b) County of Residence of First Listed Plaintiff Martin *MOORE*
(EXCEPT IN U.S. PLAINTIFF CASES)
2:02 CV 14134 LYNCH

County of Residence of First Listed Defendant
(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)
Joseph L. Ackerman, Jr., Esq., Boose Casey, et al., 515 N. Flagler Drive, West Palm Beach, FL 33401

Attorneys (if known)
Sheila M. Cesarano, Esq., Shutts & Bowen LLP, 201 S. Biscayne Boulevard, Suite 1500, Miami, Florida 33131 (305) 379-9103

(d) Circle County where action arose: Dade Monroe Broward Palm Beach Martin St. Lucie Indian River Okeechobee Highlands

II. BASIS OF JURISDICTION (Place an "X" in one box only) **CIV-MOORE**

1 US Government Plaintiff
 2 US Government Defendant
 3 Federal Question (US Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III) **MAGISTRATE JUDGE LYNCH**

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one box for Plaintiff and (For Diversity Cases Only) one box for defendant)

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

IV. 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

Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (Place an "X" in one box only)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A 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 (Excl. 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	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 A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 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 PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patents <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 561 HIA (1395ff) <input type="checkbox"/> 562 Black Lung (923) <input type="checkbox"/> 563 DIWC/DIWW(405(g)) <input type="checkbox"/> 564 SSID Title XVI <input type="checkbox"/> 565 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Apportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Services <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions A or B

VI. CAUSE OF ACTION (Cite the US Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e et seq. (sex discrimination and retaliation)
Length of trial 3 is days estimated (for both sides to try entire case)

VII. 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

VIII. RELATED CASE(S) IF ANY (See instructions) Judge _____ Docket Number _____

Date *4/24/02* Signature of Attorney of Record *Sheila M. Cesarano*

FOR OFFICE USE ONLY
Receipt # _____ Amount _____ Applying IFP _____ Judge _____ Mag. Judge _____

*\$150.00 86/641
04/24/02*