

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
CATHERINE COPELLO,)
ALLISON KENNEDY,)
Plaintiff-Intervenors,)
)
v.)
)
CUSTOM COMPANIES, INC.)
CUSTOM EXECUTIVE GROUP, INC.)
CUSTOM DISTRIBUTION NETWORK, INC.,)
)
Defendants.)
_____)

DOCKETED
JUL 26 2004

No. 02 C 3768, No. 03 C 2293

Hon. Judge Leinenweber

FILED
JUL 23 2004

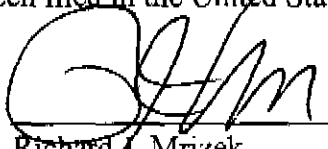
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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The attached EEOC'S SECOND AMENDED COMPLAINT IN NO. 02 C 3768 AND FIRST AMENDED COMPLAINT No. 03 C 2293 has been filed in the United States District Court for the Northern District of Illinois on July 23, 2004.

By: 
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Plaintiff,)
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CATHERINE COPELLO,)
ALLISON KENNEDY,)
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CUSTOM COMPANIES, INC.)
CUSTOM EXECUTIVE GROUP, INC., AND)
CDN LOGISTICS, INC)
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Defendants.)
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SECOND AMENDED COMPLAINT

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 the retaliation suffered for complaining of these unlawful practices. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission" or "EEOC"), contends Defendants, Custom Companies Inc. ("Custom Companies"), Custom Executive Group, Inc. ("Custom Executive Group"), and CDN Logistics, Inc., ("CDN") have engaged in a pattern or practice of discrimination against Copello

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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 objected to practices, Defendants Custom Companies, Inc. and CDN Logistics, Inc. 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 1991, 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 State of Illinois and the city of Northlake and has continuously had at least fifteen (15) employees. Defendant Custom Executive Group, Inc., has continuously been

and is now doing business in State of Illinois and the city of Northlake and has continuously had at least fifteen (15) employees. Defendant CDN Logistics, 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 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. § 2000c-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institutions 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, Defendants Custom Companies and Custom Executive Group, and CDN Logistics, as a single employer, have engaged in a pattern or practice of unlawful employment practices, in violation of Section 703(a)(1) and, Sections 706 and 707 of Title VII, 42 U.S.C. § 2000c-(a)(1) and 42 U.S.C. §§2000e-5, 2000e-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" the 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)(1) and, Sections 706 and 707 of Title VII, 42 U.S.C. § 2000e-(a)(1) and 42 U.S.C. §§2000e-5, 2000e-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 federally protected rights of Copello, and a class of female employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully that this Court:

A. Grant a permanent injunction enjoining Defendants Custom Companies, Custom Executive Group, and CDN Logistics, Inc., their officers, successors, assigns, and all persons in active concert or participation with them, 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 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.

Respectfully submitted,

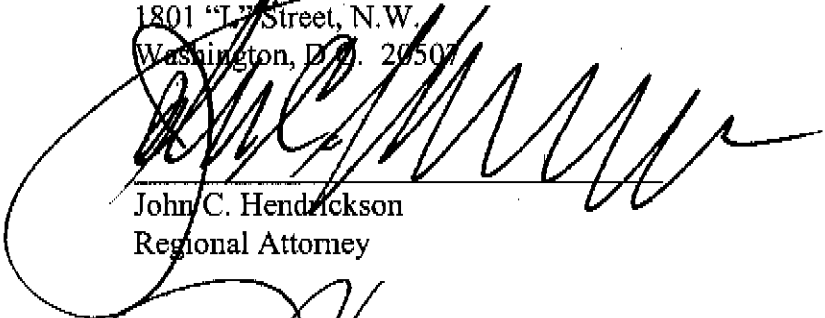
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