

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

FILED-ED4
MAR 28 AM 9:49

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

CARL BUDDIG & COMPANY)

Defendant.)

DOCKETED
MAR 29 2002

CLERK
U.S. DISTRICT COURT

CIVIL ACTION NO.

020 2240

JUDGE JOAN H. LEFKOW

COMPLAINT

JURY TRIAL DEMAND

MAGISTRATE JUDGE BOBRICK

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 race and sex and to provide appropriate relief to a class of African American applicants and a class of female applicants and employees who were adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends Defendant, Carl Buddig & Company ("Buddig"), has engaged in a pattern or practice of discrimination against a class of African American applicants for employment by failing or refusing to hire them because of their race. In addition, the Commission contends that Buddig utilizes hiring practices which have a disparate impact on African Americans. The Commission also contends that Buddig engaged in a pattern or practice of discrimination against a class of female employees and applicants because of their sex, by segregating them into job positions based upon sex and failing or refusing to hire females for certain job positions because of their sex.

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 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 2000e-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) and Section 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and 2000e-6.

4. At all relevant times, Defendant has continuously been and is now doing business in the State of Illinois and the cities of Chicago, South Holland and Homewood 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-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Commissioner Reginald E. Jones filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 1991, Defendant has engaged in a pattern or practice of unlawful employment practices at its facilities, in violation of Sections 703(a)(1) and (2), and Section 707 of Title VII, 42 U.S.C. § 2000e-2(a)(1) and (2), and 2000e-6. These practices include, but are not limited to:

(a) failing or refusing to hire African Americans, because of their race;

(b) segregating applicants and employees by sex and failing or refusing to hire females for certain job positions because of their sex;

The unlawful employment practices described in this paragraph seven (7) were engaged in by Defendant in continuing violation of Section 703(a) and Section 707 of Title VII, 42 U.S.C. § 2000e-2(a) and -6.

8. Since at least 1991, Defendant has utilized hiring practices that cause a disparate impact on the basis of race. These practices include, but are not limited to, hiring, almost exclusively, applicants who are referred by current employees. The unlawful employment practices described in this paragraph eight (8) were engaged in by Defendant in continuing violation of Section 703(k) of Title VII, 42 U.S.C. § 2000e-2(k).

9. The effect of the practices complained of in paragraph seven (7)(a) and eight (8) above has been to deprive a class of African American applicants of equal employment opportunities and otherwise adversely affect their status as applicants because of their race.

10. The effect of the practices complained of in paragraph seven (7)(b) above has been to deprive a class of female applicants and employees of equal employment opportunities and otherwise adversely affect their status as applicants and/or employees because of their sex.

11. The unlawful employment practices complained of in paragraph seven (7) above were and are intentional.

12. The unlawful employment practices complained of in paragraph seven (7) above were and are done with malice or with reckless indifference to the federally protected rights of a class of African American applicants and a class of female applicants and employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, Buddig, 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 race or sex;
- B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for African Americans and women, and which eradicate the effects of its past and present unlawful employment practices;
- C. Order Defendant to make whole a class of African American applicants and a class of female applicants and employees, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, rightful place hiring of a class of African American applicants and a class of female applicants.
- D. Order Defendant to make whole a class of African American applicants and a class of female applicants and employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above;
- E. Order Defendant to make whole a class of African American applicants and a class of female applicants and 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 Defendant to pay a class of African American applicants and a class of female applicants and employees punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial;

G. Order Defendant to provide training to its officers, managers and employees regarding equal employment opportunity 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.

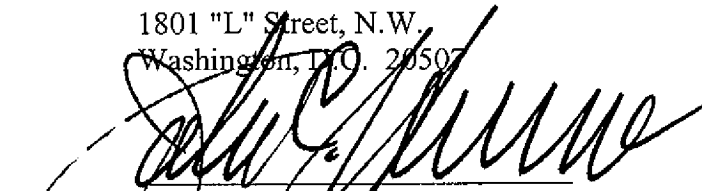
Respectfully submitted,

NICHOLAS M. INZEO
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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



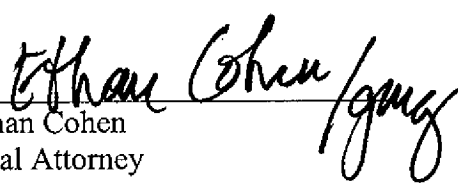
John C. Hendrickson
Regional Attorney



Gregory M. Godhanour
Supervisory Trial Attorney



John Knight
Trial Attorney



Ethan Cohen
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

500 West Madison Street, Suite 2800
Chicago, Illinois 60661
(312) 886-9124

Cat# 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

FILED-ED4
02 MAR 28 AM 9:49

CLERK
U.S. DISTRICT COURT

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): U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Defendant(s): CARL BUDDIG & COMPANY

County of Residence:

County of Residence:

Plaintiff's Atty: Gregory Gochanour
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-886-9124

Defendant's Atty: Harry Secaras
Neal, Gerber & Eisenberg
2 North LaSalle, Suite
2400, Chicago, IL 60602

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

02C 2240

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

DOCKETED
MAR 29 2002

JUDGE JOAN H. LEFKOW

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, race and sex discrimination.

VII. Requested in Complaint

Class Action: X yes
Dollar Demand:
Jury Demand: Yes

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

Signature:

Date:

[Handwritten Signature]
3/27/02

1-2

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

Eastern Division

In the Matter of

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

v.
CARL BUDDIG & COMPANY

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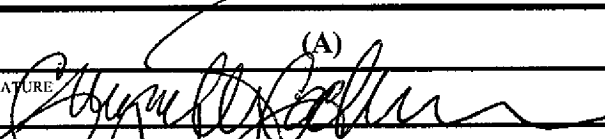
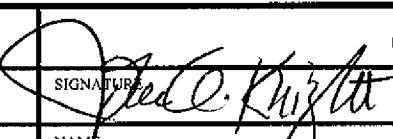
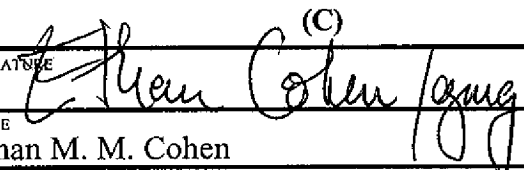
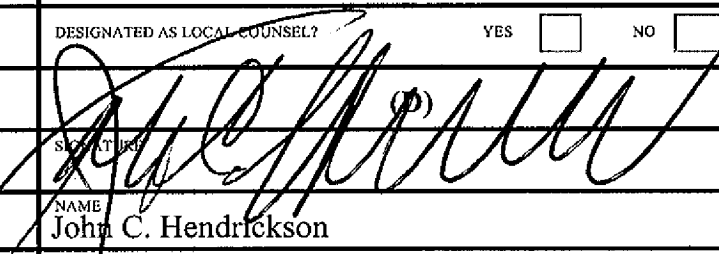
JUDGE JOAN H. LEFKOW

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

02C 2240

MAGISTRATE JUDGE BOBRICK

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Gregory Godcharov		NAME John A. Knight	
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) 886-9124		TELEPHONE NUMBER (312) 353-7726	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06201433	
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		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE 		SIGNATURE 	
NAME Ethan M. M. Cohen		NAME John C. Hendrickson	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
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TELEPHONE NUMBER (312) 353-7568		TELEPHONE NUMBER (312) 353-8551	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06206781		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589	
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	