

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

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U.S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION)
)
Plaintiff,)
)
and)
)
CATHERINE COPELLO and)
ALLISON KENNEDY,)
)
Plaintiffs-Intervenors,)
)
v.)
)
CUSTOM COMPANIES, INC. and)
CUSTOM DISTRIBUTOR NETWORK, INC.)
)
Defendants.)

Civil Action No. 02 CV 3768

Judge Leinenweber

DOCKETED
AUG 21 2002

FILED

AUG 20 2002

Judge Harry D. Leinenweber
U. S. District Court

PLAINTIFFS-INTERVENORS' COMPLAINT

Plaintiffs-Intervenors Catherine Copello ("Mrs. Copello") and Allison Kennedy ("Mrs. Kennedy"), through their attorneys, Barlow, Kobata & Denis, complain against Defendants The Custom Companies, Inc. and Custom Distribution Network, Inc., as follows:

**COUNT I
VIOLATIONS OF TITLE VII
JURISDICTION AND VENUE**

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et. seq.*, as amended by the Civil Rights Act of 1991 ("Title VII").
2. This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1343, and 42 U.S.C. §2000e-5(f)(3).
3. Venue of this action properly lies in the Northern District of Illinois, Eastern

Division, pursuant to 42 U.S.C. §2000e-5(f)(3) and 28 U.S.C. §1391(b) insofar as Defendants have their principal place of business in this district. A substantial part of the alleged events giving rise to the claims occurred in this District.

PARTIES

4. Defendants were at all relevant times incorporated in Illinois with their principal place of business located at 317 West Lake Street, Northlake, Illinois.

5. At all relevant times, Defendants have continuously been and are employers in an industry affecting commerce within the meaning of Section 701 (b) and (h) of Title VII, 42 U.S.C. § 2000e-(b) and (h) and employ more than 15 persons.

6. Mrs. Copello is a female citizen of the United States and is domiciled and resides in the Northern District of Illinois.

7. Mrs. Copello was hired by Defendant Custom Companies, Inc. in October, 1994. She worked as a sales representative for Defendant until she was discharged on November 16, 1999.

8. Mrs. Kennedy is a female citizen of the United States and is domiciled and resides in the Northern District of Illinois.

9. Mrs. Kennedy was hired by Defendant Custom Companies, Inc. in approximately May 1998. She worked as a sales representative for Defendant until she was discharged in approximately November 1998.

EEOC ADMINISTRATIVE PROCEDURE

10. Mrs. Copello has fulfilled all conditions precedent to the institution of this lawsuit under Title VII. She filed a Charge of Discrimination with the Equal Employment Opportunity

Commission ("EEOC") on January 14, 1999, Charge No. 210991142, alleging that she and a class of other females had been subjected to sex discrimination, sex harassment, discriminatory terms and conditions of employment, unequal pay, and retaliation.

11. Mrs. Copello filed a First Amended Charge of Discrimination with the EEOC on November 22, 1999, against The Custom Companies alleging retaliation for having opposed unlawful employment practices involving sex discrimination and sex harassment and because she participated in EEOC proceedings and protested to the EEOC about the defendant's discriminatory practices.

12. Mrs. Copello filed a Second Amended Charge of Discrimination with the EEOC on April 26, 2000 against The Custom Companies and Custom Distribution Network on April 26, 2000, alleging sex discrimination and retaliation.

13. Mrs. Kennedy's claims involving sex discrimination including sexual harassment, discharge, and retaliation, arise out of similar discriminatory treatment in the same time frame as alleged in Mrs. Copello's charges of discrimination.

14. On May 28, 2002, the EEOC filed a Complaint against the defendants Custom Companies, Inc. and Custom Distribution Network, Inc. in Case NO. 02 CV 3768 based on the Charges of Discrimination Copello had previously filed with the EEOC.

STATEMENT OF CLAIMS

15. At all pertinent times Mrs. Copello and Mrs. Kennedy satisfactorily performed their job duties with Defendants.

16. During her employment Mrs. Copello was personally subjected to sexual harassment in the form of unwanted sexual advances, propositions for sex, comments and inquiries

about her sex life, and a discriminatory hostile working environment. The sexual harassment was sufficiently severe or pervasive as to affect her ability to perform her job.

17. Defendants' custom and practice was to maintain a sexually hostile and abusive work environment for Mrs. Copello and other female employees because of their sex and in violation of Title VII. Sexual harassment was systematic and part of Defendants' regular operating policy. Mrs. Copello, Mrs. Kennedy, and other females were subjected to sex-based insults, threats, sexually demeaning remarks, verbal and physical intimidation, lewd suggestions, and pornography including, but not limited to the following conduct, all of which was either reported to Defendants' management, done in the presence of Defendants' management and officers, or otherwise known to Defendants:

- a. unwelcome groping and touching of a sexual nature;
- b. verbal comments of a sexual nature by co-workers, managers, and officers;
- c. sexually degrading jokes by co-workers, managers and officers;
- d. sex objects left on the desk of female employees;
- e. foul and vulgar language derogatory of females and the female anatomy;
- f. using strippers at company sponsored events, including company dinners and golf outings to "entertain" customers, employees, managers, and officers of Defendants;
- g. allowing co-workers to flaunt pornographic and obscene materials, for example, brochures and literature about penis size, penis pumps, and sex toys;
- h. encouraging co-workers and managers to entertain customers and employees at strip clubs like the "Crazy Horse II";

- i. encouraging employees to read pornography during training sessions; and
- j. managers and officers conducting staff meetings while using and/or tolerating sexually derogatory and demeaning language about women, the female anatomy, and sexual practices.

18. During her employment, Mrs. Kennedy was personally subjected to multiple acts of sexual harassment and sex discrimination, including, for example,

- a. having her breasts and butt groped and grabbed by her supervisor and the Vice-President of sales Mike Maher;
- b. having a male employee put his hand up her skirt;
- c. vulgar language, including constant inquiries from male officers and managers about "did you fuck your boyfriend?," "how do you fuck your boyfriend?," "what positions did you use?," "were you on top?," "did you give him a blow job?," "who are you sleeping with?," "which way are you doing it?," "are you using your mouth or your butt?," and "did you get any last night?";
- d. vulgar language about females being "cunts";
- e. vulgar language by the male officers, managers, and co-employees about the size of their "penis," "instruments," and "dicks" and how much "head" the males received, who they were screwing, how they were having sex, and what positions they were using;
- f. having Maher, the Vice-President of Sales, tell her she should entertain her customers at the Crazy Horse, a strip club or "gentlemen's club;" that to get customers she should do whatever it took, including sleeping with customers, and

“giving head” to the customers, and that, if she let the customers grab her under the table, she might get more freight business, and that if the female sales representatives “put out” to the customers, the females would get more business.

19. Although Mrs. Kennedy told Maher, the Vice-President of Sales, not to grab or touch her and to keep his hands off of her, Maher laughed, ignored her requests, and continued to grab her. Although Mrs. Kennedy told Maher not to talk to her in a vulgar sexual way, two, or three times a week on the telephone he made vulgar sexual comments. During weekly sales meetings, the male sales representatives, Maher, and Perry Mandera, the Custom Companies President, made vulgar sexual comments and suggested how all the representatives should entertain their customers at the Crazy Horse “gentlemen’s club.” During those sales meetings, the sales representatives were instructed not to put Crazy Horse expenses on their corporate credit cards, and told to instead use company supplied vouchers or “funny money.”

20. Defendants have discriminated against Mrs. Copello and Mrs. Kennedy in their terms and conditions of employment and pay because of their female sex in violation of Title VII. They were subjected to severe or pervasive sexual harassment, which interfered with the terms and conditions of their employment. They were discriminatorily compensated less than their male co-workers, and deprived of job assignments and advancement due to their gender.

21. Because of their sex, male employees were given better compensation, pay, benefits, and “perks” than Plaintiffs. Because of their sex, male employees were given better benefits and assignments, including golf outings with customers, taking customers on trips to Las Vegas, and having house accounts assigned to them.

22. For example, Mrs. Copello was assigned a territory on account of her sex that was

less lucrative than her male co-workers. Also, Mrs. Copello's bonus plan was changed during her employment on account of her sex, which resulted in her male co-workers receiving substantial bonuses and her receiving none.

23. Mrs. Copello and Mrs. Kennedy complained to Defendant Custom Companies about being subjected to a sexually hostile and abusive work environment and alleged sex discrimination. Despite their complaints, Defendant failed to adequately investigate, remedy and correct the sex harassment and sex discrimination, and take prompt corrective action.

24. Plaintiffs opposed unlawful employment practices. Plaintiffs complained to Defendant Custom Companies about alleged sex discrimination. They complained to Defendant Custom Companies about alleged sexual harassment. In January 1999, The Custom Companies became aware that Mrs. Copello filed a charge of discrimination with the EEOC alleging sex discrimination.

25. Because Mrs. Copello opposed unlawful employment practices, complained to Defendant Custom Companies about alleged sex discrimination, complained to Custom Companies about alleged sexual harassment, and filed a Charge of Discrimination with the EEOC, Defendant Custom Companies retaliated against her in violation of Title VII and discharged her.

26. After Mrs. Copello filed a charge of discrimination with the EEOC regarding unlawful discrimination, opposed unlawful employment practices, and complained about unlawful sex discrimination, Defendant's President Perry Manderla told Mrs. Copello that she should withdraw her charge of discrimination or "things would get ugly," and "you'll never work in this business again."

27. The acts of retaliation by Defendant Custom Companies against Mrs. Copello

included discriminatory discipline, harassment, a reduction in her pay, discriminatory job assignments and discharge.

28. Mrs. Kennedy complained to the Custom Companies' managers and officers about being sexually harassed. Shortly after complaining, Mrs. Kennedy was fired. Mrs. Kennedy was retaliated against and terminated for complaining about sexual harassment in violation of Title VII.

29. Because Mrs. Kennedy complained about unlawful employment practices, sex harassment, and sex discrimination, Defendant Custom Companies retaliated against her in violation of Title VII and discharged her.

30. The discriminatory acts of Defendants, their agents and managers were deliberate, intentional, wanton, and malicious, and were done with malice or with reckless indifference to the civil rights of Mrs. Copello and Mrs. Kennedy and entitle Mrs. Copello and Mrs. Kennedy to compensatory and punitive damages. The acts complained of herein were ratified, authorized or permitted by Defendants and their management were unlawful and violated Title VII.

31. Because of Defendants' conduct, Mrs. Copello and Mrs. Kennedy suffered humiliation and tangible losses, including the denial of job opportunities, promotions and ultimately termination.

32. Because of Defendants' discriminatory customs and practices, Mrs. Copello and Mrs. Kennedy have suffered and continue to suffer substantial losses in earnings, benefits, and other terms and conditions of employment.

PRAYER FOR RELIEF

WHEREFORE, Mrs. Copello and Mrs. Kennedy, respectfully request that this Court enter judgment in their favor and request that:

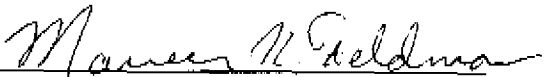
- A. The Court declare, decree, and adjudge that Defendants have violated Title VII;
- B. Grant an injunction against Defendants and their officers, agents, and managers from violating Title VII;
- C. Enjoin the Defendants and their officers, agents, and managers to comply with Title VII and refrain from discriminating because of sex and retaliating and interfering with their rights and protections under Title VII and awarding appropriate equitable relief;
- D. Enter appropriate injunctive relief awarding Plaintiffs the backpay, frontpay, wages, employment benefits, and other compensation that was denied or lost;
- E. Order the Defendants to pay Plaintiffs compensatory and punitive damages in an amount sufficient to punish Defendants for their past discrimination and to deter them from continuing with their discriminatory practices;
- F. Award Plaintiffs all pre-judgment interest to which they are entitled;
- G. Award Plaintiffs their reasonable attorney's fees and costs; and
- H. Award such other and further relief as is just and appropriate, including nominal damages.

JURY TRIAL

A jury trial is demanded on all counts which are triable by a jury.

Respectfully submitted,

Dated: August 14, 2002


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