

IN THE CIRCUIT COURT OF THE  
11<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CASE NO.

MODESTO J. TORRES,

Plaintiff,

vs.

GLOBAL CONCESSIONS, INC., a Florida  
corporation, GATEWAY AIRPORT  
CONCESSIONS, INC., a Florida corporation,  
and AIRPORT CONCESSIONS GROUP, INC.,  
a Florida corporation, all d/b/a  
GLOBAL MIAMI JOINT VENTURE,

Defendants.

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**COMPLAINT AND JURY TRIAL DEMAND**

Plaintiff MODESTO J. TORRES, through undersigned counsel and for her Amended Complaint, sues Defendants GLOBAL CONCESSIONS, INC., a Florida corporation, GATEWAY AIRPORT CONCESSIONS, INC., a Florida corporation, and AIRPORT CONCESSIONS GROUP, INC., a Florida corporation, all d/b/a GLOBAL MIAMI JOINT VENTURE (collectively referred to as "Global"), and alleges as follows:

1. This is an action for unlawful sexual and sexual orientation harassment and discrimination in violation of the Florida Civil Rights Act, §760.01 *et seq.*, Fla. Stat. ("FCRA"), the Florida private Whistleblower Act, §448,102(3) ("FWA"), and the Miami-Dade County anti-discrimination ordinance, Miami Dade County Code §11A-28(10) ("MDC").

2. Plaintiff MODESTO J. TORRES was at all relevant times, and still is, a resident of Miami-Dade County, Florida, and is *sui juris*.

3. Defendants are, and at all relevant times were, Florida for-profit corporation authorized to do business, and doing business in Miami-Dade County, Florida. Defendants, collectively operating as a joint venture, Global, were at all relevant times in the business of operating and extensive network of food concessions restaurants at Miami International Airport in Miami, Florida. Defendant operate and entire network of 25 franchise restaurants like Manchu Wok, Aubon Pain, Café Versaille, La Carreta, Villa Pizza, Sushi Maki, Islander Bar, Nathan Hot Dogs. Global was an “employer” as defined under the FCRA and FWA.

4. Plaintiff was and still is employed by Global as a manager of Food Court D44 at the Miami International Airport. Plaintiff has been employed by Global since on or about September 2, 2002.

5. Plaintiff, whose sexual orientation is gay – a fact well known to his co-employees and the management of Global -- has been subjected to a hostile work environment at Global based on continuous and pervasive sexual and sexual orientation harassment by his co-workers and supervisor, Raquel Benitez-Gamboa (“Benitez”). This hostile work environment and the continuous and pervasive sexual and sexual orientation harassment has included the following:

a) Co-employees’ and managers’ repeated and continuous use of vulgar, profane, and degrading language directed at Plaintiff and his sexual orientation, including referring to Plaintiff in Spanish as “pato” (“faggot”) and “maricon conflictivo”

("conflicting faggot"), and referring to Plaintiff and another male co-employee as "maricones de culo y maricones de boca" ("ass faggots and mouth faggots").

b) In numerous occasions while managing the Islander Bar, Plaintiff became aware of many out of place, denigrating and discriminatory comment directed at other employees based on their gay sexual orientation on the part of Chas Robinson, the adopted son of Dale Robinson, the Vice President of Operations of Defendants.

c) Plaintiff's supervisor, Benitez, asking Plaintiff if his parents accepted him as homosexual, and, on another occasion when Plaintiff complained to Benitez of improper comments by co-employees, Benitez commented to Plaintiff and to other employees in Spanish, "Ustedes los homosexuales se creen que se lo merecen todo" ("you homosexuals think that you deserve everything").

d) A co-employee asking Plaintiff if he suffered from HIV when Plaintiff had a cough at work due to recovering from bronchitis, and stating to Plaintiff that other employees suspected that Plaintiff had AIDS.

e) Co-employees including other managers placed in Plaintiff's work office a cucumber and 2 tomatoes depicting male genitalia, in order to laugh at Plaintiff when he discovered it. Thereafter, while plaintiff was attempting to photograph the cucumber and 2 tomatoes that had been placed in his office, Plaintiff was physically pushed aside by a co employee in an effort to prevent Plaintiff from taking a photograph of the offending image. See attached Exhibit "A".

f) Benitez treating Plaintiff differently than his non-gay co-employees by refusing to give Plaintiff certain holidays off while giving co-employees those days off, requiring Plaintiff to come into work sick, refusing to give Plaintiff all of his requested

vacation days despite Plaintiff's entitlement thereto, refusing to allow Plaintiff to take full meal breaks and requiring Plaintiff to interrupt his meal breaks to take calls, and repeatedly scheduling Plaintiff to close the store at 11 p.m. to 12 midnight and then requiring Plaintiff to come to work at 4:00 a.m. the following morning, giving Plaintiff no time to go home or to sleep forcing Plaintiff to sleep in his car in order to meet the schedule imposed by Defendants.

g) Benitez sent an email to Plaintiff while Plaintiff was out on vacation to unjustifiably accuse and reprimand Plaintiff over false and/or non-existent accusation.

h) Benitez failed to inform Plaintiff of a mandatory Management Customer Service Training Program sessions, while scheduling the other management employees to the training.

6. Plaintiff repeatedly reported and complained both verbally and in writing of the sexual and sexual orientation harassment and discrimination, first to his supervisor, Benitez. Benitez failed to conduct any meaningful or thorough investigation into any of Plaintiff's complaints to her, and failed to take any corrective action in response to Plaintiff's complaints. Instead, Benitez with Dale Robinson (Defendant's Partner/Vice President) and Lourdes Viera (Defendant's Human Resource Manager) instead chose to retaliate against Plaintiff, by subjecting Plaintiff to including but not limited to excessive scrutiny of Plaintiff's work, excessive and unjustified fault-finding of Plaintiff's work, verbally reprimanding Plaintiff, and causing Plaintiff's co-workers to shun Plaintiff in the work place.

7. Commencing in June 2014, and continuing at various times thereafter, Plaintiff complained in writing to Global's management and human resources department

of the discrimination, harassment, and retaliation that he had suffered from Benitez and the various co-workers and members of management. Although some investigation was undertaken in response to Plaintiff's complaints, no appropriate remedial or disciplinary action was ever implemented, and Benitez was permitted to continue to be Plaintiff's supervisor without any repercussions for her discriminatory and retaliatory behavior. See attached Composite Exhibit "B"

8. On or about August 14, 2014, Plaintiff, filed an administrative complaint of sex and sexual orientation discrimination and harassment and retaliation for violation of the MDC with the Miami-Dade County Commission on Human Rights, Office of Human Rights & Fair Employment Practices Office ("FEP"). Plaintiff also filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC"), which by statute was dual filed with the Florida Commission on Human Relations ("FCHR").

9. Subsequent to submitting his verbal and written complaints to Global's management, and after filing through his attorney the administrative agency complaints of discrimination, Plaintiff has been subjected to further acts of retaliation by Global's management, including but not limited to the following:

- a) Being subjected to unwarranted discipline.
- b) Being threatened with termination and being asked for his resignation.
- c) Being falsely accused of having performance problems.

d) Being retaliated and falsely accused by company owner Felipe Valls, Jr. (“Valls”) of making sexually explicit comments to co-employees about the sexual body parts of Dominican men<sup>1</sup>.

e) Being told by Valls numerous retaliatory, intimidating, false and disparaging comments about Plaintiff’s attorney, Mr. Duran, and his family, threatening Plaintiff that they were going to make him, and his attorney, “disappear” because Mr. Duran had already caused “a lot of “harm” to Valls and his family”, that the Vall’s family had already been “forced to pay” Mr. Duran “a lot of money”, that they were not going to pay “one more penny to him or Mr. Duran” “no matter what they needed to spend” in taking his cases through a long protracted litigation process, and suggesting and encouraging Plaintiff to “terminate his representation with Mr. Duran” that Valls would “pay whatever Mr. Duran was owed to break the contract” if he did so.

f) Being intimidated and retaliated against by Global Partner/Vice President of Operations Dale Robinson in front of co-employees and customers that Plaintiff had been talking “crap” about the company and that Robinson had a lot to say about Plaintiff, especially to “a judge”.

g) Being unjustifiably yelled at by Robinson and Human Resources representative Lourdes Viera (“Viera”) in a meeting to purportedly discuss and investigate Plaintiff’s complaints.

10. Plaintiff continued to complain in writing regarding the acts of retaliation. However, to date, Global has failed to: properly investigate the complaints, to officially report to Plaintiff the results of the investigation into all of his repeated complaints and to

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<sup>1</sup> It is important to note that since Plaintiff began his employment 2002, Plaintiff had never had any other form of formal contact conversation or any other discussions about anything with Valls.

take appropriate remedial action, causing Plaintiff to be exposed to an increasingly hostile work environment.

11. All conditions precedent have been satisfied, waived, or otherwise excused. More than 180 days has passed since Plaintiff filed his administrative complaint and charges of discrimination and neither the FEP or the FCHR has made any findings thereon. Plaintiff has received from the FEP a notice of right to bring suit under the MDC. A copy of that notice is attached as Exhibit "C".

12. Plaintiff has hired the undersigned attorneys to represent him in this suit, and has agreed to pay them a reasonable fee for their services.

**COUNT I – SEXUAL HARASSMENT AND DISCRIMINATION**  
**IN VIOLATION OF FCRA**

13. Plaintiff re-alleges paragraphs 1 through 12 as if set forth fully herein.

14. The FCRA prohibits sexual harassment and sex discrimination against an employee by a covered employer, such as Global.

15. Global, through the actions of its employees, supervisors, and managers, acting in the course and scope of their employment as set forth herein above, engaged in unlawful, severe, continuous, and pervasive sexual harassment and discrimination against Plaintiff in violation of the FCRA.

16. As a direct and proximate result of Global's unlawful harassment and discrimination, Plaintiff has suffered in the past, and will continue to suffer into the future, compensatory damages, including damages for severe emotional distress, exacerbation of pre-existing emotional and psychological damage, mental pain and anguish, humiliation and loss of dignity.

17. Global engaged in its harassing and discriminatory conduct willfully, maliciously, intentionally, and in reckless disregard for Plaintiff's rights under the law; therefore, Plaintiff is entitled to recover punitive damages against Global.

18. Plaintiff is entitled to recover his costs, including reasonable attorney's fees, per the FCRA.

WHEREFORE, Plaintiff demands judgment against the Global Defendants, jointly and severally, for the following relief:

A. A declaration that Global's conduct constitutes unlawful sexual harassment and discrimination in violation of the FCRA;

B. A preliminary and permanent injunction enjoining Global from any and all further and future harassment and discrimination;

C. An award to Plaintiff of his compensatory damages, including damages for severe emotional distress, mental pain and anguish, humiliation, and loss of dignity;

D. An award to Plaintiff of punitive damages;

E. An award to Plaintiff of his reasonable attorney's fees, expenses and other costs;

F. An award to Plaintiff of pre- and post-judgment interest;

G. An award to Plaintiff of any adverse tax consequences for any compensatory damages awarded, and

H. Such further relief as the Court deems just and proper.

**COUNT II – SEXUAL HARASSMENT AND DISCRIMINATION  
IN VIOLATION OF MDC**

19. Plaintiff re-alleges paragraphs 1 through 12 and 16 as if set forth fully herein.



20. The MDC prohibits sexual harassment and sex discrimination against an employee by a covered employer, such as Global.

21. Global, through the actions of its employees, supervisors, and managers, acting in the course and scope of their employment as set forth herein above, engaged in unlawful, severe, continuous, and pervasive sexual harassment and discrimination against Plaintiff in violation of the MDC.

22. Global engaged in its discriminatory conduct willfully, maliciously, intentionally, and in reckless disregard for Plaintiff's rights under the law.

23. Plaintiff is entitled to recover her costs, including her reasonable attorney's fees, per the MDC.

WHEREFORE, Plaintiff demands judgment against the Global Defendants, jointly and severally, for the following relief:

A. A declaration that Global's conduct constitutes unlawful sexual harassment and discrimination in violation of the MDC;

B. A preliminary and permanent injunction enjoining Global from any and all further and future harassment and discrimination;

C. An award to Plaintiff of his compensatory damages, including damages for severe emotional distress, mental pain and anguish, humiliation, and loss of dignity;

D. An award to Plaintiff of punitive damages;

E. An award to Plaintiff of her reasonable attorney's fees, expenses and other costs;

F. An award to Plaintiff of pre- and post-judgment interest;

G. An award to Plaintiff of any adverse tax consequences for any compensatory damages awarded, and

H. Such further relief as the Court deems just and proper.

**COUNT III – SEXUAL ORIENTATION HARASSMENT AND  
DISCRIMINATION IN VIOLATION OF MDC**

24. Plaintiff re-alleges paragraphs 1 through 12, 16, and 22 as if set forth fully herein.

25. The MDC prohibits sexual orientation harassment and discrimination against an employee by a covered employer, such as Global.

26. Global, through the actions of its employees, supervisors, and managers, acting in the course and scope of their employment as set forth herein above, engaged in unlawful, severe, continuous, and pervasive sexual orientation harassment and discrimination against Plaintiff in violation of the MDC.

27. Plaintiff is entitled to recover her costs, including his reasonable attorney's fees, per the MDC.

WHEREFORE, Plaintiff demands judgment against the Global Defendants, jointly and severally, for the following relief:

A. A declaration that Global's conduct constitutes unlawful sexual orientation harassment and discrimination in violation of the MDC;

B. A preliminary and permanent injunction enjoining Global from any and all further and future harassment and discrimination;

C. An award to Plaintiff of his compensatory damages, including damages for severe emotional distress, mental pain and anguish, humiliation, and loss of dignity;

D. An award to Plaintiff of punitive damages;

E. An award to Plaintiff of his reasonable attorney's fees, expenses and other costs;

F. An award to Plaintiff of pre- and post-judgment interest;

G. An award to Plaintiff of any adverse tax consequences for any compensatory damages awarded, and

H. Such further relief as the Court deems just and proper.

**COUNT IV – RETALIATION IN VIOLATION OF FCRA**

28. Plaintiff re-alleges paragraphs 1 through 12 and 17 as if set forth fully herein.

29. The FCRA prohibits retaliation against an employee by a covered employer, such as Global, for the employee's exercise of his rights protected under the FCRA.

30. Global, through the actions of its employees, supervisors, and managers, acting in the course and scope of their employment, engaged in unlawful retaliation against Plaintiff in violation of the FCRA, as alleged in paragraphs 5 through 9 above.

31. Plaintiff is entitled to recover his costs, including her reasonable attorney's fees, per the FCRA.

WHEREFORE, Plaintiff demands judgment against the Global Defendants, jointly and severally, for the following relief:

A. A declaration that Global's conduct constitutes unlawful sexual harassment and discrimination in violation of the FCRA;

B. A preliminary and permanent injunction enjoining Global from any and all further and future harassment and discrimination;

C. An award to Plaintiff of his compensatory damages, including damages for severe emotional distress, mental pain and anguish, humiliation, and loss of dignity;

D. An award to Plaintiff of punitive damages;

E. An award to Plaintiff of her reasonable attorney's fees, expenses and other costs;

F. An award to Plaintiff of pre- and post-judgment interest;

G. An award to Plaintiff of any adverse tax consequences for any compensatory damages awarded, and

H. Such further relief as the Court deems just and proper.

**COUNT V – RETALIATION IN VIOLATION OF MDC**

32. Plaintiff re-alleges paragraphs 1 through 12, 16, and 23 as if set forth fully herein.

33. The FCRA prohibits retaliation against an employee by a covered employer, such as Global, for the employee's exercise of his rights protected under the FCRA.

34. Global, through the actions of its employees, supervisors, and managers, acting in the course and scope of their employment, engaged in unlawful retaliation against Plaintiff in violation of the FCRA, as alleged in paragraphs 5 through 9 above.

35. Global engaged in its retaliatory conduct willfully, maliciously, intentionally, and in reckless disregard for Plaintiff's rights under the law.

WHEREFORE, Plaintiff demands judgment against the Global Defendants, jointly and severally, for the following relief:

A. A declaration that Global's conduct constitutes unlawful retaliation in violation of the MDC;

B. A preliminary and permanent injunction enjoining Global from any and all further and future harassment and discrimination;

C. An award to Plaintiff of his compensatory damages, including damages for severe emotional distress, mental pain and anguish, humiliation, and loss of dignity;

D. An award to Plaintiff of punitive damages;

E. An award to Plaintiff of her reasonable attorney's fees, expenses and other costs;

F. An award to Plaintiff of pre- and post-judgment interest;

G. An award to Plaintiff of any adverse tax consequences for any compensatory damages awarded, and

H. Such further relief as the Court deems just and proper.

#### **COUNT VI – RETALIATION IN VIOLATION OF FWA**

36. Plaintiff re-alleges paragraphs 1 through 12, 16, and 23 as if set forth fully herein.

37. The FWA, specifically §448.102(3), Fla. Stat., makes it unlawful for a covered employer such as Global to retaliate against an employee who has opposed or refused to participate in any practice of the employer that is in violation of a law, rule or regulation.

38. Plaintiff engaged in protected activity under the FWA when he internally complained, and further complained to the EEOC, FCRA, and FEP, of the illegal retaliatory and discriminatory conduct of Global and its management.

39. Global, through the actions of its employees, supervisors, and managers, acting in the course and scope of their employment, engaged in unlawful retaliation against Plaintiff for his protected activity in violation of the FWA, as alleged in paragraphs 5 through 9 above.

40. Global engaged in its retaliatory conduct willfully, maliciously, intentionally, and in reckless disregard for Plaintiff's rights under the law.

41. Plaintiff is entitled to recover his costs, including her reasonable attorney's fees, per the FWA.

WHEREFORE, Plaintiff demands judgment against the Global Defendants, jointly and severally, for the following relief:

A. A declaration that Global's conduct constitutes unlawful retaliation in violation of the FWA;

B. An award to Plaintiff of his compensatory damages, including damages for severe emotional distress, mental pain and anguish, humiliation, and loss of dignity;

C. An award to Plaintiff of punitive damages;

D. An award to Plaintiff of his reasonable attorney's fees, expenses and other costs;

E. An award to Plaintiff of pre- and post-judgment interest;

F. An award to Plaintiff of any adverse tax consequences for any compensatory damages awarded, and

G. Such further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all issues so triable.

**RODERICK V. HANNAH, ESQ., P.A.**

Counsel for Plaintiff  
4018 Sheridan St.  
Hollywood, FL 33021  
954/362-3800  
954/362-3779 (Facsimile)

**LAW OFFICE OF PELAYO**

**DURAN, P.A.**

Co-Counsel for Plaintiff  
4640 N.W. 7<sup>th</sup> Street  
Miami, FL 33126-2309  
305/266-9780  
305/269-8311 (Facsimile)

By s/ Roderick V. Hannah  
RODERICK V. HANNAH  
Fla. Bar No. 435384

By s/ Pelayo M. Duran  
PELAYO M. DURAN  
Fla. Bar No. 0146595

## Exhibit "A"





## Composite Exhibit "B"

## Modesto Torres

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**From:** Modesto Torres [mtorres@globalmia.com]  
**Sent:** Saturday, June 28, 2014 7:10 AM  
**To:** 'Lourdes Viera'  
**Subject:** RE: My answer to your letter from June 24, 2014

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June 28, 2014

Lourdes Viera  
Director of Human Resources  
Global Miami Joint Venture

RE: Our meetings on Friday, June 20, 2014 and Tuesday, June 24, 2014

Ms. Viera,

I want to thank you and Mr. Dale Robinson for taking time to meet with me on the above dates. I also wish to clarify and amend the narrative of issues mentioned on your letter dated June 24, 2014 regarding allegations of discrimination.

You mentioned I did not specify instances of alleged discrimination. Please allow me to remind you of specific facts we discussed: The lack of respect towards my sexual orientation from fellow managers and employees. Some managers and employees have called me "Maricon" and "Pato" in other words Faggot. I provided you with a picture of a Penis with Testicles using a cucumber and tomatoes which was placed in my office at Villa Pizza. I was there by myself thus the intended target. I was shocked to discover such a vulgarity and offensive scene but even more surprised to witness three employees and one manager laughing at me. This can be verified by surveillance videos available at the store which is saved for months and not weeks as you told me. I personally mentioned to you on 2/3/14 the comments that were being made about me being a homosexual and the rumors of being HIV Positive. This was never addressed or handled accordingly. Until today, no one including you has ever given me an update on this matter.

As for the comments of Raquel Benitez, Unit Manager, not liking me please allow me to clarify and expand. On numerous occasions, I worked the evening shift of 10 hours or more and closed at mid-night for the day and immediately opened the following morning at 4 AM. The scheduling of such horrific hours was not only brutal but it only gave me a couple of hours to go home and come back. In order to avoid being tardy, I slept in my car most of the times. After seven years of employment, I was entitled to 3 weeks of vacation time. I requested them numerous times but Miss Benitez denied my requests. Other employees with less seniority were approved. After 10 years of employment I came to you and presented the issue. You acknowledged the mistakes made by Miss Benitez and you stated it was very unfair. You decided instead to monetarily compensate me for unused vacation time I had not been allowed to take. I have direct deposit receipts reflecting such wages paid to me. From that time forward, I have been able to take my vacation time as permitted by company policies and procedures.

I did not state I was "very comfortable" working with Raquel Benitez. When you asked me if I wanted to be transferred, I responded by saying it would not be the solution to the issues at hand. Rather, I informed you of my commitment and dedication to Global Miami Joint Venture. I enjoy my position and work duties despite Miss Benitez' attitude and unfair treatment towards me. I take pride in all I do at work.

I did not agree that all 4 unit managers were successful in their operations as I have only worked under Raquel Benitez

and not any of the other unit managers. This comment is obsolete.

In your summary, you stated I had not given specific instances, actions, behaviors or comments that would lead Global Miami Joint Venture to believe any discrimination has or is taking place. I trust the information and clarification provided will say otherwise.

Please let me know if you need any additional information regarding this matter or any other issues I have not mentioned with this letter.

I only ask that you and all executive team leaders if necessary assure thus provide me with a less hostile environment free of unnecessary destructive and demeanor behaviors.

I thank in advance for your attention to this matter.

Expectantly,

Modesto J. Torres

mjt

July 11, 2014

Lourdes Viera  
Director of Human Resources  
Global Mia Joint Venture

Ms. Viera:

As I have clearly stated to you numerous times, I have experienced on-going harassment by Ms. Raquel Benitez. This includes unfair treatment regarding my sexual orientation and gender.

Ms. Benitez has told me in the past that "Ustedes los homosexuales creen que se lo merecen todo" in other words that we homosexuals think we deserve everything. Comments like these were also made to previous employees of Global MIA Joint Venture by Ms. Benitez. She has also asked me in the past if my Parents had accepted me as a homosexual. These comments are just out of place and are not acceptable in a work environment. This is not a requirement or condition for my qualifications to be employed by Global Mia Joint Venture. Ms. Benitez once wiped her hands clean with her pants after shaking my hands. Can you imagine how this made me feel?

I have letters from employees detailing discriminatory comments about my sexual orientation which I provided to Ms. Benitez in the past. She did not address any of the issues I clearly presented to her and dismissed them as being opinions of fellow co-workers. This is in line with your personal response you provided me regarding the picture I provided you reflecting a Penis made out of cucumbers and tomatoes placed in the management office. You stated in your response that it was a joke by an employee that you "claim" is no longer part of Global MIA Joint Venture. Again this issue was never addressed by your or Management.

Ms. Viera, the harassment and discrimination has been taking place before the 3 year you have been employed by Global Mia Joint Venture. I have already sent you information on other discriminatory issues which I have made available to you. There have been no solutions or updates to date.

You asked if I felt there was discrimination taking place. Allow the above information to answer your questions. There is no doubt it is due to my sexual orientation and of course unnecessarily so.

Modesto Javier Torres

mjt

July 30, 2014

TO: Mr. Dale Robinson, Vice-President  
Global Miami Joint Venture  
C/O Lourdes Viera, Director of Human Resources

Mr. Robinson:

It has been two weeks since I wrote a letter addressed to Lourdes Viera, Director of Human Resources, regarding on the job sexual orientation discrimination and harassment that I had brought to her attention prior to the letter as well. To date I have not received a response or an update on any progress made in addressing the delicate issues at hand.

All I have received since presenting my various concerns and complaints regarding the above issues has been a continuous hostile environment and harassment from the Managerial Team of Food Court D44. This includes constant messages detailing duties or job performance not done well. This contradicts my impeccable performance during my 12 years of employment with Global Miami Joint Venture. I can see the employees have been turned against me. This is obvious in their interaction with me as their manager.

I am currently under medical supervision for severe high blood pressure and the hostile work environment created by your employees has worsened my state of health. I trust you will address this matter immediately for a positive resolution.

Please be advised, against what you and Lourdes Viera have asked me numerous times, I will not resign my position with Global Miami Joint Venture. Furthermore, please be advised I am committed to perform all duties expected of me and my position to meet and surpass all requirements and expectations from our company as I have always done.

On Friday, July 25, 2014, you called me to your office and to my surprise you gave me a first written warning for unperformed job duties. You also mentioned there could be others and possible suspension and termination of employment. You know for a fact, please be honest to yourself, I have been and outstanding employee and team leader with the best intentions to make our company not only successful but unique in our industry. Please provide me with copies of the written warning and issues we discussed on the above date.

I trust you will resolve and provide a less hostile environment for me and meet with those involved for a suitable and professional outcome.

Expectantly,

Modesto J. Torres  
mjt

August 5, 2014

Mr. Jorge Rivero  
HR Management Consultants Inc.

RE: Your email sent to me on August 5, 2014 at 10:27 AM  
Complaint – Discrimination and Harassment

Mr. Rivero:

Numerous times, I verbally informed Ms. Lourdes Viera about the continuous on the job Sexual Orientation Discrimination and Harassment I have received from Ms. Raquel Benitez and other employees of Global Mia JV. Not once did I receive any updates or information on the progress of any investigations being performed by Global Mia JV regarding this matter. As a result and lack of support, on June 20, 2014, I decided to present the issues of Sexual Orientation Discrimination and Harassment in writing to Ms. Raquel Benitez and on June 28, 2014, July 16, 2014 and July 30, 2014 to Ms. Lourdes Viera and the latter also to Mr. Dale Robinson.

As a result of making Ms. Lourdes Viera and Mr. Dale Robinson aware of these delicate and serious issues, I have received severe retaliation and a hostile work atmosphere not suitable to any employee. After meeting with both Ms. Viera and Mr. Robinson, I received a letter with a statement from Ms. Viera for me to sign. The information did not coincide accurately with the original issues we discussed. I did not sign the statement and responded to Ms. Viera accordingly. For this reason, I would gladly provide any information needed for a proper investigation to be carried out as long as the request is done in writing. I kindly ask that you send me in writing the information you need me to provide you with including but not limited to information I have already provided Global Mia JV which I strongly and beyond any doubts believe it is more than what anyone would need to immediately investigate the matter of Sexual Orientation Discrimination and Harassment.

It's quite a coincidence that since your investigation began, I have noticed many of my co-workers turned against me. Their attitudes and work relationships towards me have deteriorated. I have received more emails detailing wrong doings of my part in the last couple of months than I ever did in the 12 years I have been with Global Mia JV. For the records please be advised I have always performed my work related duties and behaved as if my company was my personal business. Now all I receive is constant criticism, emails blaming me for wrong doings on issues that are exaggerated and fabricated to make me look bad. This severe hostile environment has deeply affected me and I am currently in the care of a Psychiatrist for both emotional and physical damages.

Once again, I ask that the information you need for your investigation be sent to me in writing for proper handling.

Thank you for your cooperation.

Modesto J. Torres

njt

September 2, 2014

Christopher Descalzo,

cc: Lourdes Viera, Director of Human Resources, Global Miami JV  
Claudia Castano, Director of Human Resources, Valls Group Inc.

Mr. Descalzo:

On August 26, 2014, around 3:00 PM, while I was working at Food Court D-44 , Mr. Dale Robinson stopped by. I greeted him and reached out to shake his hand but he refused to do so and turned his head away. Immediately thereafter, he called me and asked me to speak with him while at the Food Court by Villa Pizza. He said I had been talking "Crap" about the company and that he has a lot to say about me especially to a "Judge". This was done in the proximity of both employees and customers alike. This is unprofessional and unjustified.

Over two months ago I asked Raquel Benitez, Lourdes Viera and Dale Robinson to conduct an investigation about Discrimination of my Sexual Orientation and Harassment. To date I have not received an update or any information addressing this matter. All I have received is continuous retaliation and claims of wrong doings. The above incident is a good example of this type of unnecessary treatment.

I trust you will address this matter accordingly and prevent any further retaliation and harassment from continuing to take place.

Expectantly,

Modesto J. Torres

mjt



November 21, 2014

Dear Mr. Valls,

I am writing this letter in reference to our conversation this past November 11<sup>th</sup> at Terminal D44 when you prompted me to speak with you in the manager's office.

You commented on my several complaints to the company due to the discrimination I have been experiencing from some of the company's employees and management personnel concerning my sexual orientation. You said you did not have much knowledge about it but instead concentrated most of your conversation in slandering my attorney, Mr. Pelayo Duran.

You also talked to me about hearsay information regarding me having conversations, you did not say with whom, about the sexual body parts of Dominican men. This is the latest lie of your subordinates. I feel someone is fabricating information in retaliation and in the process damaging my reputation and my professional life.

I am making you aware that this behavior needs to stop now. I am a human being like every other employee and deserve respect. This constant harassment is creating unnecessary tension in my work environment. I suggest training your employees to learn against discriminatory practices.

I hereby ask you and the company to stop meeting with me regarding my complaints and forward any comments or concerns to my attorney, Mr. Pelayo Duran. You can contact his office at (305) 266-9780.

Thank you,

Modesto J. Torres