

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

THAYANA SAJOUS,

04-22436

Case No. \_\_\_\_\_

Plaintiff,

W. LEHARD

vs.

AL BABER, d/b/a BABCOCK'S ECONOMY  
FURNITURE STORE, INC., BABCOCK  
HOME FURNITURE AND MORE,  
BABCOCK HOME FURNISHING  
CENTERS and BABCOCK FURNITURE,

MAGISTRATE JUDGE  
SIMONTON

Defendant.

FILED BY [Signature]  
2004 SEP 28 PM 3:34  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIA

**COMPLAINT FOR VIOLATION OF  
THE FAMILY MEDICAL LEAVE ACT OF 1993, 29 U.S.C.A. § 2615 et al.**

Plaintiff THAYANA SAJOUS, by and through her undersigned counsel, complains and alleges a cause of action against AL BABER, d/b/a BABCOCK'S ECONOMY FURNITURE STORE, INC., BABCOCK HOME FURNITURE AND MORE, BABCOCK HOME FURNISHING CENTERS and BABCOCK FURNITURE, as follows:

1. Plaintiff is an individual and has resided in Miami-Dade County, Florida, at all times pertinent hereto.
2. Defendant AL BABER ("BABER") is an individual doing business as BABCOCK'S ECONOMY FURNITURE STORE, INC., BABCOCK HOME FURNITURE AND MORE, BABCOCK HOME FURNISHING CENTERS and BABCOCK FURNITURE, and this cause of action arose from Defendant BABER doing business in Miami-Dade County, Florida. Defendant employed more than 50 employees for each working day during each of the 20 or more calendar weeks in each calendar year relevant hereto.

[Signature]

3. At the time of the incidents herein, Plaintiff was employed by Defendant in Miami-Dade County, Florida, and Defendant employed more than 50 employees within a 75-mile radius.

4. Plaintiff has worked for Defendant since September 30, 2002, and had worked more than 1250 hours in the 12 months preceding her request for medical leave.

5. On or about October 24, 2003, Plaintiff received FMLA protected medical leave from Defendant due to her pregnancy. Plaintiff was scheduled to return to employment with Defendant on January 31, 2004.

6. On January 20, 2004, Defendant informed Plaintiff that Defendant would not reinstate her to her job on January 31, 2004. They gave a temporary employee her position, and did not have a job for her until March 29, 2004.

7. Plaintiff alleges and asserts that her termination was unlawful pursuant to §115 of the Family Medical Leave Act of 1993 and 29 U.S.C.A. §2615. Plaintiff's termination was discriminatory on the basis of Plaintiff's availing herself of her protected medical leave rights under the FMLA.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. Statutory damages for lost wages, benefits, and other compensation, plus interest thereon at the statutory rate, pursuant to 29 USCA §2617(a)(1)(A)(i) and 29 USCA §2617(a)(1)(A)(ii).

2. Additional liquidated damages in the amount of the above-requested award, pursuant to 29 U.S.C.A. §2617(a)(1)(A)(iii).

3. Equitable relief in the form of reinstatement or frontpay, as the court deems appropriated, pursuant to 29 U.S.C.A. §2617(a)(1)(B).

4. Attorney's fees, expert witness fees, and costs of this action, pursuant to 29 U.S.C.A. §2617(a)(3), and such other relief as this Court may deem just and proper.

Dated this 15 day of September 2004.



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STEPHEN CAHEN, ESQ.  
Attorney for Plaintiff  
8770 Sunset Drive, #211  
Miami, Florida 33173  
Phone: 305-323-9656  
Fax #: 305-595-9775  
Florida Bar No. 011038

CIVIL COVER SHEET

04-22436

The U.S.-44 civil cover sheet and the information contained in neither replace nor supplement the filing and service of pleadings... other forms as required by local rules of court...

I (B) PLAINTIFFS

THAY HNA SH JUVS

DEFENDANTS

AL BABEE, d/b/a BABCOCK'S  
ECONOMY FURNITURE STORE INC,  
BABCOCK HOME FURNITURE AND MORE,  
BABCOCK HOME FURNITURE CENTERS

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

Dade

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)

ATTORNEYS (IF KNOWN)

STEPHEN CAHEN 8770  
SUNCOAST DRIVE # 211 MI 14 33173 323 9653

MAGISTRATE JUDGE  
SIMONTON

(d) CIRCUIT 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)

- 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

(For Diversity Cases Only) (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
Incorporated or Principal Place of Business in This State
Incorporated and Principal Place of Business in Another State
Foreign Nation

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IV. 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

29 USCA § 2617 FAMILY MEDICAL LEAVE ACT

IVa: 1 days estimated (for both sides) to try entire case.

V. NATURE OF SUIT

Table with 6 columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes checkboxes for various legal categories like insurance, personal injury, real estate, etc.

VI. ORIGIN

1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Refiled, 5 Transferred from another district, 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See instructions): None

JUDGE DOCKET NUMBER

DATE 9/24/04 SIGNATURE OF ATTORNEY OF RECORD [Signature]