

DOCKETED
AUG 13 2004

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

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)
)
)
 Plaintiff,)
)
)
 v.)
)
)
 BOB WATSON CHEVROLET,)
)
)
 Defendant.)

JUDGE ANDERSEN
CIVIL ACTION NO.
04C 5301

COMPLAINT
JURY TRIAL DEMAND

MAGISTRATE JUDGE NOLAN

FILED-EDA
AUG 12 PM 12:17
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, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Petrina Benford ("Benford"), Jane Donovan ("Donovan"), and Daniette Price ("Price"), former employees of Bob Watson Chevrolet. ("Defendant") and a class of women who were adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends that Defendant discriminated against Price, Donovan, and a class of women because of their sex by retaliating against them for asserting their Title VII rights all in violation of Title VII. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), also contends that Defendant discriminated against Benford and a class of women because of their sex by subjecting them to a pattern or practice of sexual harassment and by retaliating against them for asserting their Title VII rights

all in violation of Title VII.

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 of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and §2000e-6(e) , and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices 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 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 continuously been and is now doing business in the State of Illinois and the City of Harvey and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously 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 days prior to the institution of this lawsuit, Benford, Donovan,

and Price filed charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2001 Defendant has engaged in unlawful employment practices at its facility in Harvey, Illinois in violation of Sections 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and § 2000e-3(a). These practices include, but are not limited to, engaging in intentional discrimination against Benford and a class of women by subjecting them to sexual harassment, retaliating against Benford and a class of women for opposing the harassment, and retaliating against Donovan, Price, and a class of women for opposing the harassment and participating in a proceeding brought under Title VII all in continuing violation of Sections 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and § 2000e-3(a).

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Benford, Donovan, Price, and a class of women of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and/or in retaliation for opposing discrimination and/or participating in a proceeding brought under Title VII.

9. The unlawful employment practices complained of in paragraph seven (7) were and are intentional.

10. The unlawful employment practices complained of in paragraph seven (7) above were and are done with malice or with reckless indifference to the federally protected rights of Benford, Donovan, Price, and a class of women.

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 it, from engaging in any employment practice which discriminates on the basis of sex;

B. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating against any employee for opposing discrimination or participating in protected activity;

C. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Defendant to make whole Benford, Donovan, Price, and a class of women by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendant to make whole Benford, Donovan, Price, and a class of women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including, but not limited to, job search expenses;

F. Order Defendant to make whole Benford, Donovan, Price, and a class of women by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;

G. Order Defendant to pay Benford, Donovan, Price, and a class of women punitive damages for its malicious and/or reckless conduct described, in amounts to be determined at trial;

H. Order Defendant and its successors to provide training to its officers, managers and employees regarding sexual harassment and retaliation in the workplace;

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

J. 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,

ERIC S. DREIBAND
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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

Civil Cover Sheet

DOCKETED

AUG 13 2004

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): BOB WATSON CHEVROLET

County of Residence:

County of Residence:

Plaintiff's Atty: Richard J. Mrizek
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-886-9078

Defendant's Atty: Martin LaPointe
Burke Warren MacKay &
Serritella, P.C.
330 N. Wabash, 22nd Floor
Chicago, IL 60611-3607

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

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

04C 530 1

JUDGE ANDERSEN

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

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

MAGISTRATE JUDGE NOLAN

VI. Cause of Action: **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 on the basis of sex and retaliation.**

VII. Requested in Complaint

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

U.S. DISTRICT COURT
OF THE NORTHERN DISTRICT OF ILLINOIS
AUG 12 PM 12:17
FILED-ED-4

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

Signature: 

Date: **8/12/04**

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If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00

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

**DOCKETED
AUG 13 2004**

EASTERN DIVISION

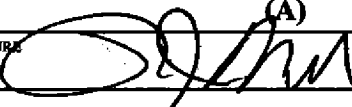
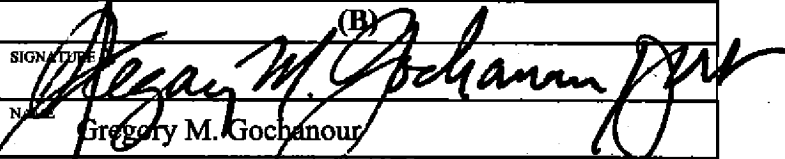
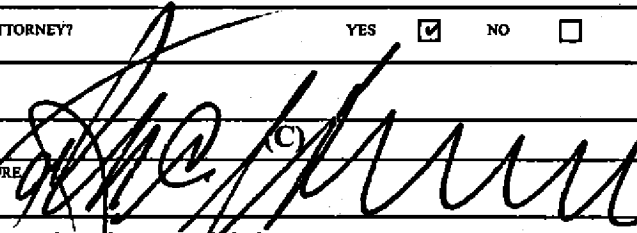
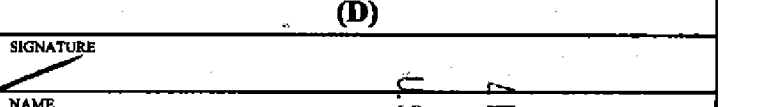
JUDGE ANDERSEN

In the Matter of

U.S. Equal Employment Opportunity Commission
v.
Bob Watson Chevrolet

Case Number **04C 530 1**

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR
MAGISTRATE JUDGE NOLAN
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SIGNATURE (A) 		SIGNATURE (B) 	
NAME Richard J. Mrizek		NAME Gregory M. Gochanour	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
STREET ADDRESS 500 West Madison, Suite 2800		STREET ADDRESS 500 West Madison, Suite 2800	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661	
TELEPHONE NUMBER 312-886-9078	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-886-9124	FAX NUMBER 312-353-8555
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06237730		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804	
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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"/>	
SIGNATURE (C) 		SIGNATURE (D) 	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
STREET ADDRESS 500 West 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		E-MAIL ADDRESS	
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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"/>	

U.S. DISTRICT COURT
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