

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

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 06 CV 2075
and)	
)	
DOMINGO RAMIREZ and)	
CUAUHTEMOC GUERRERO,)	JURY TRIAL DEMAND
)	
Intervenors,)	
)	
v.)	
)	
CEISEL MASONRY, INC.)	
)	
Defendant.)	
)	

INTERVENORS' COMPLAINT

For a cause of action against defendant Ceisel Masonry Inc. ("Defendant" or "Ccisel"), intervenors Domingo Ramirez and Cuauhtemoc Guerrero (the "Intervenors") allege as follows:

Nature of Action

1. The Intervenors seek to file its Intervenors' Complaint under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*, ("Title VII"), to assert individual claims to correct unlawful employment practices on the basis of national origin and to provide appropriate relief.

2. The Intervenors' Complaint, which asserts individual claims, arises out of the same facts and law as alleged by the Equal Employment Opportunity Commission ("EEOC") in this case.

Parties, Jurisdiction and Venue

3. Domingo Ramirez ("Ramirez") is a non-white Hispanic man currently residing in Berwyn, Illinois. From approximately 1996 to December 2003, Ramirez worked at Ceisel as a laborer. He is an employee for purposes of 42 U.S.C. § 2000e (f).

4. Cuauhtemoc Guerrero ("Guerrero") is a non-white Hispanic man currently residing in Lake Forest, Illinois. From approximately July 1995 through early February 2005, Guerrero worked at Ceisel, first as a laborer and then as a bricklayer. He is an employee for purposes of 42 U.S.C. § 2000e (f).

5. Defendant is an Illinois corporation with its principal place of business located in Northbrook, Illinois. Defendant operates a brick masonry business.

6. This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331, 1343 and 42 U.S.C. § 2000e-5 (f)(3) .

7. Pursuant to 28 U.S.C. § 1391, venue is proper in this district because Defendant resides in this district, and all wrongful acts and injuries occurred in this district.

General Allegations

8. Intervenors are non-white Hispanic former employees of Ceisel.

9. Intervenors have been exposed to the same type of unlawful employment practices on the basis of race/national origin during the same period by the same group of managers as that complained of by the EEOC.

10. Prior to filing this lawsuit Intervenor filed charges of discrimination with the EEOC alleging unlawful employment practices on the basis of race/national origin by Defendant.

11. Intervenor has administratively exhausted their claims at the EEOC.

12. Intervenor has sought out and retained as their counsel the Chicago Lawyers' Committee for Civil Rights Under Law, Inc., a non-profit, public interest law firm that specializes in class actions and employment discrimination cases and lawyers from Howrey LLP with extensive class action experience in order to assert their individual Title VII claims.

Substantive Allegations of Wrongful Conduct

13. At all relevant times, managers at Ceisel have engaged in an unremitting and unlawful pattern of employment practices on the basis of race/national origin of Intervenor that unreasonably interfered with their work environment.

14. The unlawful employment practices on the basis of race/national origin, which managers inflicted on Intervenor and/or on class members on a frequent and prolonged basis, were unwelcome and include but are not limited to:

- (a) managers regularly calling non-white Hispanic workers "wetbacks," "spics," and "fucking Mexicans," "border jumpers," "julios" and "chicos";
- (b) managers regularly making comments such as "all Mexicans are good for is cutting grass," and "go back to your own country";
- (c) managers making comments such as "I've been hunting and shooting cans --Mexicans, Africans, Puerto Ricans";
- (d) managers making comments such as "all you Mexicans are good for are your strong backs" and "you Mexicans are good for nothing";
- (e) managers making comments to Puerto Rican workers such as "damn Puerto Rican" and "damn pork chop";
- (f) managers making comments such as "you stupid Mexican—you are just like those fucking niggers";

- (g) managers making comments such as “niggers are lazy—you’re better than niggers, but you will always be Mexicans” and “you come to this country to use our welfare”;
- (h) managers taking steps to segregate and stigmatize non-white Hispanic workers, such as telling them to stay on the Mexican side of the work space and such as saying things like “watch what I do to this Mexican” and then splattering mortar in a Mexican worker’s face;
- (i) the owner of the company making comments such as “fucking Mexican” and “Mexicans don’t know how to do anything”; and
- (j) offensive graffiti, such as “spic” and “this is where Mexicans belong,” with an arrow pointing to the toilet.

15. Intervenors and/or other class members expressed to the managers perpetrating these unlawful employment practices on the basis of race/national origin that they were unwelcome and unwanted. In addition, the unlawful employment practices took place in the presence of Defendant’s high-level managers.

16. The managers committing the acts of unlawful employment practices on the basis of race/national origin, in fact, had and continue to have the power and authority to evaluate and discipline, and in some cases, to terminate employees.

17. In addition, these managers warned Intervenors that they had the power and authority to evaluate employees and to get them fired.

18. These managers have used their actual and apparent employment powers to coerce Intervenors to submit to unwanted unlawful employment practices on the basis of race/national origin that unreasonably interfered with their work environment.

19. At all relevant times, Defendant did not effectively provide or implement for all of its workers any policy prohibiting unlawful employment practices on the basis of race/national origin or any procedure for victims of unlawful employment practices to seek redress and relief.

It was not until Intervenor's filed discrimination charges at the EEOC that Defendant established any anti-harassment policy.

20. Despite the failure to provide or implement any effective policy or procedure prohibiting unlawful employment practices on the basis of race/national origin, Intervenor and/or other class members complained about the unlawful employment practices to managers and requested that it be stopped.

21. The unlawful employment practices on the basis of race/national origin and retaliation described in Intervenor's Complaint are of a continuing nature in that they have been ongoing for a period of years.

22. The unlawful employment practices on the basis of race/national origin and retaliation described in this Intervenor's Complaint damaged the Intervenor in that they have suffered unnecessary and extreme degradation, humiliation, emotional distress and embarrassment in the workplace.

23. The actions of Defendant in permitting, condoning and failing to correct the severe, frequent and prolonged unlawful employment practices on the basis of race/national origin by its managers constitute a malicious, intentional or reckless disregard of its known legal obligations.

CAUSE OF ACTION

(Violation of Title VII for harassment based on national origin)

24. Intervenor restates and incorporates paragraphs 1-23 of this Intervenor's Complaint as though fully stated herein.

25. Title VII prohibits unlawful employment practices on the basis of race/national origin and authorizes equitable relief and damages for such discrimination.

26. Defendant violated Title VII on account of its unlawful employment practices on the basis of race/national origin. The unlawful employment practices were ongoing, severe and pervasive, and unreasonably altered the terms of their employment.

27. The unlawful employment practices have: (1) caused Intervenors extreme humiliation and emotional distress and (2) deprived Intervenors of equal employment opportunities.

28. The above-described conduct of Defendant constitutes a violation of Title VII. Intervenors are entitled to equitable relief, compensatory and punitive damages in amounts sufficient to punish Defendant and to deter Defendant from continuing with unlawful employment practices on the basis of race/national origin.

29. Intervenors are entitled to injunctive relief to stop the Defendant's wrongful conduct.

WHEREFORE, intervenors Ramirez and Guerrero respectfully request 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 unlawful employment practices on the basis of race/national origin;
- (b) order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for its employees regardless of national origin, and which eradicate the effects of its unlawful employment practices;
- (c) order Defendant to compensate Domingo Ramirez and Cuahetemoc Guerrero for past and future non-pecuniary losses resulting from the unlawful employment practices, including emotional pain, suffering, loss of enjoyment of life, humiliation, and inconvenience in amounts to be determined at trial;
- (d) order Defendant to pay Domingo Ramirez and Cuahetemoc Guerrero punitive damages for its malicious and reckless conduct in amounts to be determined at trial.

- (e) prohibit Defendant from discriminating against any individual for engaging in protected activity under Title VII of the Civil Rights Act of 1964, or for opposing practices made unlawful by Title VII, or for participating in this lawsuit;
- (f) award Domingo Ramirez and Cuahetemoc Guerrero their reasonable attorneys' fees and costs; and
- (g) grant such further relief as this Court deems necessary and proper in the public interest.

JURY DEMAND

Intervenors demand trial by jury on all matters triable by a jury.

Dated: June 8, 2006

Respectfully submitted,



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