

UNITED STATES DISTRICT COURT MAGISTRATE JUDGE LEVIN  
NORTHERN DISTRICT OF ILLINOIS

DOCKETED  
AUG 20 2002

020 6172

In the Matter of  
U.S. Equal Employment Opportunity Commission,  
Plaintiff,

Case Number:

v.  
American Airlines, Inc.,  
Defendant.

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

U.S. Equal Employment Opportunity Commission, Plaintiff

FILED-EDA  
02 AUG 20 PM 4:03  
U.S. DISTRICT COURT

(A)		(B)	
SIGNATURE <i>Jordan Waldron</i>		SIGNATURE <i>[Signature]</i>	
NAME Goordon Waldron		NAME John C. Hendrickson	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
STREET ADDRESS 500 W. Madison St., Suite 2800		STREET ADDRESS 500 W. Madison St., Suite 2800	
CITY/STATE/ZIP Chicago, Illinois 60661		CITY/STATE/ZIP Chicago, Illinois 60661	
TELEPHONE NUMBER (312) 353-7525		TELEPHONE NUMBER (312) 353-8551	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 02920646		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
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MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

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*CAT 1*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

JUDGE JOHN W DARRA  
MAGISTRATE JUDGE LEV

**Civil Cover Sheet** **02C** **6172**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

**Plaintiff(s): U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**Defendant(s): AMERICAN AIRLINES, INC.**

County of Residence:

County of Residence:

Plaintiff's Atty: Gordon Waldron  
Equal Employment Opportunity  
Commission  
500 W. Madison St., Ste. 2800  
Chicago, Illinois 60661  
(312) 353-7525

Defendant's Atty: Cheryl Tama Oblander  
WINSTON & STRAWN  
35 W. Wacker Dr. Chicago,  
IL 60601-0703  
(312) 558-5797

**DOCKETED**  
**AUG 29 2002**

II. Basis of Jurisdiction: **1. U.S. Gov't Plaintiff**

III. Citizenship of Principal  
Parties (Diversity Cases Only)

Plaintiff: - N/A  
Defendant: - N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **442 Employment**

VI. Cause of Action: **Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000 et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to correct unlawful employment practices on the basis of religion.**

VII. Requested in Complaint

Class Action: **Yes**  
Dollar Demand:  
Jury Demand: **Yes**

VIII. This case IS NOT a refiling of a previously dismissed case.

Signature: Gordon Waldron

Date: 8/26/02

FILED-ED4  
02 AUG 28 PM 4:00  
CLERK  
U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MAGISTRATE JUDGE LEVIN

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

02C 6172

Plaintiff, )

Civ. Action No.

v. )

COMPLAINT

AMERICAN AIRLINES, INC., )

DOCKETED

JURY TRIAL DEMAND

AUG 29 2002

Defendant. )

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CLERK  
U.S. DISTRICT COURT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of religion and to provide appropriate relief to Rania Fneiche ("Fneiche"), and a class of applicants who were adversely affected by such practices. Plaintiff, Equal Employment Opportunity Commission ("EEOC"), alleges that American Airlines, Inc. ("Defendant") violated Title VII by maintaining a uniform policy which discriminated against Fneiche and a class of female Muslim applicants who sought a reasonable accommodation because of their religion, Islam, and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 102 of the Civil Rights Act of 1991,

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42 U.S.C. § 1981A.

2. The employment practices hereafter alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

### **PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission, is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Section 2000e-5(f)(1) and (3).

4. At all times relevant, Defendant, has continuously been a Delaware corporation doing business in the Northern District of Illinois and has continuously had at least fifteen employees.

5. At all times relevant, Defendant, has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than 30 days prior to the institution of this lawsuit, Rania Fneiche filed a charge of discrimination with the EEOC, alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least November 5, 1996, through about August, 1999, Defendant engaged in unlawful employment practices, in violation of Sections 701(j) and 703(a) of Title

VII, 42 U.S.C. Sections 2000e(j) and 2(a). Such unlawful employment practices have included (a) the denial of a reasonable accommodation to Fneiche's sincere religious practice, (b) failure to hire Fneiche because of her religion, Islam, and (c) failure to hire a class of female Muslim applicants who sought a reasonable accommodation because of their religion and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam.

8. The effect of the practices complained of above has been to deprive Fneiche and a class of female Muslim applicants, who sought a reasonable accommodation because of their religion and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam, of equal employment opportunities.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Fneiche and a class of female Muslim applicants, who sought a reasonable accommodation because of their religion and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with Defendant, from engaging in

any employment practice which discriminates because of religion against female Muslim applicants.

B. Order Defendant to institute and carry out policies, practices and programs which eradicate the effects of its past and present unlawful practices.

C. Order Defendant to make whole Fneiche and class of female Muslim applicants, who sought a reasonable accommodation because of their religion and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place hiring of members of the class.

D. Order Defendant to make whole Fneiche and a class of female Muslim applicants, who sought a reasonable accommodation because of their religion and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Fneiche and a class of female Muslim applicants, who sought a reasonable accommodation because of their religion and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam, by providing compensation for past and future non-pecuniary losses resulting from the

unlawful practices complained of in paragraph 7 above, including emotional pain, inconvenience, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Fneiche and a class of female Muslim applicants, who sought a reasonable accommodation because of their religion and were refused employment because they wore a Hijab (head scarf) as a tenet of their religion, Islam, punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest; and

H. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

GWENDOLYN YOUNG REAMS  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

1801 "L" Street, N.W.  
Washington, D.C. 20507



John C. Hendrickson  
Regional Attorney

Gordon Waldron  
Gordon Waldron  
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Chicago District Office  
500 West Madison Street  
Suite 2800  
Chicago, Illinois 60661  
(312) 353-7525