

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.: 1:16-cv-25307-JAL

THIARA SENRA,

Plaintiff,

v.

LUIZ LESSA,
FABIOLA LAJUSTICIA, and
BANCO DO BRASIL AMERICAS, INC.,
a Florida for Profit Corporation,

Defendants.

**AMENDED VERIFIED COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff, THIARA SENRA, by and through undersigned counsel, sues Defendants, LUIZ LESSA, FABIOLA LAJUSTICIA, and BANCO DO BRASIL AMERICAS, INC., a Florida For Profit Corporation, amends her Complaint pursuant to F.R.C.P. 15(a)(1)(B) and alleges as follows:

VENUE AND JURISDICTION

1. This is an action for: sexual discrimination by harassment and retaliatory discharge; tortious interference in an employment contract; intentional infliction of emotional distress, and; unpaid wages.

2. The Court has jurisdiction over the Plaintiff's claims pursuant to 28 U.S.C. §1331; the Florida Civil Rights Act §§760.07 and 760.11, *et seq.*; and the common law of the State of Florida. The Court has jurisdiction over the related state claims pursuant to 28 U.S.C. §1367 because they arise from a common nucleus of operative fact and therefore form part of the same case or controversy under Article III of the U.S. Constitution.

3. Venue is proper in the Miami Division of the U.S. District Court in the Southern District of Florida pursuant to 28 U.S.C. §1391 because, *inter alia*, the Defendant Banco do Brasil Americas' principal place of business is situated in the Miami Division of the Southern District and is subject to this Court's personal jurisdiction; the unlawful conduct herein occurred within Miami-Dade County, and; the individual defendants are residents of Miami-Dade County.

PROCEDURAL REQUIREMENTS

4. On October 26, 2016 Plaintiff filed a charge of discrimination with the EEOC . A copy of Plaintiff's EEOC charge is attached hereto as Exhibit "A".

5. On December 19, 2016 Plaintiff's Counsel received a Notice of Right-to-Sue letter attached hereto as Exhibit "B"

6. On October 26, 2016 Plaintiff, through her counsel, sent a letter to Banco do Brasil Americas requesting payment of unpaid wages in the amount of \$2,219.36. Copy attached hereto as Exhibit C. To date no such payment has been received.

PARTIES

7. At material times herein, Plaintiff, THIARA SENRA, was and is a resident of Miami-Dade County, Florida, and is otherwise *sui juris*.

8. At all material times herein, Defendant, LUIZ LESSA was and is a resident of Miami-Dade County, Florida, and is otherwise *sui juris* and Vice President of Banco Do Brasil Americas, Inc.

9. At all material times herein, Defendant, FABIOLA LAJUSTICIA was and is a resident of Miami-Dade County, Florida, and is otherwise *sui juris*.

10. At all material times herein, Defendant BANCO DO BRASIL AMERICAS, INC. was and is a duly registered as a Florida for profit corporation with principal office at 2 South Biscayne Boulevard, One Biscayne Tower, Suite 3870, Miami, FL 33131. Ph: (305) 358-3586.

INTRODUCTION
(Summary of Allegations)

11. This action for sex discrimination and unpaid wages arises from Banco do Brasil Americas' Vice President, Defendant Luiz Lessa's irresistible attraction to a younger female employee, Plaintiff Thiara Senra. Lessa wooed Plaintiff to move from Orlando to Miami by offering her a raise in salary and promotion to a new position (to be created especially for her) within the bank headquarters - a position whereby he could see her every day.

12. Over the course of the following months, Lessa made unwelcome sexual innuendo and subtle advances using his position as bank Vice President to "wine and dine" Plaintiff, knowing she was happily married. The advances became increasingly insistent and eventually Lessa's wife, Fabiola Lajusticia, learned of his infatuation by seeing his texts messages to Thiara. Fabiola Lajusticia began sending text messages to Plaintiff threatening bodily harm and loss of Plaintiff's employment. Defendant Fabiola Lajusticia acted on those threats by attempting to force Plaintiff off the road while driving and causing Plaintiff to be fired from her employment at Banco do Brasil Americas through her influence on Lessa and other bank

officials.

13. Plaintiff confronted Lessa, making it abundantly clear the feelings he had were not reciprocal and that she had cause to report his actions to the Human Resources Department of employer Banco do Brasil. At that point in time, Plaintiff had not been paid increased wages pursuant to her promotion and new job duties although she had been performing as required in the new position. Immediately after confronting Defendant Lessa regarding these issues, Plaintiff was transferred to a different work location away from the bank headquarters and eventually terminated from employment altogether, despite having an outstanding performance appraisal.

14. Lessa, as a senior officer of the bank, used his position to discourage and intimidate Plaintiff to not report the sexual harassment or threats from his wife, Fabiola Lajusticia or pursue her claims to the Human Resources Department of Banco do Brasil. Plaintiff was forced to endure a hostile work environment and suffered retaliatory reassignment, unpaid wages and discharge for her rebuffing the Vice President's advances, and as a result of interference by Fabiola Lajusticia. The wrongful transfer of location and retaliatory discharge denied Plaintiff professional opportunities despite her outstanding performance record.

15. Banco do Brasil Americas knew of Lessa's propensities because he had divorced his wife to marry another bank employee while serving at Banco do Brasil in Brazil. That employee, Fabiola Lajusticia, became the present wife of Luiz Lessa. Fabiola acted to interfere in the employment contract between Plaintiff and Banco do Brasil Americas out of unfounded jealousy. Fabiola feared that Lessa was finding another new younger partner in Plaintiff Thiara Senra, just as he had found Fabiola.

16. This malicious and intentional conduct has subjected the Plaintiff to significant and

pervasive reputational damage and emotional distress, destroying or seriously impeding her otherwise promising career and causing significant damage to her mental health and eight year marital relationship.

STATEMENT OF FACTS

17. In 2012 Banco do Brasil Americas established in the United States with headquarters in Miami, Florida after buying the struggling Eurobank and rebranding it.

18. While Banco do Brasil Americas is a Florida corporation, it is owned and controlled by Banco do Brasil which is controlled by the Brazilian government and is one of the largest banks in Latin America. Banco do Brasil is based in Brazil's capital, Brasília.

19. At all material times hereto, Defendant Lessa is Vice President of Customer Service and Distribution for Banco do Brasil Americas in the United States.

20. Defendant Fabiola Lajusticia was employed by Banco do Brasil for many years while in Brazil, including assignments at the bank headquarters located in Brasilia. Lajusticia is married to Defendant Lessa.

Defendant Luiz Lessa Used His Position of Power to Gain Plaintiff's Trust

21. On or about February 2015, Plaintiff Thiara Senra was hired to work at the newly opened Orlando Branch of Banco do Brasil Americas in the capacity of "CSR – Customer Service Representative." Her initial salary was \$30,000 annually.

22. Defendant Lessa visited the Orlando Branch from time to time as part of his job duties. During his Orlando visits Lessa observed Plaintiff Thiara Senra.

23. In late 2015, Lessa met with Senra and offered her a position at the Banco do Brasil Americas headquarters in Miami.

24. Although the position Lessa described did not yet exist in the bank organization, Lessa offered to transfer Senra to the Miami headquarters, create the position and promote her to fill the newly created position working directly for Lessa as Digital Channels Manager.

25. Plaintiff Thiara Senra accepted and viewed the offer as a serious advancement of her career. She and her husband moved to Miami in late December 2015.

26. On or about December 31, 2015, an Employee Annual Review was completed which reflected Senra's job performance as "4 = Outstanding" – the highest rating possible. She was praised for her honesty, personal growth and would "be missed at the Orlando Branch."

27. On or about January 6, 2016 Plaintiff Thiara Senra was transferred to the Doral Branch in a position as "Retail CSC II" at the same salary level. However, she reported to work at the Miami headquarters and immediately worked directly with Lessa performing duties as Digital Channels Manager.

28. Specific salary for her new duties had not yet been agreed upon. But, it was agreed that there would be an increase in pay in consideration of Plaintiff's new duties and responsibilities.

Defendant Luiz Lessa Groomed Plaintiff for a Sexual Relationship

29. Although Senra was assigned to the Doral Branch, from January 2016 to approximately June 2016 she actually reported to work as Digital Channels Manager at the U.S. headquarters of Banco do Brasil Americas located at 2 South Biscayne Blvd. Miami, FL 33131. That is the same location where Defendant Lessa had his office at all material times hereto.

30. On or about April 2016, Plaintiff Thiara Senra was officially promoted to Digital Channels Manager - the marketing position promised by Defendant Lessa. Her salary was then

increased to \$42,000 annually. Her duties remained as they had been since January 6, 2016.

31. During the months from January 2016 to June 2016, Plaintiff Thiara Senra worked on a daily basis directly with Defendant Lessa in a marketing capacity.

32. At first, Plaintiff Thiara Senra viewed Lessa as a mentor. But she progressively became more uncomfortable with Lessa's special attention.

33. Lessa often invited his team of employees to go to lunch including Debora Santana and Thiara. However, on a number of occasions he invited only Thiara.

34. On those occasions, when lunch was just for the two of them, Lessa took Thiara on extended lunch hours and to upscale restaurants including Zuma, Casablanca and Rusty Pelican.

35. Lessa explained to Thiara that they would have lunch at locations distant from the office in order to remain as "ghosts" and not be seen together. Thiara initially thought the remark was odd and dismissed it. Later she realized that he was acting surreptitiously.

36. Progressively over the early months of 2016, Thiara Senra became more and more uncomfortable with the extra attention lavished on her by her boss, Luiz Lessa, including the private lunches and text messages indicating that he found her attractive.

37. At one private lunch, Lessa reached across the table and took Thiara's hand with his, complimented her finger nails and stroked them.

38. At another lunch, Lessa asked Thiara to tell him about her ambitions and life plans. When Thiara said she wanted to become a bank professional soon earning a six-figure salary, Lessa responded that he could sponsor her to achieve that. Basically, Lessa said to trust him and he could get her there.

39. Lessa would often whisper suggestive comments to Thiara as they passed by each other in the office hallways. He always skillfully crafted his remarks so that they were not overt

or patently offensive, but the intent was unmistakable. Lessa sought an intimate relationship.

40. Thiara did not want to jeopardize her new position and opportunity at the bank, so she did not confront Lessa or make a report during that time, even though the advances were unwelcome. She was keen to stay in his good graces because his position as Vice President was so powerful that a mentoring relationship with him could make her career. Conversely, if she offended him she feared he might deploy his considerable standing within the bank and community to damage her career prospects.

41. On or about April 26, 2016, Lessa was in a meeting when Thiara entered to deliver some papers. After she exited, Lessa sent Thiara another text message complimenting her dress.

42. Thiara responded suggesting Lessa focus on his meeting, but Lessa persisted saying the dress was distracting, but that he could do two things at once, *i.e.* pay attention to Thiara with texting while in the meeting. Lessa commented that Thiara was so attractive that it took “nerves of steel” for him to resist her.

Defendant Fabiola Lajusticia Threatened to Interfere in Plaintiff's Employment

43. Later the same day Thiara received a text message written in Portuguese from Defendant Fabiola Lajusticia which stated, “I think it’s in the best interest of your job security and your marriage for you to conduct yourself in a more professional manner in a working environment. If you do not understand what I mean, I can make it more clear.” (Thiara Senra is fluent in Portuguese.)

44. Thiara Senra confronted Lessa and showed him the message that same afternoon. Lessa expressed puzzlement that his wife had obtained the phone number of Thiara Senra and had no explanation for the message. Thiara did not respond to the message from Fabiola

Lajusticia.

45. On April 27, 2016, Thiara received another message in Portuguese from Fabiola Lajusticia stating, “Since you haven’t replied with any questions, I take it you understood my message. Know that you are walking on a field of land mines, and every wrong step is a [bomb symbol].”

46. On April 28, 2016 Thiara received another message in Portuguese from Fabiola Lajusticia stating, “Just know that you are being watched day and night, because you are! Send my regards to Rodrigo!”

47. Rodrigo Senra is Thiara’s husband of eight years. Lessa was also aware of their marriage since the time of his first meeting Thiara.

48. On that day, April 28, 2016 Thiara Senra was able to meet with Lessa and confront him again about the messages from his wife. Luiz Lessa pulled Thiara Senra into a conference room, closed the doors and explained that his wife Fabiola Lajusticia saw some of the text messages he had sent to Thiara on his I-pad. He explained that was how Fabiola obtained Thiara’s phone number and that she became jealous and angry after reading the messages he had written to Thiara.

Defendant Luiz Lessa Felt a “Connection” with Plaintiff

49. At that closed door meeting. Luiz Lessa told Thiara Senra that he felt a “strong connection” to her and that he believed she felt the same toward him. Thiara Senra repeated, “No, no, no” and made it very clear the feelings were not reciprocated. Lessa stated that he would run on the beach for hours thinking of Thiara. Thiara reiterated that the relationship was a professional one and stated that she felt badly if he had gotten any different impression, but she

never intended that.

50. Plaintiff Thiara Senra was confused and upset because Lessa knew that she is married. And, because he also knows that Thiara is aware that Lessa is also married. But, even knowing these facts he was still making advances towards her. Thiara felt pressured, nervous and awkward as they were sitting with each other alone in the conference room with Lessa openly revealing his attraction toward Thiara. In short, Thiara felt her job performance was no longer the basis for her being there, and probably never had been. She was fearful, shaken and felt vulnerable.

Defendant Fabiola Lajusticia Persisted with Derogatory/Threatening Emails

51. While at home the next evening, Friday April 29, 2016, Thiara received another text message in Portuguese from Fabiola Lajusticia stating, “You simple whore slut with a cheap prostitute’s face, be ready. You are afraid but you have no shame in this cheap whore face of yours.”

52. And on Sunday May 1, 2016 Thiara received another text message in Portuguese from Fabiola Lajusticia stating, “Just know that even to be a whore you have to be a woman. PS: I don’t usually use this type of language. But I’m also not used to dealing with people of your class and type. I got the impression that you did not understand my messages. So therefore I’m forced to lower myself to your level. I intend to facilitate our communication for your better understanding.” Thiara Senra had not responded to any text messages received from Fabiola Lajusticia.

Defendant Luiz Lessa Attempted “Sympathy” Grooming

53. On Monday evening May 2, 2016 at 6:42pm, Thiara Senra received a lengthy phone call from Lessa. He described his marital problems, said Fabiola had gone on a trip to Europe, and that he might get a puppy. Lessa said his wife was not speaking to him, that she takes prescription medications and that he was worried about her. He said Fabiola was depressed about moving to the U.S. and was not adapting to the new environment. He stated that Fabiola is angry, believing that he and Thiara were having an affair. Thiara was uncomfortable, concerned about her job security, and did not want to be involved in Lessa’s personal matters. Thiara listened and did not say anything except that she hoped Luiz and Fabiola would work it out.

Defendant Fabiola Lajusticia Told Plaintiff She Better be “Scared”

54. During the month of May 2016, Thiara Senra discovered that Fabiola Lajusticia had viewed Thiara’s Facebook page. Thiara blocked Fabiola from further views. Thiara also received an Instagram message from Fabiola and blocked her from that account as well. Shortly thereafter, Thiara Senra received another message from Fabiola stating, “Look whos here: The cheap faced whore! You blocked me from Facebook, or did you cancel your account? Are you scared? You better be...” In fact, Plaintiff was indeed becoming scared of Fabiola Lajusticia. And, Lajusticia’s cyber-stalking type behavior was additionally threatening.

Defendant Luiz Lessa Confessed Previous Affair with Bank Employee

55. Also during the month of May 2016, Lessa called for another private, meeting with Thiara Senra that lasted over 40 minutes. During this meeting Lessa described to Thiara the story about how he met his wife in an office setting in Brazil similar to how he met Thiara. At

that time in Brazil both Luiz and Fabiola were married to other spouses and both working at Banco do Brasil. According to Lessa, when he met Fabiola in an elevator it was "love at first sight." Eventually Luiz and Fabiola both divorced their spouses and married each other. Lessa explained to Thiara that was one of the reasons his wife was so angry – that apparently Fabiola felt the story was repeating and she could lose her present husband.

Defendant Luiz Lessa Cajoled Plaintiff to Make False Recording

56. Then, also at the same meeting, Lessa handed a sheet of paper to Thiara Senra and asked her to read it. It appeared to be a transcript of a conversation between her and Lessa. But the conversation had never taken place.

57. Lessa explained that he wanted them to both read the conversation aloud while he recorded it. Then he would present the recording to his wife as if he had secretly made it. That way, she would believe there was no affair between Lessa and Thiara Senra.

58. Lessa begged Thiara to go along with the ruse and make the recording with him. Thiara Senra explained that all this had nothing to do with her. Although the script was true that there was never an affair, it felt dishonest to Thiara by his claiming it was a candid conversation surreptitiously recorded.

59. Plaintiff stated that she could have gone to the Human Resources department of the bank to complain of Lessa's inappropriate advances, but she knew it would jeopardize his job and he had pleaded with her not to do that. Thiara also said she should probably report Fabiola's actions to the police because Thiara was fearful for her safety. Lessa, nearly in tears, persisted and eventually Thiara reluctantly went along and made the recording with him. Thiara felt she had no choice and that if she refused she would almost certainly lose her job.

60. At the time of that May 2016 meeting of forty minutes, Plaintiff also determined that she could not report the delay in her promised pay increase because of the intertwined sexual harassment issues with Lessa. Senra feared retribution for any action she might take.

61. Shortly thereafter, Lessa reassigned Thiara Senra to physically work in the Doral Branch and she no longer had regular contact with Lessa. Plaintiff was to report through an intermediary supervisor named Debora. And the messages from Fabiola ceased.

62. The reassignment to work at the Doral Branch made Thiara's job much more difficult. The personnel with whom she coordinated in her position as Digital Channels Manager were all located at the bank headquarters in Miami where she used to be located. She kept the same duties, but could not communicate and confer easily with her co-workers and bank officers as she could when co-located with them in the bank headquarters. Thiara felt like an outcast.

Defendant Fabiola Lajusticia Attempted to Run Plaintiff off Road

63. On the afternoon of Saturday, September 10, 2016 Banco do Brasil Americas held an "All Hands" meeting with all employees, including Lessa and Thiara Senra as required attendees.

64. After the meeting adjourned in South Miami Beach and while waiting for her car from the restaurant valet, Thiara Senra observed Fabiola Lajusticia watching her from a car parked across from the meeting facility. Lajusticia was not present at the employee meeting and had no legitimate reason to be at the location. Thiara became nervous and fearful.

65. Thiara got in her car and proceeded to drive home. As she drove on north on Alton Road, she noticed that the two lane roadway merges into a single lane just past 6th St. She proceeded to slow down to merge into the left lane and put on her turn signal. As she was trying

to merge, a white SUV was not letting her in. So she slowed down even more to allow this vehicle to go by. However, the white SUV slowed down as well, eventually bringing both cars to a full stop. Thiara tried again to go, and the SUV did the same, as it was trying to be side by side not letting Thiara merge or go forward.

66. When Thiara gave a quick glimpse at the driver, it was Fabiola Lajusticia glaring back at her. She quickly turned her face to the road, and tried to merge again with no success because Fabiola wouldn't let her in and seemed to be intent on forcing Thiara off the road. As Thiara looked around, she saw a line starting to form behind them, creating some traffic. At that point she noticed that Lessa was driving his black BMW behind the white SUV being driven by his wife, witnessing the entire confrontation.

67. Thiara was frantically looking for options as she was being squeezed off of the road. She noticed a right turn a few feet away, so she accelerated and turned right into 7th Street as quickly as possible. But Thiara observed in her rear view mirror that Fabiola abruptly cut over to the right lane in order to pursue Thiara onto West 7th Street. Thiara was extremely frightened and fearful for her safety. And, now on a side street she knew nothing about - still closely followed by Fabiola – Thiara was physically shaking.

68. Meanwhile, Lessa did not turn to follow Fabiola and continued straight on 6th Street. In a last desperate maneuver, Thiara made another quick evasive turn and eventually Fabiola was no longer in pursuit.

The Termination

69. For two weeks following the car incident, Lessa was in Brazil at bank meetings. Thiara Senra had no contact with either Lessa or Fabiola Lajusticia during that period.

70. Upon Lessa's return to the United States, Thiara Senra was terminated from employment and given notice by Debora on Monday October 3, 2016. The reason given was that her position, which had been created by Lessa, had been eliminated.

71. Although Florida is an "At Will" termination state, Defendants Lessa and Banco do Brasil Americas wrongfully discharged Plaintiff based on her female gender and her expressed opposition to sexual harassment by Lessa.

72. Defendant Fabiola Lajusticia interfered in the employment contract between Plaintiff Thiara Senra and Banco do Brasil Americas. Fabiola Lajusticia used her past relationships and influence with the Banco do Brasil (located in Brazil) and/or her husband, Luiz Lessa, to cause Plaintiff's discharge from employment. (Fabiola was previously employed at Banco do Brasil from 1999 to 2015 in various positions including at the bank headquarters in Brasilia, Brazil.)

73. At the time her discharge, Thiara was offered two weeks' pay and an extension of health benefits if she would agree to sign an agreement where she "irrevocably releases and forever discharges the Bank and any other companies affiliated with the Bank, and each and all of those entities' officers, board members, employees, agents, representatives, insurers, successors, predecessors and assigns (all collectively referred to herein as the "Released Parties") from and against any and all claims, obligations, debts, liabilities, demands, or causes of action of any kind whatsoever." Thiara did not sign the agreement and did not receive the two weeks' pay or the health benefits extension.

FIRST CLAIM FOR RELIEF
Sexual Harassment
42 U.S.C. § 2000e - 2(a), (m)
Fla. Stat. §§760.01(2), 760.10(1)(a), (b)
As to Defendant Banco do Brasil Americas

Plaintiff re-alleges paragraphs 1 through and including 73 of this Complaint as if fully set forth herein.

74. Defendant Lessa was motivated to promote, mentor, groom, reassign and ultimately discharge Plaintiff due to her attractiveness as a female. His acts were based on gender.

75. Lessa's behavior altered the terms, conditions, and/or reasonable expectations of a comfortable work environment for Plaintiff Thiara Senra based on her female sexuality.

76. A hostile work environment was created by Plaintiff's boss, Luiz Lessa, whose actions, communication and behavior seriously disrupted Plaintiff's ability to do her job.

77. Lessa's actions and behavior discriminated against a protected classification, being the gender of the Plaintiff.

78. The behavior and communication of Lessa was pervasive, lasted over time, and were not limited to an off-color remark or two that Plaintiff found merely annoying.

79. The gender discrimination by Lessa was especially egregious because this bank Vice President used his position of power to discourage and intimidate Plaintiff from reporting his acts of sexual harassment thereby thwarting any investigation by the employer.

80. The hostile behavior, actions, and communication were severe. Not only were they pervasive over time and seriously disruptive to the Plaintiff's ability to perform her work, they ultimately interfered with Plaintiff's career progress in the most humiliating and unfair way – she was reassigned and discharged because she is an attractive young female who opposed the harassment.

81. As Vice President of Banco do Brasil Americas, Luiz Lessa is the employer's proxy rendering Banco do Brasil Americas directly liable for any harassment he personally committed. Further, Lessa had direct authority over the Plaintiff. The employer is strictly liable for harassment committed by Lessa as supervisor of the Plaintiff.

82. Vicarious liability of Banco do Brasil Americas for supervisor harassment is appropriate because Lessa was aided in his misconduct by the authority that Banco do Brasil Americas delegated to him. Lessa had authority to undertake or recommend tangible employment decisions affecting the Plaintiff and authority to direct the Plaintiff's daily work activities. Lessa's authority as Vice President of the bank is of a sufficient magnitude so as to assist the harasser, Lessa, explicitly or implicitly in carrying out the harassment as demonstrated by specific facts herein.

83. Based on his prior affair with a bank employee, namely Fabiola Lajusticia, it is reasonable to assume that Banco do Brasil Americas knew or should have known about the inclinations and behavior of Lessa to engage in an affair with a bank employee and did not sufficiently intervene or investigate.

84. Lessa's conduct described herein was within the course and scope of his employment with Banco do Brasil Americas.

85. At all material times hereto Lessa performed in the role of Vice President with job duties he was employed to perform at Banco do Brasil Americas.

86. The events described herein, except those pertaining only to Fabiola Lajusticia, occurred within the time and space limits of Lessa's employment with Banco do Brasil Americas.

87. Lessa's acts described herein were activated at least in part by a purpose to serve the

employment with Banco do Brasil Americas.

88. Bank do Brasil Americas is liable for the creation of a hostile work environment, sexual harassment and other wrongful discriminatory acts described herein.

WHEREFORE, Plaintiff requests this court award to the Plaintiff Thiara Senra and against Defendant Banco do Brasil Americas:

- a) Past and future lost wages;
- b) Value of lost employment benefits;
- c) Damages for mental anguish, embarrassment, psychological and psychiatric injuries, emotional pain and suffering in amounts to be proven at trial;
- d) Punitive damages;
- e) Reasonable prevailing party attorneys' fees as provided under U.S.C. §2000e-5 and Fla. Stat. §760.11 (5).

SECOND CLAIM FOR RELIEF
Retaliatory Reassignment and Discharge
42 U.S.C. § 2000e-3(a)
Fla. Stat. §§448.102, 103, 104
As to Defendant Banco do Brasil Americas

Plaintiff re-alleges paragraphs 1 through and including 73 of this Complaint as if fully set forth herein.

89. Plaintiff made statements to Luiz Lessa opposing his amorous behavior and comments. In short, she expressly opposed his violations of Title VII of the Civil Rights Act of 1964 and Florida Statute 760.10 *et seq.*

90. As a direct result, Lessa then assigned Plaintiff to physically work at the Doral Branch of the bank – away from the bank headquarters where she had been working in close

proximity to senior level bank officers, the Human Resources department and Lessa himself. This act was clearly to dissuade Plaintiff from expressing any further opposition. The bank Human Resources office is also located in the bank Headquarters. The reassignment to work from the Doral Branch was a material adverse employment action directly related to the alleged discriminatory acts.

91. Ultimately, Plaintiff Thiara Senra was discharged on the pretext that her specially created position had been eliminated – after only nine months.

92. In fact, Plaintiff was reassigned and discharged because she rejected the sexual advances of Vice President Luiz Lessa who found Plaintiff to be an irresistible attraction.

93. The reassignment and discharge were retaliatory in violation of 42 U.S.C. § 2000e-3(a) and Florida Statute §760.10.

94. Due to his position as Vice President and supervisor of Plaintiff, Lessa's tangible employment actions (reassignment and discharge) constitute acts of the employer. Banco do Brasil Americas is vicariously liable for those violations on the basis described above.

WHEREFORE, Plaintiff requests this court award to the Plaintiff Thiara Senra and against Defendant Banco do Brasil Americas:

- a) Past and future lost wages;
- b) Value of lost employment benefits;
- c) Damages for mental anguish, embarrassment, psychological and psychiatric injuries, emotional pain and suffering in amounts to be proven at trial;
- d) Punitive damages;
- e) Reasonable prevailing party attorneys' fees as provided under U.S.C. §2000e-5 and Fla. Stat. §760.11 (5), §448.104.

THIRD CLAIM FOR RELIEF
Interference in an Employment Contract
Florida Common Law
As to Defendant Fabiola Lajusticia

Plaintiff re-alleges paragraphs 1 through and including 73 of this Complaint as if fully set forth herein.

95. A valid employment contract (whether “at will” or otherwise) existed between the Plaintiff and Banco do Brasil Americas.

96. Defendant Fabiola Lajusticia knew of the employment contract between Plaintiff Thiara Senra and Banco do Brasil.

97. Defendant Fabiola Lajusticia took actions intended to induce a breach or disruption of the employment contract by exercising influence on her husband, Luiz Lessa, and other officials of Banco do Brasil Americas and/or its parent company.

98. There was no legal justification or privilege for Defendant Fabiola Lajusticia’s actions described herein.

99. Defendant Fabiola Lajusticia’s interfering acts described herein were a proximate cause of the breach of the employment contract.

100. Plaintiff suffered economic damages due to discharge from employment as a result of Defendant Fabiola Lajusticia’s actions.

WHEREFORE, Plaintiff requests this court award to the Plaintiff Thiara Senra and against Defendant Fabiola Lajusticia damages in an amount to be proven at trial.

FOURTH CLAIM FOR RELIEF
Intentional Infliction of Emotional Distress
Florida Common Law
As to Defendant Fabiola Lajusticia

Plaintiff re-alleges paragraphs 1 through and including 73 of this Complaint as if fully set forth herein.

101. Over a period of time, Defendant Fabiola Lajusticia made threatening statements to Plaintiff: referring to bombs and minefields; expressly stating that she intended for Plaintiff to be “scared;” cyber-stalked the Plaintiff’s online social media pages; actually stalked Plaintiff in person, and; used an automobile to threaten a collision with Plaintiff in an act of road rage. A recitation of these acts to an average member of the community would arouse resentment against the actor and lead a person to exclaim, “Outrageous!”

102. The sinister threats sent by Defendant Fabiola Lajusticia to Plaintiff and described herein were intended to have real meaning and serious effect to induce fear.

103. Lajusticia maintained relationships with current employees of her former employer, Banco do Brasil, and was married to the Plaintiff’s boss, Luiz Lessa, who is Vice President of Banco do Brasil Americas. Lajusticia abused those special relationships, including her marital position, to give the appearance of, or obtain actual, authority over Plaintiff’s employment and power to affect her interests.

104. Defendant Fabiola Lajusticia’s use of her automobile, as described herein, deliberately threatened the life of Plaintiff. Lajusticia’s acts were: intentional and malicious; designed to invoke fear in Plaintiff, and; violated Fla. Stat. §316.1923 as aggressive careless driving by improperly changing lanes, following too closely, failing to yield right of way, improperly passing and violating traffic control devices.

105. Under the definitions of Fla. Stat §784.048(1), Lajusticia’s threatening statements

coupled with the road rage incident described herein constitute criminal stalking.

106. Defendant Fabiola Lajusticia intended her behavior when she knew or should have known that emotional distress would likely result.

107. Defendant Fabiola Lajusticia's conduct described herein was outrageous and is to be regarded as odious and utterly intolerable in a civilized community.

108. Defendant Fabiola Lajusticia's conduct described herein caused emotional distress to the Plaintiff.

109. The emotional distress suffered by Plaintiff is severe and she has sought professional treatment.

WHEREFORE, Plaintiff requests this court award to the Plaintiff Thiara Senra and against Defendant Fabiola Lajusticia damages in an amount to be proven at trial.

FIFTH CLAIM FOR RELIEF

Unpaid Wages (Fair Labor Standards Act of 1938) ("FLSA")
As to Defendant Banco do Brasil Americas and Luiz Lessa

Unpaid Wages (Fla. Stat. §448 *et seq*)
As to Defendant Banco do Brasil Americas

Plaintiff re-alleges paragraphs 1 through and including 73 of this Complaint as if fully set forth herein.

110. Plaintiff Thiara Senra performed duties as Digital Channels Manager from January to April 2016 but was paid as a Customer Service Representative ("Retail CSC II") during that period.

111. The annual salary for Customer Service Representative was \$30,000 annually and the salary for Digital Channels Manager was \$42,000 annually.

112. Defendant Banco do Brasil Americas willfully failed to pay Plaintiff the agreed rate

for work performed during the period from January 6, 2016 to April 11, 2016.

113. Plaintiff is owed unpaid wages for the period Plaintiff worked as Digital Channels Manager but was paid as a Customer Service Representative. The unpaid wages is the difference in salary for the two positions for that period in the amount of \$2,219.36.

114. Defendant Luiz Lessa at all material times hereto acted directly or indirectly in the interest of an employer, Banco do Brasil Americas, in relation to an employee, Plaintiff Thiara Senra. Lessa was an officer involved in day-to-day operations and had direct responsibility for the supervision of the employee, Senra.

115. To dissuade Plaintiff from making any claim for harassment or unpaid wages, Lessa reassigned Plaintiff to physically work at the Doral Branch of the bank – away from the bank headquarters, location of the Human Resources department and where Plaintiff had been working in close proximity to other senior bank officers.

116. Defendant Lessa is an employer as defined under 29 U.S.C. §203(d) and is therefore individually liable for unpaid wages and further relief pursuant to the FLSA.

WHEREFORE, Plaintiff requests this court award to the Plaintiff Thiara Senra and against Banco do Brasil Americas and Luiz Lessa, jointly and severally:

- a. Owed back wages in an amount of \$2,219.36.
- b. Liquidated damages (double damages) as a monetary penalty against the employer for violating the federal labor laws pursuant to 29 U.S.C §216(b) in the additional amount of \$4,438.72.
- c. Prejudgment interest on the amount owed;
- d. Costs and reasonable attorney's fees pursuant to 29 U.S.C §216(b) and Fla. Stat §448.08.

RELIEF SOUGHT

WHEREFORE, having set forth the above-described legally sufficient causes of action against the Defendants, Plaintiff prays for the entry of Final Judgment against Defendants for damages in an amount not yet quantified but to be proven at trial as follows:

- a. Against Banco do Brasil Americas for sexual harassment and retaliatory reassignment and discharge including:
 1. Mental anguish;
 2. Embarrassment;
 3. Psychological and psychiatric injuries including cost of past and future treatment and including psychological injuries from the litigation process;
 4. Emotional pain and suffering;
 5. Past and future lost wages;
 6. Value of lost employment benefits
 7. Punitive damages as provided under 42 U.S.C. § 2000e-5; Fla. Stat. §760.11 (5) and other applicable law.
 8. Reasonable prevailing party attorneys' fees as provided under 42 U.S.C. § 2000e-5; Fla. Stat. §760.11 (5) and other applicable law;
- b. Against Defendant Fabiola Lajusticia for Interference in an Employment Contract in an amount to be proven at trial;
- c. Against Defendant Fabiola Lajusticia for Intentional Infliction of Emotional Distress in an amount to be proven at trial;
- d. Against Defendant Banco do Brasil Americas and Luiz Lessa, jointly and severally for unpaid wages as follows:

1. Owed back wages in an amount of \$2,219.36;
 2. Liquidated damages (double damages) as a monetary penalty against the employer for violating the federal labor laws pursuant to 29 U.S.C §216(b) in the amount of \$4,438.72;
 3. Prejudgment interest on the amount owed;
 4. Costs and reasonable attorney's fees pursuant to 29 U.S.C §216(b) and Fla. Stat §448.08;
- e. For reinstatement of Plaintiff to her position as Digital Channels Manager at Banco do Brazil Americas at a salary of no less than \$42,000 annually, and;
- f. Other and further relief as this Court may deem just and equitable.

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted this 30th day of January, 2016.

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Brent F. Sibley

Brent F. Sibley
Counsel for Plaintiff
20807 Biscayne Blvd., Suite 100
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Counsel for Defendant Fabiola Lajusticia

VERIFICATION (28 U.S.C. §1746)
AND CONSENT (29 U.S.C. §216)

I, Thiara B. Senra, declare as follows:

1. I am the Plaintiff in the present case, a citizen of the United States of America, and a resident of the State of Florida.

2. I have personal knowledge of myself, my activities, and my intentions, including those set out in the foregoing Verified Amended Complaint; and if called on to testify I would competently testify as to the matters stated herein.

3. I have personal knowledge of Luiz Lessa, Fabiola Lajusticia and Banco do Brasil Americas, their activities, and their intentions, including those set out in the foregoing Verified Amended Complaint, and if called on to testify I would competently testify as to the matters stated herein.

4. I verify under penalty of perjury under the laws of the United States of America and the State of Florida that the factual statements in this Verified Amended Complaint concerning myself, my activities, and my intentions are true and correct, as are the factual statements concerning Luiz Lessa, Fabiola Lajusticia and Banco do Brasil Americas, their activities, and their intentions.

5. I hereby consent to be a party plaintiff to the above captioned action.

Executed this ___ day of ____, 2017 at Aventura, Florida



Thiara B. Senra

EXHIBIT A

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>	Charge Presented To: _____ Agency(ies) Charge No(s): 510-2017-00331 <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC
Florida Commission On Human Relations and EEOC <small>State or local Agency, if any</small>	

Name <small>(indicate Mr., Ms., Mrs.)</small> Ms. Thiara B. Senra	Home Phone <small>(Incl. Area Code)</small> (407) 283-2203	Date of Birth 10-08-1988
Street Address 5825 Collins Ave., Apt 2-G, Miami Beach, FL 33140		City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name BANCO BRASIL AMERICAS	No. Employees, Members 15 - 100	Phone No. <small>(Include Area Code)</small>
Street Address 2 South Biscayne Boulevard, Miami, FL 33131		City, State and ZIP Code

DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER <small>(Specify)</small>	DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 2-1-2015 10-03-2016 <input type="checkbox"/> CONTINUING ACTION
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THE PARTICULARS ARE *(if additional paper is needed, attach extra sheet(s)).*

I am a Female. I was employed by the above named employer since February 2, 2015. Throughout my tenure, I remained an exemplary employee as I always made sure all my assignments and daily duties were completed within a timely manner. On or about December 2015, Luiz Lessa (Male) offered me a position to work for the Miami Headquarters and receive a promotion. Upon accepting the offer and beginning my employment within the Miami Office, I quickly noticed that Mr. Lessa would make unwelcome sexual innuendos and subtle advances. Although I informed him that his actions were unacceptable and unwelcome, Mr. Lessa continued to sexually harass me throughout my tenure. I further informed him that I would escalate my complaint to Ms. Maria Carolina Silveira (Human Resources) but Mr. Lessa intimidated me and pressured me into dropping my complaint. On or about May 2016, Mr. Lessa's wife, Ms. Fabiola Lajusticia began sending me threats via text messages regarding Mr. Lessa's flirtatious messages that were sent to me within one of his meetings. Ms. Lajusticia further threatened me that I would be losing my job even though the person making the sexually charged comments was made by her husband. On or about late May 2016, Mr. Lessa reassigned me to the Doral location. Prior to reassigning me, Mr. Lessa recorded me and informed me that I was being reassigned to another location.

Although I was transferred to the Doral location without having any valid reasons, I continued to work in a satisfactory manner. On or about September 2016, Ms. Lajusticia tried to run me off the road after the All Hands Meeting was completed. Shortly after this incident, I was terminated even though I received a positive evaluation and never received any disciplinary actions.

I believe I was discriminated against due to my sex (Female) and retaliated against for complaining against the toxic environment created by Mr. Lessa in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. <div style="text-align: center;"> Oct 26, 2016 <hr/> <small>Date</small> </div> <div style="text-align: center; margin-top: 10px;"> <hr/> <small>Charging Party Signature</small> </div>	NOTARY – <i>When necessary for State and Local Agency Requirements</i> I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i>
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EXHIBIT B

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Thiara B. Senra**
5825 Collins Ave.
Apt 2-G
Miami Beach, FL 33140

From: **Miami District Office**
Miami Tower, 100 S E 2nd Street
Suite 1500
Miami, FL 33131

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
510-2017-00331	FLORENCIO R. OCAMPO, Investigator	(305) 808-1760

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 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, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



MICHAEL J. FARRELL,
District Director

DEC 19 2016

(Date Mailed)

Enclosures(s)

cc: **BANCO DO BRASIL AMERICAS**
C/O Richard Tuschman
GOODZ & TUSCHMAN, PLLC
8551 W Sunrise Blvd. Ste. 303
Plantation FL. 33322

Brent Sibley, Esq.
SIBLEY LAW FIRM
2719 Hollywood Blvd.
Hollywood, FL 33020

EXHIBIT C



October 26, 2016

Banco do Brasil Americas
One Biscayne Tower
2 South Biscayne Boulevard, Suite 3870
Miami, FL 33131

Re: Thiara B. Senra
Wage Claim

Dear Banco do Brasil Americas:

Our firm has been retained to represent your former employee, Thiara B. Senra, who was discharged on October 3, 2016. Ms. Senra performed duties as Digital Channels Manager from January 6, 2016 to April 11, 2016 but was paid as a Customer Service Representative (“Retail CSC II”) during that period.

The annual salary for Customer Service Representative was \$30,000 and the salary for Digital Channels Manager was \$42,000 annually. Banco do Brasil Americas failed to pay Ms. Senra the agreed rate for work performed during the ninety-seven day period from January 6, 2015 to April 11, 2015.

Ms. Senra is owed unpaid wages for the period she worked as Digital Channels Manager but was paid as a Customer Service Representative. The unpaid wages is the difference in salary for the two positions for that period in the amount of \$2,219.36 computed as follows:

\$30,000 annual salary =	\$82.19 per day
\$42,000 annual salary =	\$115.07 per day
Per day difference	\$22.88
\$22.88 x 97 days =	<u>\$2,219.36</u> unpaid wages

Please remit to our office the amount of Ms. Senra’s unpaid wages in compliance with the Fair Labor Standards Act of 1938.

Thank you for your prompt attention to this matter.

Best Regards,

SIBLEY LAW

/s/Brent F. Sibley

Brent F. Sibley, Esq.