

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

BURNS INTERNATIONAL SECURITY
SERVICES, d/b/a KANE SECURITY,

Defendant.

FILED-EDS
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SEP 18 AM 11:48
CLERK
U.S. DISTRICT COURT

Civil Action No.

Jury Trial Demand

DOCKETED
SEP 19 2000

JUDGE COAR

DOCKETED
SEP 20 2000

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

COMPLAINT

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 religion and to provide appropriate relief to Charging Party, Marquesha Martin ("Martin"), who was adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission ("EEOC"), alleges that Defendant, Burns International Security Services, doing business as Kane Security, violated Title VII by refusing to allow Martin, a Muslim, a reasonable accommodation and by terminating her employment, because she wore a hijab (head scarf) as a tenet of her religion.

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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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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 U.S. 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

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

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

Statement of Claims

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

7. Since at least March 31, 1999, Defendant has engaged in unlawful employment practices in violation of Sections 701(j) and 703(a) of Title VII, 42 U.S.C. §§ 2000e(j) and 2(a). Such unlawful employment practices have included:

- (a) the denial of reasonable accommodation to Martin's sincere religious practice of wearing a hijab (head scarf) as a tenet of her religion; and

(b) the termination of Martin, a Muslim, because she wore a hijab (head scarf) as a tenet of her religion.

8. The effect of the practices complained of above has been to deprive Martin of equal employment opportunities and otherwise adversely affect her status as an employee because of her religion.

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

10. The unlawful employment practices complained of in Paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Martin.

Prayer for Relief

WHEREFORE, the U.S. Equal Employment Opportunity Commission respectfully requests that the 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 with discriminates because of religion;
- 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 Martin 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;
- D. Order Defendant to make whole Martin 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;

- E. Order Defendant to make whole Martin by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of in Paragraphs 7 and 8 above, including emotional pain, inconvenience and humiliation, in amounts to be determined at trial;
- F. Order Defendant to pay Martin punitive damages for its malicious and reckless conduct described in Paragraphs 7 and 8 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 EEOC its costs in this action.

Jury Trial Demand

EEOC requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

C. Gregory Stewart
General Counsel

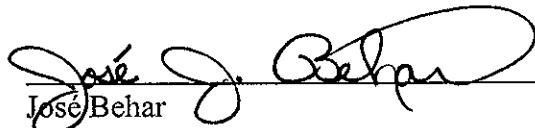
Gwendolyn Young Reams
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

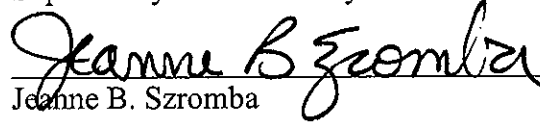
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José Behar
Supervisory Trial Attorney



Jeanne B. Szromba
Trial Attorney

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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.

000 5714

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

**Defendant(s): BURNS INTERNATIONAL
SECURITY SERVICES, d/b/a KANE
SECURITY**

DOCKETED
SEP 19 2000

DOCKETED
SEP 20 2000

County of Residence:

County of Residence:

Plaintiff's Atty: Jeanne Szromba
U.S. Equal Employment
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500 W. Madison, Suite 2800,
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312-353-7546

Defendant's Atty: William Raleigh
Raleigh & Cahill
200 W. Adams, Suite 2505,
Chicago, IL 60606
312-460-0600

JUDGE COAR
MAGISTRATE JUDGE
GERALDINE SOAT BROWN

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

III. Citizenship of Principle
Parties (Diversity Cases Only)

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

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CLERK
U.S. DISTRICT COURT

IV. Origin : 2. Removed From State Court

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. §2000E et seq. & Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981A to correct unlawful practices on the basis of religion.

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

VIII. This case is NOT a refiling of a previously dismissed case. (If yes case number ___ by Judge ___)

Signature: *Jeanne Szromba*

Date: 9/18/00

1-2

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

In the Matter of: **U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
BURNS INTERNATIONAL SECURITY SERVICES, d/b/a KANE SECURITY

Case Number:

000 57124

DOCKETED

DOCKETED

SEP 19 2000

JUDGE GOAR

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**MAGISTRATE JUDGE
GERALDINE SOAT BROWN**

(A)		(B)	
SIGNATURE <i>Jeanne B Szromba</i>		SIGNATURE <i>José J. Behar</i>	
NAME JEANNE B. SZROMBA		NAME JOSÉ J. BEHAR	
FIRM U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION		FIRM U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	
STREET ADDRESS 500 W. MADISON STREET, SUITE 2800		STREET ADDRESS 500 W. MADISON STREET, SUITE 2800	
CITY/STATE/ZIP CHICAGO, IL 60661		CITY/STATE/ZIP CHICAGO, IL 60661	
TELEPHONE NUMBER 312-353-7546	FAX NUMBER	TELEPHONE NUMBER 312-353-7722	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
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TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" 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"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
SIGNATURE <i>John C. Hendrickson</i>		(D)	
NAME JOHN C. HENDRICKSON		NAME	
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC# 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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