

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

FILED-ED4
09:16 AM 01 NOV 03
CLERK
U.S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

CATERPILLAR INC.,

Defendant.

DOCKETED

AUG 14 2003

CIVIL ACTION NO.

03C 5638

COMPLAINT
JURY TRIAL DEMAND

JUDGE PALLMEYER

MAGISTRATE JUDGE LEVIN

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 Karon Lambert ("Lambert"), a former employee of Caterpillar, Inc. ("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 Lambert 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) and Section 707(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-

1-1

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 Aurora 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, Lambert filed a charge 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 1999 Defendant has engaged in unlawful employment practices at its facility in Aurora, 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 Lambert and a class of women by subjecting them to sexual harassment and retaliating against Lambert and a class of women for opposing the harassment. These practices include, but are not limited to, Lambert and a class of women being sexually harassed by a male supervisor and terminating Lambert and a class of women 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. From at least 1999 Defendant has engaged in a pattern or practice of failing to correct the sexual harassment and retaliation referenced in paragraph seven (7) above.

9. The effect of the practices complained of in paragraphs seven (7) and eight (8) above has been to deprive Lambert and a class of women of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

10. The unlawful employment practices complained of in paragraphs seven (7) and eight (8) above were and are intentional.

11. The unlawful employment practices complained of in paragraphs seven (7) and eight (8) above were and are done with malice or with reckless indifference to the federally protected rights of Lambert 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 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 Lambert 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 Lambert 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 Lambert 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 Lambert 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.

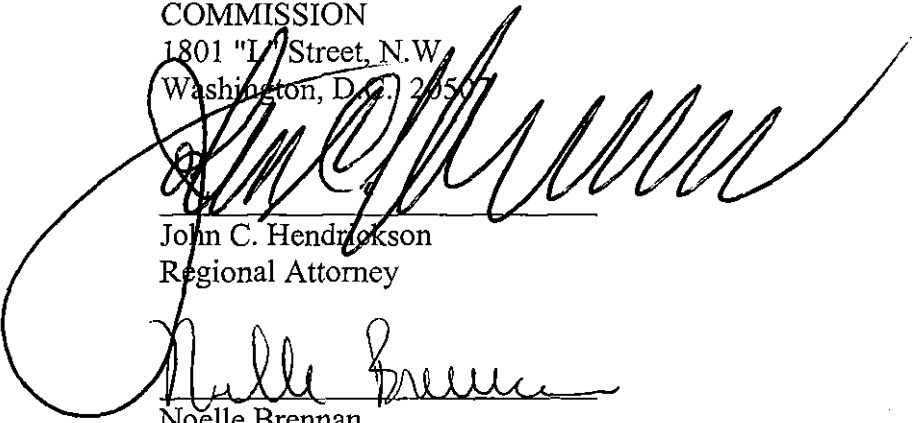
Respectfully submitted,

James Lee
Deputy General Counsel

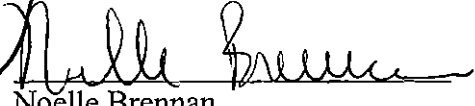
Gwendolyn Young Reams
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

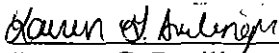
1801 "I" Street, N.W.
Washington, D.C. 20507



John C. Hendrickson
Regional Attorney



Noelle Brennan
Supervisory Trial Attorney



Lauren G. Dreilinger
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

500 West Madison Street, Suite 2800
Chicago, Illinois 60661
(312) 353-7303

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

1
FILED-ED4
08:16 AM 81 908 80
U.S. DISTRICT COURT
CLEAN
JM
DOCKETED
AUG 14 2003

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): EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Defendant(s): CATERPILLAR INC.

County of Residence:

County of Residence: Cook

Plaintiff's Atty: Lauren G. Dreilinger
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-353-7303

Defendant's Atty:

030 5636

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

JUDGE FALLMEYER

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

MAGISTRATE JUDGE LEVIN

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. § 2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42U.S.C. § 1981 a, to correct unlawful employment practices on the basis of sex and retaliation.

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

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

Signature: Lauren G. Dreilinger

Date: August 13, 2003

1-2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS** FILED-634

In the Matter of

EASTERN DIVISION

Equal Employment Opportunity Commission
Plaintiff,

v.
Caterpillar Inc.,
Defendant.

08:54 AM 8/13/03

CLERK
U.S. DISTRICT COURT
Case Number: 03-5636

DOCKETED

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

AUG 14 2003

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

030 5636

(A)		(B) DE PALMEYER	
SIGNATURE <i>Lauren G. Dreilinger</i>		SIGNATURE <i>Noelle C. Brennan</i>	
NAME Lauren G. Dreilinger		NAME Noelle C. Brennan GISTRATE JUDGE LEVIN	
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 312-353-7303	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-353-7582	FAX NUMBER 312-353-8555
E-MAIL ADDRESS lauren.dreilinger@eoc.gov		E-MAIL ADDRESS noelle.brennan@eoc.gov	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06274840		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"/>	
SIGNATURE <i>John C. Hendrickson</i>		(D) 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)	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input 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"/>	

13