

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

JUDGE LEINENWART

MAGISTRATE JUDGE KEYS

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

CUSTOM COMPANIES, INC. and)
CUSTOM DISTRIBUTION NETWORK, INC.,)

Defendants.)

DOCKETED
MAY 28 2002

CIVIL ACTION NO.

02C 3768

COMPLAINT

JURY TRIAL DEMAND

FILED-EDS
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CLERK
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 to provide appropriate relief to Catherine Copello ("Copello") and to a class of female employees who were adversely affected by such practices and to provide appropriate relief to Copello for retaliation suffered for complaining of these unlawful practices. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission" or "EEOC"), contends Defendant, Custom Companies Inc. ("Custom Companies"), has engaged in a pattern or practice of discrimination against Copello and class of other female employees because of their sex, by subjecting them to a hostile and abusive work environment, maintaining a hyper-sexualized work environment, and by failing to take prompt remedial action intended to eliminate the harassment after the Defendant became aware of such behavior, in violation of Title VII. EEOC further contends that when Copello

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objected to such practices, Defendants Custom Companies, Inc. and Custom Distribution Network retaliated against her by demoting her, reducing her pay, terminating her, and failing to rehire her.

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 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and -6, 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Custom Companies, Inc. has continuously been and is now doing business in the State of Illinois and the city of Northlake and has continuously had at least fifteen (15) employees. Defendant Custom Distribution Network Inc. is an affiliate of Defendant Custom Companies which was doing business in the State of Illinois and the city of Northlake during the relevant period and had at least fifteen (15) employees.

5. At all relevant times, Defendants and each of them have continuously been

employers 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, Copello filed charges with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 1994, Defendant Custom Companies has engaged in a pattern or practice of unlawful employment practices, in violation of Section 703(a)(1) and Section 707 of Title VII, 42 U.S.C. § 2000e-2(a)(1) and -6. These practices include, but are not limited to, engaging in intentional discrimination against Copello and against a class of female employees by subjecting them to:

- a) pressure to “entertain” customers at so-called “gentlemen’s” clubs or “strip” clubs;
- b) company sponsored golf outings attended by female strippers;
- c) groping, sexual touching, requests for sex, graphic descriptions of sexual exploits;
- d) pornographic materials and videos displayed on computers;
- e) lewd sexual language, sexual propositions, and references to sex organs;
- f) and failing to take prompt remedial action intended to eliminate the harassment after Custom Companies became aware of the illegal behavior, all in continuing violation of Section 703(a) and Section 707 of Title VII, 42 U.S.C. § 2000e-2(a) and -6.

8. Defendants have engaged in retaliation against Copello after she complained of sexual harassment, by reducing her pay, demoting her, terminating her, and failing to rehire her.

9. The effect of the practices complained of in paragraphs seven (7) and eight (8)

above has been to deprive Copello, and a class of female employees of equal employment opportunities and otherwise adversely affect their status as an employee 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 Copello, and a class of female employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Custom Companies, 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 Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in retaliation for complaining about sex discrimination;

C. Order Defendants 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 Defendants to make whole Copello, and a class of female employees by providing compensation for past and future pecuniary losses, resulting from the unlawful employment practices described above and including backpay for Copello;

E. Order Defendants to make whole Copello, and a class of female employees by

providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;

F. Order Defendants to pay Copello, and a class of female employees punitive damages for its malicious and/or reckless conduct described, in amounts to be determined at trial;

G. Order Defendants and its successors to provide training to its officers, managers and employees regarding sexual harassment in the workplace;

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

I. 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.

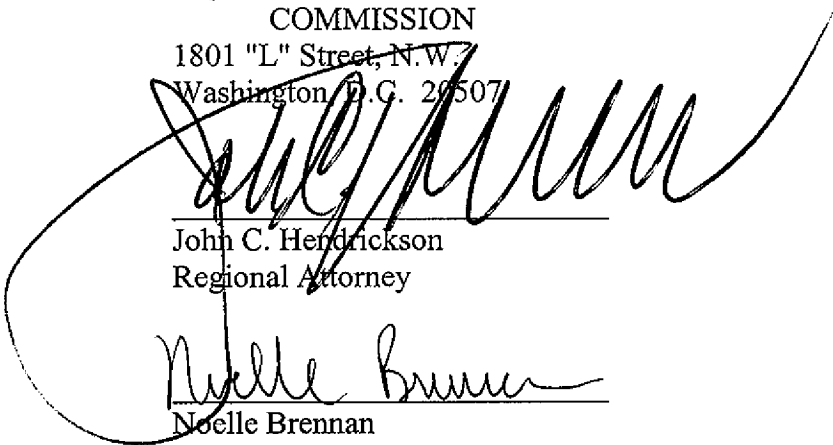
Respectfully submitted,

NICHOLAS M. INZEO
Acting Deputy General Counsel


GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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Noelle Brennan
Supervisory Trial Attorney

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CIVIL COVER SHEET

A2C 3768

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DEFENDANTS

CUSTOM COMPANIES, INC. and CUSTOM DISTRIBUTION NETWORK, INC.

JUDGE LEINENWEBER

MAGISTRATE JUDGE KEYS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed (IN U.S. PLAINTIFF CASES ONLY)

DOCKETED

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) Noelle C. Brennan (312) 353-7582 Equal Employment Opportunity Commission 500 W. Madison, Suite 2800 Chicago, Illinois 60661

MAY 28 2002

Attorneys (If Known) Diane E. Gianos (312) 558-4269 Foley & Lardner Three First National Plaza 70 W. Madison St., 41st Floor Chicago, Illinois 60602

Vertical stamp: U.S. DISTRICT COURT, CHICAGO, ILL. MAY 28 AM 9:33

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- X 1 U.S. Government Plaintiff
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
DEF
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 main categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Each category contains a list of specific legal claims with checkboxes.

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- X 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

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.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/28/02

Noelle Brennan

Handwritten number 1-2

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

JUDGE LEINENWEBER

Eastern Division

MAGISTRATE JUDGE KEYS

In the Matter of

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

v.
CUSTOM COMPANIES & CUSTOM DISTRIBUTION
NETWORK, INC.

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MAY 28 2002

Case Number

02C

3768

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(A)		(B)	
SIGNATURE <i>Noelle Brennan</i>		SIGNATURE <i>John C. Hendrickson</i>	
NAME Noelle C. Brennan		NAME John C. Hendrickson	
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) 353-7582		TELEPHONE NUMBER (312) 353-8551	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" 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	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
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 U.S. DISTRICT COURT

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