

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

FILED-WD

2002 JUL 10 AM 11:01

CLERK
U. S. DISTRICT COURT

U.S. EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
COLONIAL ICE CREAM, INC.)
)
Defendant.)

Civil Action No. 02 C 50269

JURY TRIAL DEMAND

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 Shannon Ginnery and a class of female employees who were adversely affected by such practices. The U.S. Equal Employment Opportunity Commission alleges that the defendant, Colonial Ice Cream, Inc., discriminated against Ms. Ginnery and a class of female employees on the basis of their sex by permitting sexual harassment of them by their co-workers and by constructively discharging Ms. Ginnery, practices made unlawful under Title VII.

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.

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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, the U.S. Equal Employment Opportunity Commission (the "Commission" or 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 Colonial Ice Cream, Inc., has continuously been a corporation doing business in the State of Illinois, County of McHenry, 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, Shannon Ginnery filed charges 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 September 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, harassing Ms. Ginnery and a class of female employees on the basis of their gender and permitting their complaints about harassment to go unaddressed and constructively discharging Shannon Ginnery by creating intolerable working conditions as a result of the sexual harassment.

9. The effect of the practices complained of above has been to deprive Shannon Ginnery and a class of similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

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

10. 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 Shannon Ginnery and a class of female 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 sex;

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

C. Order defendant to make whole Shannon Ginnery 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 Shannon Ginnery and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 and 9 above, in amounts to be determined at trial;

E. Order defendant to make whole Shannon Ginnery and a class of female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 and 9 above, 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 and 9 above, 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

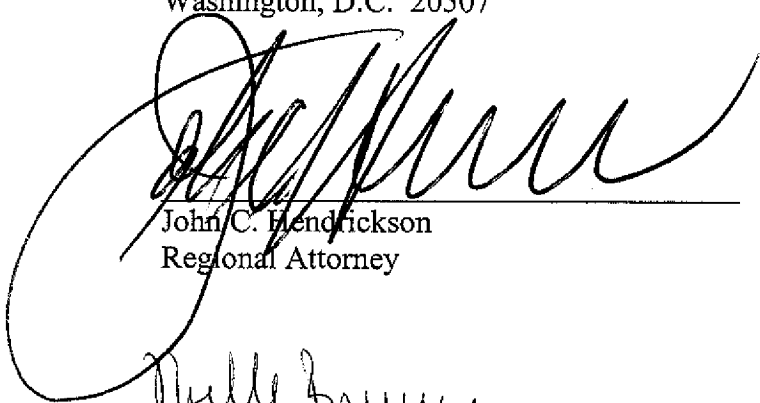
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,


Nicholas M. Inzeo
Acting Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel


EQUAL EMPLOYMENT OPPORTUNITY
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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Civil Cover Sheet

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): COLONIAL ICE CREAM, INC.

County of Residence:

County of Residence:

02050269

Plaintiff's Atty: Deborah L. Hamilton
Equal Employment Opportunity
Commisison
500 W. Madison, Suite 2800,
Chicago, IL 60661
312-353-7649

Defendant's Atty: Amy J. Pena
Wessels & Pautsch, P.C.
Dunham Center, 2035
Foxfield Dr., St. Charles, IL
60174

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

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

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. § 2000 et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct the unlawful employment practices on the basis of sex.

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

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

Signature: Debrah L. Hamilton

Date: 07/09/02

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JUL 10 2002

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS FILED-WD**

Western Division

In the Matter of

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U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION Plaintiff,
v.
COLONIAL ICE CREAM, INC. Defendant.

CLERK
U. S. DISTRICT COURT
Case Number: **02050269**

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(A)	(B)
SIGNATURE <i>Deborah L. Hamilton</i>	SIGNATURE <i>Noelle C. Brennan</i>
NAME Deborah L. Hamilton	NAME Noelle C. Brennan
FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission
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CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06269891	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" 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"/>
SIGNATURE <i>John C. Hendrickson</i>	SIGNATURE
NAME John C. Hendrickson	NAME
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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"/>
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