

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

JUDGE HART ✓

03C 636

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U.S. DISTRICT COURT

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

THE AMERICAN BOTTLING COMPANY,

Defendant.

No.

COMPLAINT

JURY DEMAND

MAGISTRATE JUDGE BOBRACK

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, 42 U.S.C. § 1981a, to correct unlawful employment practices based on race and to provide appropriate relief to John L. Steele ("Steele") and a class of African-American employees who were adversely affected by such practices. Defendant The American Bottling Company ("American Bottling Company" or "Defendant") discriminated against Steele and a class of African-American employees because of their race by maintaining a racially hostile and offensive work environment.

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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) and Section 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §2000e-6(e).

2. The employment practices alleged to be unlawful were 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 (the "Commission"), is the 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) and Section 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §2000e-6(e).

4. At all relevant times, Defendant has been continuously doing business in the City of Northlake, State of Illinois, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant has been 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. §§ 2000e-(b), (g), and (h).

## STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Steele filed a charge with the Commission alleging violations of Title VII by American Bottling Company. All conditions precedent to the institution of this lawsuit against the Defendant have been fulfilled.

7. Since at least 1999, Defendant engaged in unlawful employment practices at its Northlake, Illinois facility, in violation of Sections 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Such unlawful employment practices include, but are not limited to:

- A. Discriminating against Steele and other African-American employees because of their race by subjecting them to harassment of a racial nature and creating and maintaining an abusive and hostile work environment.
- B. Creating and maintaining a racially hostile work environment by, among other things, permitting employee restrooms and lockers at the Northlake facility to remain

covered with racially offensive graffiti and by refusing to take effective action to remove such graffiti and prevent its recurrence.

C. Discriminating against Steele by disciplining him because of his race.

8. From at least 1999 Defendant engaged in a pattern or practice of failing to remedy or correct the discrimination, racial harassment, and the hostile and offensive work environment referenced in Paragraph 7.

9. The effect of the aforementioned practices of Defendant has been to deprive Steele and a class of African-American employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

10. The unlawful employment practices complained of in Paragraphs 7 and 8 above were and are intentional.

11. The unlawful employment practices complained of in Paragraphs 7 and 8 above were and are done with malice or with reckless indifference to the federally protected rights of Steele and other African-American employees of the Defendant.

### **PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

A. grant a permanent injunction enjoining The American Bottling Company, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of race or which constitutes racial harassment;

B. order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities regardless of race and which eradicate the effects of its

unlawful employment practices;

C. order Defendant to make whole Steele and a class of African-American employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraphs 7 and 8 above, in amounts to be determined at trial;

D. order Defendant to make whole Steele and a class of African-American employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraphs 7 and 8 above, including emotional pain, suffering, and humiliation, in amounts to be determined at trial;

E. order Defendant to pay to Steele and a class of African-American employees punitive damages for its malicious and reckless conduct, as described in Paragraphs 7 and 8 above, in amounts to be determined at trial;

F. grant such further relief as the Court deems necessary and proper in the public interest; and

G. award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by the Complaint.

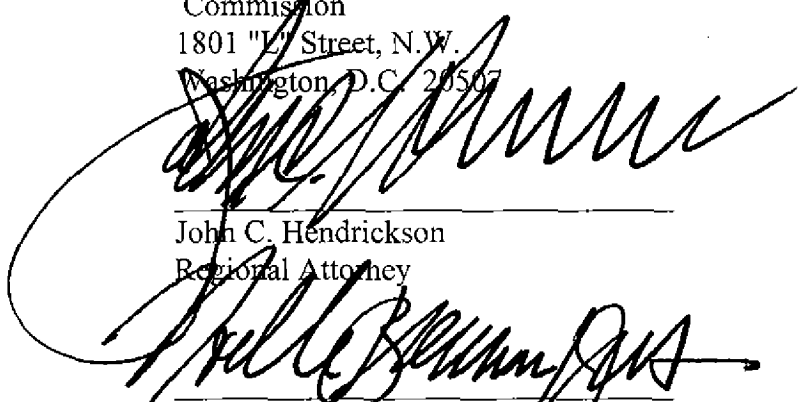
Respectfully submitted,

Eric S. Dreiband  
General Counsel

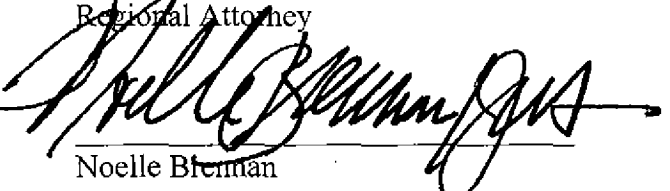
James Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel

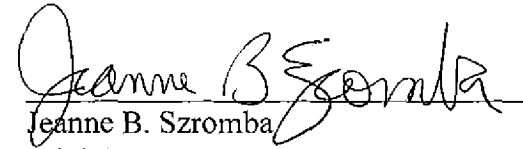
Equal Employment Opportunity  
Commission  
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Washington, D.C. 20507



John C. Hendrickson  
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Noelle Brennan  
Supervisory Trial Attorney



Jeanne B. Szromba  
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
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JUDGE HART UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

(M)

030 6365

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CLERK, U.S. DISTRICT COURT

MAGISTRATE JUDGE BOBRICK **Civil Cover Sheet**

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): THE AMERICAN BOTTLING COMPANY**

County of Residence:

County of Residence:

Plaintiff's Atty: Jeanne B. Szromba  
Equal Employment Opportunity Commission  
500 W. Madison, Suite 2800,  
Chicago, IL 60661  
312-353-7546

Defendant's Atty:

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CLERK U.S. DISTRICT COURT

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

III. Citizenship of Principal Parties (Diversity Cases Only)

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

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IV. Origin : 1. Original Proceeding

V. Nature of Suit: 442 Employment

VI. Cause of 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, 42 U.S.C. § 1981a, to correct the unlawful employment practices based on race.

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand: Yes

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

Signature:

Jeanne B Szromba

Date:

9/9/03

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS** JUDGE HART

In the Matter of

EASTERN DIVISION

MAGISTRATE JUDGE BOBKICA

Equal Employment Opportunity Commission  
v.

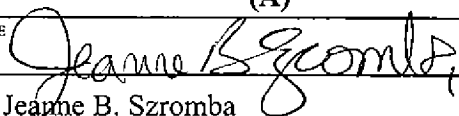
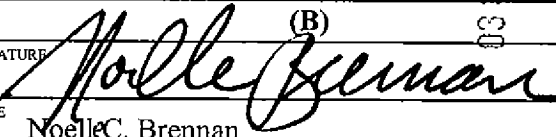
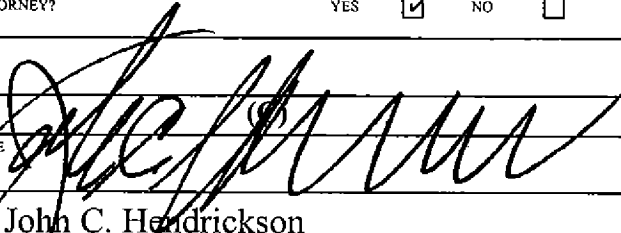
The American Bottling Company

Case Number:  
**030 6365**

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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CLERK  
U.S. DISTRICT COURT

<b>(A)</b>		<b>(B)</b>	
SIGNATURE 		SIGNATURE 	
NAME Jeanne B. Szromba		NAME Noelle C. Brennan	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS 500 W. Madison, Suite 2800	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661	
TELEPHONE NUMBER 312-353-7546	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-353-7582	FAX NUMBER 312-353-8555
E-MAIL ADDRESS jeanne.szromba@eoc.gov		E-MAIL ADDRESS noelle.brennan@eoc.gov	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06207846		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" 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"/>	
<b>(C)</b>		<b>(D)</b>	
SIGNATURE 		SIGNATURE	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP	
TELEPHONE NUMBER 312-353-8551	FAX NUMBER 312-353-8555	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS john.hendrickson@eoc.gov		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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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"/>	

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