

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

CASE NO: 00-14094

out of state

FA NINA ST. GERMAIN,

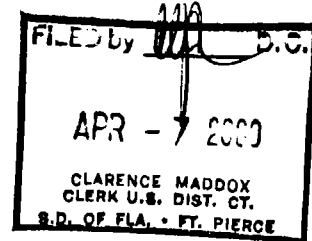
MAMDOUHI
FA NINA ST

Plaintiff

vs.

HIGHLANDS COUNTY BOARD
OF COUNTY COMMISSIONERS
and HEARTLAND LIBRARY
COOPERATIVE,

Defendants



_____ /

COMPLAINT

I. Preliminary Statement

1. Plaintiff FA NINA ST. GERMAIN, a naturalized United States citizen and a native of Iran, brings this action for relief from discrimination based on her race and national origin, and from retaliation for opposing discrimination against a fellow employee and filing her own charge of discrimination. Specifically, plaintiff seeks damages for failure to promote and compensate her at a level commensurate with her credentials as a degreed librarian, and injunctive relief from retaliation and harassment in the work place.

II. Jurisdiction

2. Jurisdiction of this matter is conferred by 42 U.S.C. §§1331, 1343(3) and 2000e-5(f).

III. Parties

3. Plaintiff FA NINA ST. GERMAIN, formerly Mamdouhi, is a native of Iran and a

[Handwritten signature]

naturalized citizen of the United States residing in Highlands County, Florida. Plaintiff received a Bachelor's Degree in English Literature in 1968 from the National University of Iran, and in 1970 received a Master's Degree in Library Science from that institution. Plaintiff served for ten years as the Head Librarian of the Faculty of Education Library at the University of Iran, and concurrently managed the private library of Farah Pahlavi, Queen of Iran. According to the American Library Association, plaintiff's degrees and credentials are equivalent to those given by schools of library science in American universities. Plaintiff speaks four languages.

4. Defendant HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS is a local governmental agency and a political subdivision within the state of Florida, is engaged in an industry affecting interstate commerce and has more than 15 employees for more than twenty weeks during the year. As such, this defendant is an employer within the meaning of 42 U.S.C. §2000e, and is a person subject to suit under 42 U.S.C. §§1981 and 1983.

5. Defendant HEARTLAND LIBRARY COOPERATIVE is an unincorporated association of the public libraries of Hardee, DeSoto, Okeechobee and Defendant Highlands County. Moreover, this defendant is a local governmental agency and a political subdivision within the state of Florida, is engaged in an industry affecting interstate commerce and has more than 15 employees for more than twenty weeks during the year. As such, this defendant is an employer within the meaning of 42 U.S.C. §2000e, and is a person subject to suit under 42 U.S.C. §§1981 and 1983.

6. Defendants HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS and HEARTLAND LIBRARY COOPERATIVE jointly determine the working conditions and terms of employment as to the plaintiff. Defendants Highlands County is responsible for hiring, promotion and payroll, while Defendant Heartland is responsible for providing supervision and houses the

worksite for the plaintiff. Mary Myers, the Director of Defendant Highlands County's libraries, also serves as Director of Defendant Heartland Library Cooperative. As such, the defendants are an integrated enterprise, or are joint employers, or are agents for one another, for purposes of the acts and omissions alleged herein.

7. In their acts and omissions affecting plaintiff, as set out *infra*, the defendants acted at all times pursuant to their official policies and well-established customs with regard to employment, and are therefore subject to suit under the Civil Rights Act of 1871, 42 U.S.C. §1983.

IV. Statement of Facts

8. Plaintiff began employment with Defendant Highlands County in September, 1995 as a part-time Library Assistant. Prior to securing that employment, plaintiff volunteered in Defendant Highlands County's Avon Park library for approximately two months.

9. In the above position the plaintiff, a degreed librarian, was paid by Defendant Highlands County at Grade 7, a clerical salary grade. On information and belief, subject to securing admissible evidence after a reasonable opportunity for further investigation and discovery, plaintiff was paid less than the secretary in the Avon Park library.

10. While plaintiff was serving in this position, the head librarian of the Avon Park library and another employee harassed plaintiff because of her national origin, and ridiculed her Iranian accent. Defendant Highlands County also refused to provide plaintiff with a key to the library, although it provided a key for white American employees.

11. In order to keep a commitment to a substantial donor, the Sebring Historical Society, Defendant Highlands County was required to provide a part-time archivist to organize and maintain the Society's archival materials. In April of 1996 Defendant Highlands County appointed plaintiff

to this position, and also to the position of part-time Public Records Specialist in the Sebring public library. Plaintiff thus became a full-time employee of Defendant Highlands County at pay grade 17.

12. Shortly after plaintiff's assumption of this position, the president of the Sebring Historical Society began to harass plaintiff, and to question her credentials, based on her national origin.

13. On or about September 5, 1996, Defendant Highlands County, through its personnel director, contacted the American Library Association (ALA) to verify plaintiff's credentials. The ALA referred defendant to Dr. Nasser Sharify, Chair of its Resource Panel for Iran, and Dean of the Pratt Institute in Brooklyn, New York. On October 7, 1996 Dr. Sharify responded with a detailed analysis of plaintiff's credentials, concluding that they are equivalent to those of students graduating from American schools of library and information science.

14. During this time an African American employee, Herman Feline, accused Defendant Highlands County of discriminating against him because of his race, and eventually resigned. In conversations with other employees of Defendant Highlands County, including management, plaintiff stated that Mr. Feline had been a valued employee and would be missed.

15. In January of 1998 Defendant Highlands County re-assigned plaintiff's duties to other employees, and did not assign another position to plaintiff. Despite her repeated requests for a specific job title, Defendant Highlands County did not assign plaintiff a specific job title, nor even grant her request for an employee name tag, for fifteen months.

16. In April of 1998, Defendant Highlands County transferred plaintiff back to the Avon Park library and assigned her to cataloging for Defendant Heartland Library Cooperative.

17. In May of 1998 Diane Hunt, Defendant Highlands County's head librarian for the Avon

Park Library, accepted a position as head librarian of the Hardee County library in Wauchula, which is a member of the Defendant Heartland Library Cooperative. In order to avoid promoting plaintiff to the position vacated by Ms. Hunt in Avon Park, Defendant Highlands County transferred plaintiff from the Avon Park library to the Sebring library.

18. Although aware of plaintiff's credentials and of her interest in a head librarian position, Defendant Highlands County did not consider plaintiff for the vacant head librarian position in Avon Park. Instead, defendants hired an employee of that library, Marilyn Arnold, a white American, for the head librarian position. On information and belief, subject to securing admissible evidence after a reasonable opportunity for further investigation and discovery, Ms. Arnold has neither a Bachelor's nor a Master's Degree in library science.

19. In June of 1998, defendants finalized the appointment of Diane Hunt to the position of head librarian of the Hardee County library. On information and belief, subject to securing admissible evidence after a reasonable opportunity for further investigation and discovery, Ms. Hunt, a white American, was appointed despite the fact that she does not hold any degree in library science, even though a Master's Degree in library science was a stated requirement for the job.

20. In November of 1998 defendants discharged Marcellus Mason, a black employee. Defendants' director, Mary Myers, asked plaintiff to give a statement supporting her actions in that matter. As she did not believe she could support the action taken against Mr. Mason, plaintiff declined.

21. During December of 1998, Defendant Highlands County, through its personnel director, conducted an investigation of Mr. Mason's discrimination complaint. On information and belief, subject to securing admissible evidence after a reasonable opportunity for further investigation and

discovery, the personnel director interviewed every person employed at the Sebring library except plaintiff.

22. Defendants harassed plaintiff in retaliation for expressing dismay over the dismissal of Mr. Mason and Mr. Feline. The harassment took the form of moving another person into her office, isolating her and refusing to share information with her. Defendants also pressured plaintiff regarding her communications with Mr. Mason, to the point where plaintiff was asked if she was going to be a witness for him, and if so, what she was going to say.

23. On or about February 15, 1999 plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC), alleging discrimination because of her national origin and race, as well as retaliation. Plaintiff informed Defendant Highlands County that she had filed the charge.

24. On or about April of 1999 plaintiff requested a raise in pay, as she had been at Pay Grade 17 for three years without advancement. Defendant Highland's County's Library Director, Mary Myers, denied the request.

25. On or about April of 1999, shortly after plaintiff filed her EEOC charge, Director Myers informed plaintiff that she was to be transferred to the Hardee County Library in Wauchula, a distance of some 37 miles from her home. Plaintiff stated that she did not wish to transfer, as the commute would be a hardship. Ms. Myers stated that if plaintiff did not accept the transfer, she would be retained in Sebring but would be demoted from Pay Grade 17 to Pay Grade 12. However, if plaintiff accepted the transfer, she would be advanced to Pay Grade 20.

26. In May of 1999, the position of head librarian in Avon Park again opened and plaintiff applied. However, when plaintiff appeared at the appointed date and time for an interview,

Defendant Highlands County, through its personnel director, informed plaintiff that in order to be considered, she would have to agree in writing to accept a reduction in salary if hired for the job. Plaintiff signed the statement under protest, but Defendant Highlands County still refused to place her in the job. Instead, a white American was selected and, on information and belief, subject to securing admissible evidence after a reasonable opportunity for further investigation and discovery, he received a salary greater than what the personnel director required plaintiff to agree to accept if hired.

27. In May of 1999 plaintiff submitted to the transfer to the Wauchula library, and was placed as a Catalog Librarian at salary grade 20. On information and belief, subject to securing admissible evidence after a reasonable opportunity for further investigation and discovery, the head librarian for Wauchula, Diane Hunt, informed other staff of plaintiff's EEOC charge. As a result, plaintiff experienced harassment from other staff, including the head librarian, in retaliation for filing the charge. In addition, defendants' evaluations of plaintiff's performance, which had been well above average in the past, declined significantly and without any legitimate basis in terms of plaintiff's actual work performance.

28. In July of 1999 plaintiff complained to defendants in writing regarding the harassment at the Wauchula library. Defendant Highlands County, through its personnel director, offered to resolve the matter by cutting plaintiff's salary and transferring her back to Sebring. Plaintiff declined the offer.

29. In August of 1999 plaintiff's supervisor, Diane Hunt, began to question plaintiff's hours and to require plaintiff to keep additional records of her hours. On information and belief, subject to securing admissible evidence after a reasonable opportunity for further investigation and

discovery, no other employee was required to keep such records, and there was no basis in fact for requiring plaintiff to do so.

30. Despite her internal complaint, defendants have continued to harass plaintiff because of her race and national origin and in retaliation for filing a charge of discrimination. Plaintiff has been required to share an office with two other employees, and does not have access to a telephone. Defendant's staff have logged onto plaintiff's computer while she has been on leave, without prior or subsequent notice of any legitimate reason to do so. Defendants have again refused to provide plaintiff with a key to the library, and have restricted her communications with other staff and her access to information. Although plaintiff is the only catalog librarian in the system, defendants did not inform her when an outside cataloging expert visited the facility, and excluded her from the meeting with the expert. Defendants have also refused to pay plaintiff's dues to the Florida Library Association, although they pay such dues for other employees. Plaintiff's supervisor, Diane Hunt, has berated her without cause, in the presence of other employees. In addition Ms. Hunt, while making herself freely available to other employees who come to her office with questions or for consultation, frequently directs plaintiff to return to her own office and wait for Ms. Hunt to come and speak to her when she is "in the mood".

31. On February 18, 2000 plaintiff made another internal complaint regarding the continued harassment she was experiencing. Although a meeting was convened by Defendant Highlands County's personnel director, plaintiff has to date received no response to this complaint.

32. The acts and omissions of the defendants above have not only caused plaintiff to suffer direct pecuniary loss, but have also inflicted humiliation, emotional distress, anxiety, stress, loss of self-esteem and loss of professional standing upon the plaintiff.

33. At all times during her employment with defendants, plaintiff's work performance has met applicable performance standards and she has not committed infractions which have resulted in discipline.

34. On January 3, 2000 the United States Department of Justice issued a Notice of Right to Sue in connection with plaintiff's EEOC charge. Plaintiff received the Notice on January 8, 2000. A copy of the Notice is attached hereto.

V. Claims for Relief

35. Based on the foregoing, defendants have refused to contract with plaintiff on the same terms as they have with white Americans, in violation of the Civil Rights Act of 1866, 42 U.S.C. §1981.

36. Based on the foregoing, defendants have refused to promote plaintiff and have discriminated against her in compensation, terms, conditions and privileges of employment, because of her race and national origin, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e-2(a).

37. Based on the foregoing, defendants have retaliated against plaintiff because she opposed practices prohibited by Title VII of the Civil Rights Act of 1964, filed a charge of discrimination, and assisted another person in pursuit of his charge, in violation of 42 U.S.C. §§2000e-3(a).

38. Based on the foregoing, defendants have abridged plaintiff's right to freedom of expression and to petition for a redress of grievances, in violation of the First and Fourteenth Amendments to the United States Constitution, and are liable for such violation pursuant to the Civil Rights Act of 1971, 42 U.S.C. §1983.

39. Based on the foregoing, defendants have denied plaintiff the equal protection of the laws,

in violation of the Fourteenth Amendment to the United States Constitution, and are liable for such violation pursuant to the Civil Rights Act of 1971, 42 U.S.C. §1983.

40. Based on the foregoing, defendants have deprived plaintiff of property without due process of law, in violation of the Fourteenth Amendment to the United States Constitution, and are liable for such violation pursuant to the Civil Rights Act of 1971, 42 U.S.C. §1983.

Prayer for Relief

WHEREFORE, plaintiffs prays that this Court enter an order:

- (a) Enjoining defendants from discriminating in the future on the basis of an employee's race, national origin, or because the employee has opposed discrimination;
- (b) Enjoining defendants from continuing the retaliatory assignment of plaintiff to the Wauchula public library;
- (c) Requiring defendants to promote plaintiff to the next available position as head librarian of a branch library within the Heartland Library Cooperative.
- (d) Awarding plaintiff back pay as against each defendant, jointly and severally;
- (e) Awarding compensatory damages for the emotional pain, suffering and humiliation caused by defendants' acts of discrimination and retaliation against plaintiff, as against each defendant, jointly and severally;
- (f) Awarding plaintiffs her reasonable attorney fees and costs of this action, as against each defendant, jointly and severally; and
- (g) Awarding such other relief as this Court deems appropriate.

Demand for Jury Trial

Plaintiff hereby demands a trial by jury on all issues so triable in this action.

Respectfully submitted,



Peter F. Helwig, Trial Counsel
Florida Bar No. 0588113
Harris & Helwig, P.A.
6700 South Florida Avenue, Suite 31
Lakeland, Florida 33813
Telephone: (863) 648-2958
Facsimile: (863) 619-8901

ATTORNEYS FOR PLAINTIFF

Dated at Lakeland, Florida this 6th day of April, 2000.



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
Z 394 102 725

Employment Litigation Section
P.O. Box 65968
Washington, DC 20035-5968

January 3, 2000

Ms. Nina St. Germain
529 Aston Martin Dr.
Sebring, FL 33872

Re: EEOC Charge Against Highlands County Board of Commissioners, et al.
No. 150A00503

Dear Ms. Germain:

Because you filed the above charge with the Equal Employment Opportunity Commission, and the Commission has determined that it will not be able to investigate and conciliate that charge within 180 days of the date the Commission assumed jurisdiction over the charge and the Department has determined that it will not file any lawsuit(s) based thereon within that time, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

The investigative file pertaining to your case is located in the EEOC Miami District Office, Miami, FL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division

by

Karen L. Ferguson
Civil Rights Analyst
Employment Litigation Section

cc: Miami District Office, EEOC
Highlands County Board of Commissioners, et al.

3-44
(Rev. 07/89)

CIVIL COVER SHEET

The 3-44 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 indexing the civil docket sheet. USE INSTRUCTIONS ON THE REVERSE OF THE FORM.

I (a) PLAINTIFFS

Fa. Nina St. Germain

00-14094

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Highlands
(EXCEPT IN U.S. PLAINTIFF CASES)

CA# 2:00CV14094 DAVIS/FIL

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Peter Helwig
Harris + Helwig, P.A.
6700 S. Florida Ave, Suite 31
Lakeland, FL 33813
863-648-2958

DEFENDANTS

Highlands County Board of County Commissioners, and Heartland Community Cooperative

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Highlands
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE PROPERTY IN THE CASE FILE NUMBER
FILED by DAVIS D.C. LYNCH

ATTORNEYS (IF KNOWN): Brian Koji
APR - 7 2000
Allen, Norton + Blue
324 S. Hyde Park Ave, Suite 350
Tampa, FL 33606
GLARENCE MADDOX
CLERK U.S. DIST. CT.
813-251-1210

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 (Ineligible Citizens of Parties in Item II)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|---|---|
| Citizen of This State | <input checked="" type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 6 |
| 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. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE PLAING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE A DISCRETIONARY STATUTE UNLESS SPECIFIED
Discrimination because of natural origin, and retaliation, in employment. 42 USC §§ 1981, 1983 and 2000e.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	MUNICIPALITY	OTHER STATUTES
<input type="checkbox"/> 100 Breach of Contract <input type="checkbox"/> 101 Leasehold <input type="checkbox"/> 102 Breach of Lease <input type="checkbox"/> 103 Breach of Lease <input type="checkbox"/> 104 Breach of Lease <input type="checkbox"/> 105 Breach of Lease <input type="checkbox"/> 106 Breach of Lease <input type="checkbox"/> 107 Breach of Lease <input type="checkbox"/> 108 Breach of Lease <input type="checkbox"/> 109 Breach of Lease <input type="checkbox"/> 110 Breach of Lease	<input type="checkbox"/> 111 Personal Injury <input type="checkbox"/> 112 Personal Injury <input type="checkbox"/> 113 Personal Injury <input type="checkbox"/> 114 Personal Injury <input type="checkbox"/> 115 Personal Injury <input type="checkbox"/> 116 Personal Injury <input type="checkbox"/> 117 Personal Injury <input type="checkbox"/> 118 Personal Injury <input type="checkbox"/> 119 Personal Injury <input type="checkbox"/> 120 Personal Injury <input type="checkbox"/> 121 Personal Injury <input type="checkbox"/> 122 Personal Injury <input type="checkbox"/> 123 Personal Injury <input type="checkbox"/> 124 Personal Injury <input type="checkbox"/> 125 Personal Injury <input type="checkbox"/> 126 Personal Injury <input type="checkbox"/> 127 Personal Injury <input type="checkbox"/> 128 Personal Injury <input type="checkbox"/> 129 Personal Injury <input type="checkbox"/> 130 Personal Injury	<input type="checkbox"/> 131 Forfeiture <input type="checkbox"/> 132 Forfeiture <input type="checkbox"/> 133 Forfeiture <input type="checkbox"/> 134 Forfeiture <input type="checkbox"/> 135 Forfeiture <input type="checkbox"/> 136 Forfeiture <input type="checkbox"/> 137 Forfeiture <input type="checkbox"/> 138 Forfeiture <input type="checkbox"/> 139 Forfeiture <input type="checkbox"/> 140 Forfeiture <input type="checkbox"/> 141 Forfeiture <input type="checkbox"/> 142 Forfeiture <input type="checkbox"/> 143 Forfeiture <input type="checkbox"/> 144 Forfeiture <input type="checkbox"/> 145 Forfeiture <input type="checkbox"/> 146 Forfeiture <input type="checkbox"/> 147 Forfeiture <input type="checkbox"/> 148 Forfeiture <input type="checkbox"/> 149 Forfeiture <input type="checkbox"/> 150 Forfeiture	<input type="checkbox"/> 151 Municipality <input type="checkbox"/> 152 Municipality <input type="checkbox"/> 153 Municipality <input type="checkbox"/> 154 Municipality <input type="checkbox"/> 155 Municipality <input type="checkbox"/> 156 Municipality <input type="checkbox"/> 157 Municipality <input type="checkbox"/> 158 Municipality <input type="checkbox"/> 159 Municipality <input type="checkbox"/> 160 Municipality <input type="checkbox"/> 161 Municipality <input type="checkbox"/> 162 Municipality <input type="checkbox"/> 163 Municipality <input type="checkbox"/> 164 Municipality <input type="checkbox"/> 165 Municipality <input type="checkbox"/> 166 Municipality <input type="checkbox"/> 167 Municipality <input type="checkbox"/> 168 Municipality <input type="checkbox"/> 169 Municipality <input type="checkbox"/> 170 Municipality	<input type="checkbox"/> 171 Other Statutes <input type="checkbox"/> 172 Other Statutes <input type="checkbox"/> 173 Other Statutes <input type="checkbox"/> 174 Other Statutes <input type="checkbox"/> 175 Other Statutes <input type="checkbox"/> 176 Other Statutes <input type="checkbox"/> 177 Other Statutes <input type="checkbox"/> 178 Other Statutes <input type="checkbox"/> 179 Other Statutes <input type="checkbox"/> 180 Other Statutes <input type="checkbox"/> 181 Other Statutes <input type="checkbox"/> 182 Other Statutes <input type="checkbox"/> 183 Other Statutes <input type="checkbox"/> 184 Other Statutes <input type="checkbox"/> 185 Other Statutes <input type="checkbox"/> 186 Other Statutes <input type="checkbox"/> 187 Other Statutes <input type="checkbox"/> 188 Other Statutes <input type="checkbox"/> 189 Other Statutes <input type="checkbox"/> 190 Other Statutes

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed to this Court
- 3 Remanded from another Court
- 4 Reinstated or Recaptured
- 5 Another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER FRCP 23
DEMAND \$ _____ JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See INSTRUCTIONS)

NIA JUDGE _____ DOCKET NUMBER _____

DATE 4-6-00

SIGNATURE OF ATTORNEY OF RECORD [Signature]

UNITED STATES DISTRICT COURT Receipt # 222357 150.00 4/10/00 [Signature]