

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

FILED-ED4

APR 26 AM 9:17

CLERK
U.S. DISTRICT COURT

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

Plaintiff,)

v.)

CRABBY KIMS, INC.)

Defendant.)

Case No. **04C 2936**

JURY TRIAL DEMANDED

DOCKETED

JUDGE CASTILLO

APR 27 2004

NATURE OF THE ACTION MAGISTRATE JUDGE DORNICK

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 racial and national origin harassment and to provide appropriate relief to Tracey Crumble ("Crumble"), and to classes of Black and Hispanic employees who were adversely affected by such practices. The U.S. Equal Employment Opportunity Commission (the "EEOC" or "Commission"), alleges that Defendant, Crabby Kims, Inc. ("Defendant") discriminated against Crumble and classes of Black and Hispanic employees by subjecting them to racial and national origin harassment, in violation of Title VII. The Commission alleges further that Defendant discriminated against Crumble in that it subjected her to unequal terms and conditions of employment and terminated her employment, on account of her race (Black) in violation of Title VII.

1-1

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.

2. The unlawful acts alleged below were committed within the jurisdiction of the United States District Court for the Northern District of Illinois.

PARTIES

3. Plaintiff, EEOC, 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 corporation doing business in the State of Illinois, County of Cook, 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-5(b), (g) and (h).

STATEMENT OF CLAIMS

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

7. Pursuant to 42 U.S.C. § 2000e-5(f)(1), EEOC's representatives attempted to

eliminate the unlawful employment practices alleged below and to effect voluntary compliance with Title VII prior to institution of the lawsuit but EEOC was unable to secure a conciliation agreement acceptable to the Commission.

8. Since at least October 2000, Defendant has engaged in unlawful employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). These practices include, but are not limited to, subjecting Crumble to derogatory jokes and remarks about Blacks and Hispanics and subjecting her to different terms and conditions of employment than her non-Black co-workers, by attacking her work performance, demanding that she work extra shifts and come in on her days off and terminating her in violation of Title VII. These practices also include discriminating against classes of employees on the basis of their race and national origin by subjecting them to racial and national origin harassment in violation of Title VII.

9. The effect of the practices complained of above has been to deprive Crumble and classes of Black and Hispanic employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race and national origin.

10. The unlawful employment practices complained of in paragraphs 8 and 9 above were intentional.

11. The unlawful employment practices complained of in paragraphs 8 and 9 above were done with malice or with reckless indifference to the federally protected rights of Crumble and classes of Black and Hispanic employees.

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 Defendant, from engaging in any employment practices which discriminate on the basis of race and national origin;

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for its employees regardless of race and national origin and which eradicate the effects of its past and present unlawful practices;

C. Order Defendant to make whole Tracey Crumble 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 the unlawful employment practices;

D. Order Defendant to make whole Tracey Crumble by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 through 11 above, in amounts to be determined at trial;

E. Order Defendant to make whole Tracey Crumble and classes of Black and Hispanic employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 through 11, including emotional pain, humiliation, and inconvenience, in amounts to be determined at trial;

F. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraphs 8 through 11, 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 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,

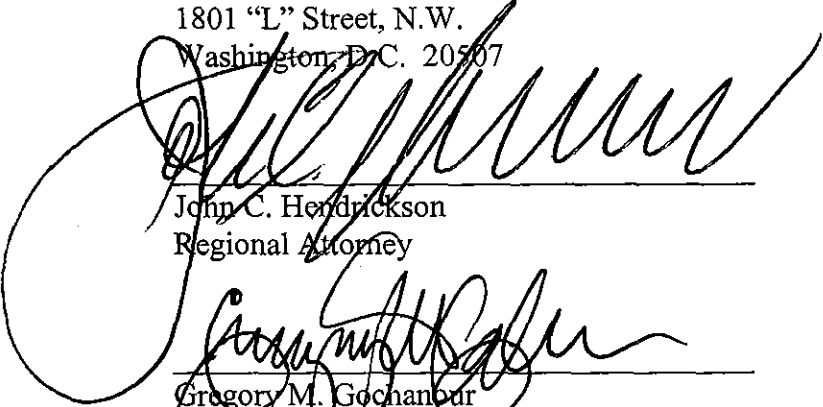
Eric S. Dreiband
General Counsel

James Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

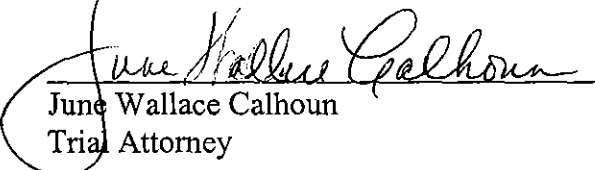
1801 "L" Street, N.W.
Washington, D.C. 20507



John C. Hendrickson
Regional Attorney



Gregory M. Gochanour
Supervisory Trial Attorney



June Wallace Calhoun
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

500 West Madison Street
Suite 2800
Chicago, Illinois 60661
312/353-7259

[Handwritten mark]

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

APR 27 2004

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): EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Defendant(s): CRABBY KIMS, INC.

County of Residence:

County of Residence:

Plaintiff's Atty: June Wallace Calhoun
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-353-7259

Defendant's Atty:

04C 2936

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

JUDGE CASTILLO

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

MAGISTRATE JUDGE BOBRICK

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, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of racial and national harassment.

VII. Requested in Complaint

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

FILED-ED4
APR 26 11 58 AM '04
DISTRICT COURT

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

Signature: *June Wallace Calhoun*

Date: 4/26/04

1-2

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

In the Matter of

U.S. Equal Employment Opportunity Commission,
Plaintiff,

v.

Crabby Kims, Inc.
Defendant.

DOCKETED

APR 27 2004

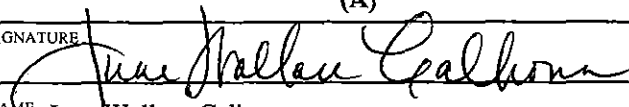
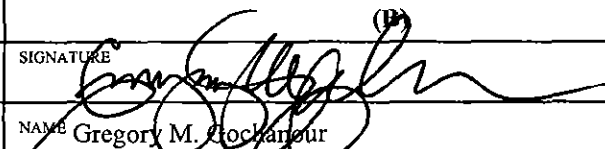
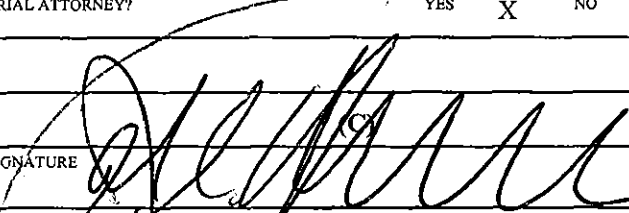
Case Number: **04C 2936**

JUDGE CASTILLO

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

Plaintiff, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

MAGISTRATE JUDGE BOHRICK

| | | | |
|---|--|--|--|
| (A) | | | |
| SIGNATURE  | SIGNATURE  | | |
| NAME June Wallace Calhoun | NAME Gregory M. Rochonour | | |
| FIRM Equal Employment Opportunity Commission | FIRM Equal Employment Opportunity Commission | | |
| STREET ADDRESS 500 W. Madison St., Suite 2800 | STREET ADDRESS ADDRESS 500 W. Madison St., Suite 2800 | | |
| CITY/STATE/ZIP Chicago, IL 60661 | CITY/STATE/ZIP Chicago, IL 60661 | | |
| TELEPHONE NUMBER 312-353-7259 | TELEPHONE NUMBER 312-886-9124 | | |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) USDC No. 06202058 | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804 | | |
| MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input 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"/> | | |
| (C) | | (D) | |
| SIGNATURE  | SIGNATURE | U.S. DISTRICT COURT CHICAGO, ILLINOIS APR 22 2004 FILED-ED4 | |
| NAME John C. Hendrickson | NAME | | |
| FIRM Equal Employment Opportunity Commission | FIRM | | |
| STREET ADDRESS 500 W. Madison St., Suite 2800 | STREET ADDRESS | | |
| CITY/STATE/ZIP Chicago, IL 60661 | CITY/STATE/ZIP | | |
| TELEPHONE NUMBER 312-353-8551 | TELEPHONE NUMBER | | |
| 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 checked="" type="checkbox"/> | | |