

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

JUDGE ALESIA

MAGISTRATE JUDGE  
GERALDINE SOAT BROWN

U.S. EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

FAIRCHILD PRINTING SERVICE, INC.,

Defendant.

00C 5488

Civil Action No.

Jury Trial Demand

DOCKETED  
SEP 07 2000

FILED-EDS

00 SEP -6 PM 3: 04

CLERK  
U.S. DISTRICT COURT

COMPLAINT

NATURE OF THE ACTION

This is an action brought 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 retaliation and to make whole Kenneth Brown ("Brown") who has been aggrieved by Defendant's unlawful employment practices. Defendant, Fairchild Printing Service, Inc., terminated Brown from his position as janitor in retaliation for his having complained of discrimination.

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) 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.

2. The employment practices hereafter alleged to be unlawful were and are now being committed within the jurisdiction of the Northern District of Illinois, Eastern Division.

1-1

## PARTIES

3. Plaintiff, U.S. Equal Employment Opportunity Commission (“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 Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, Defendant has continuously been and is now an Illinois corporation doing business in Bensenville, Illinois within the Northern District of Illinois and has continuously had and does now have at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been and is now 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 (30) days prior to the institution of this lawsuit, Kenneth Brown filed a Charge of Discrimination with the EEOC, alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least December 1998, Defendant has engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). These practices include, but are not limited to, terminating Brown’s employment in retaliation for his having complained of harassment and discrimination.

8. The effect of the practices complained of above has been to deprive Brown of employment in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).

9. The unlawful employment practices complained of above in Paragraphs 7 and 8 were and are intentional.

10. The unlawful employment practices complained of above in Paragraphs 7 and 8 were and are done with malice and/or reckless indifference to Brown's federally protected rights.

**PRAYER FOR RELIEF**

**WHEREFORE**, the U.S. Equal Employment Opportunity Commission prays that this Court:

A. Grant a permanent injunction enjoining Defendant, Fairchild Printing Service, Inc., its officers, successors, assigns and all persons in active concert or participation with it from engaging in any employment practice which constitutes retaliation for activity protected by Title VII;

B. Order Defendant to institute and carry out policies, practices and programs which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make whole Kenneth Brown by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including reinstatement of Kenneth Brown;

D. Order Defendant to make whole Kenneth Brown by providing compensation for past and future pecuniary losses resulting from the unlawful practices, including, but not limited to, job search expenses and relocation expenses;

E. Order Defendant to make whole Kenneth Brown by providing compensation for non-pecuniary losses, including, but not limited to, emotional pain, suffering, loss of enjoyment of life and humiliation;

F. Order Defendant to pay Kenneth Brown punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper; and

H. Grant the EEOC its costs in this action.

**JURY TRIAL DEMAND**

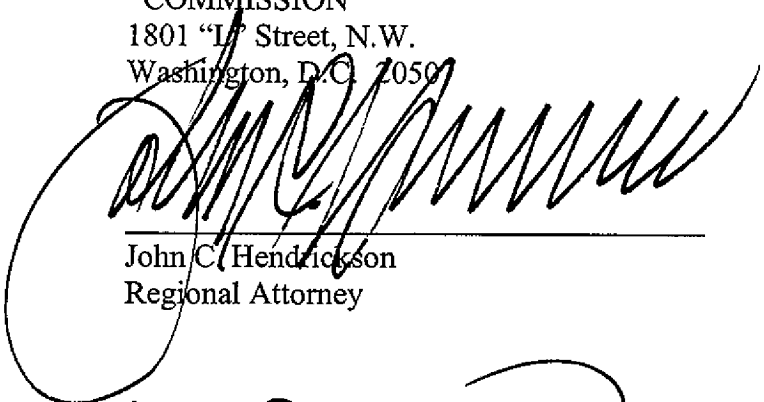
EEOC requests a jury trial on all issues of fact raised by its Complaint.

Respectfully submitted,

C. Gregory Stewart  
General Counsel

Gwendolyn Young Reams  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 "L" Street, N.W.  
Washington, D.C. 20500



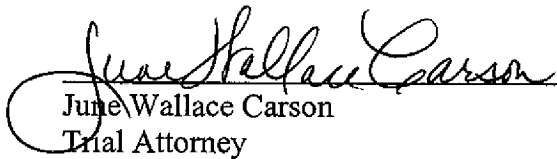
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John C. Hendrickson  
Regional Attorney



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José J. Behar  
Supervisory Trial Attorney



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June Wallace Carson  
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Chicago District Office  
500 West Madison Street  
Suite 2800  
Chicago, Illinois 60661  
312/353-7259

# CIVIL COVER SHEET

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

Fairchild Printing Service, Inc.

JUDGE ALESIA

**DOCKETED**  
SEP 07 2000

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

MAGISTRATE JUDGE  
GERALDINE SOAT BROWN

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

Cook

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

June Wallace Carson (312) 353-7259  
Equal Employment Opportunity Commission  
500 W. Madison Street - Suite 2800  
Chicago, IL 60661

ATTORNEYS (IF KNOWN)

**00C 5488**

FILED-ED06  
SEP -6 PM 3:03  
CLERK  
DISTRICT COURT

### II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- 1. U.S. Government Plaintiff
- 2. U.S. Government Defendant
- 3. Federal Question (U.S. Government not a party)
- 4. Diversity (Indicate Citizenship of Parties in item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                                |                                |   |                                |   |
|---|--------------------------------|--------------------------------|---|--------------------------------|---|
| Citizen of this State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5                |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6                |

### IV. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1. Original Proceeding
- 2. Remanded from Appellate 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

### V. NATURE OF SUIT

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES   |
|---|--|--|--|--|
| <input type="checkbox"/> 110 Insurance  | <input type="checkbox"/> 310 Airplane                        | <input type="checkbox"/> 810 Agriculture                                 | <input type="checkbox"/> 422 Appeal 28 USC 158                   | <input type="checkbox"/> 400 State Reapportionment                                     |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 315 Airplane Product Liability      | <input type="checkbox"/> 820 Food & Drug                                 | <input type="checkbox"/> 423 Withdrawal 28 USC 157               | <input type="checkbox"/> 410 Antitrust   |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 320 Assault, Libel & Slander        | <input type="checkbox"/> 825 Drug Related Seizure of Property 21 USC 861 | <b>PROPERTY RIGHTS</b>   |  |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 330 Federal Employer's Liability    | <input type="checkbox"/> 830 Liquor laws                                 | <input type="checkbox"/> 820 Copyrights                          | <input type="checkbox"/> 430 Banks and Banking   |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 340 Marine                          | <input type="checkbox"/> 840 R.R. & Truck                                | <input type="checkbox"/> 830 Patent                              | <input type="checkbox"/> 450 Commerce/ICC Rates/etc.                                   |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 345 Marine Product Liability        | <input type="checkbox"/> 850 Airline Regs.                               | <input type="checkbox"/> 840 Trademark                           | <input type="checkbox"/> 460 Deportation   |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle                   | <input type="checkbox"/> 860 Occupational Safety/Health                  | <b>SOCIAL SECURITY</b>   |  |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits         | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 890 Other                                       | <input type="checkbox"/> 881 HIA (1395ff)                        | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            |
| <input type="checkbox"/> 160 Stockholders Suits                                   | <input type="checkbox"/> 360 Other Personal Injury           | <b>LABOR</b>   |  | <input type="checkbox"/> 510 Selective Service   |
| <input type="checkbox"/> 180 Other Contract                                       | <input type="checkbox"/> 370 Other fraud                     | <input type="checkbox"/> 710 Fair Labor Standards Act                    | <input type="checkbox"/> 882 Black Lung (923)                    | <input type="checkbox"/> 550 Securities/Commodities/Exchange                           |
| <input type="checkbox"/> 195 Contract Product Liability                           | <input type="checkbox"/> 371 Truth in Lending                | <input type="checkbox"/> 720 Labor/Mgmt. Relations                       | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                  | <input type="checkbox"/> 875 Customer Challenge  |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>  | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act      | <input type="checkbox"/> 864 SSID Title XVI                      | <input type="checkbox"/> 891 Agricultural Acts   |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                          | <input type="checkbox"/> 740 Railway Labor Act                           | <input type="checkbox"/> 865 RSI (405(g))                        | <input type="checkbox"/> 892 Economic Stabilization Act                                |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Jobs                            | <input type="checkbox"/> 790 Other Labor Litigation                      | <b>FEDERAL TAX SUITS</b>   |  |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing/Accommodations          | <input type="checkbox"/> 791 Employee Rel. Inc. Security Act             | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 893 Environmental Matters                                     |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 444 Welfare                         |  | <input type="checkbox"/> 871 IRS - Third Party                   | <input type="checkbox"/> 894 Energy Allocation Act                                     |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input type="checkbox"/> 440 Other Civil Rights              |  | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 895 Freedom of Information Act                                |
| <input type="checkbox"/> 280 All Other Real Property                              |  |  | <input type="checkbox"/> 871 IRS - Third Party                   | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
|   |  |  | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |
|   |  |  | <input type="checkbox"/> 871 IRS - Third Party                   | <input type="checkbox"/> 890 Other Statutory Actions                                   |

### VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et. seq.

### 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:  YES  NO

### VIII. RELATED CASE(S)

(See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

09/06/00

June Wallace Carson

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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

In the Matter of

**JUDGE ALESIA**

U.S. Equal Employment Opportunity Commission,  
Plaintiff,

**DOCKETED**

MAGISTRATE JUDGE  
GERALDINE SOAT BROWN

v.

**SEP 07 2000**

Case Number:

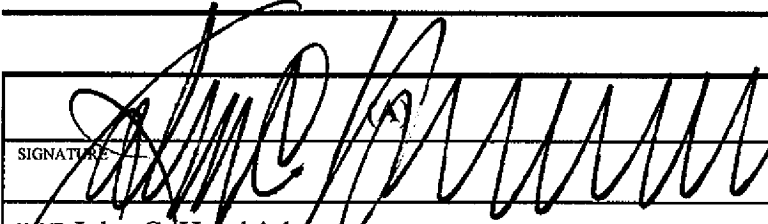
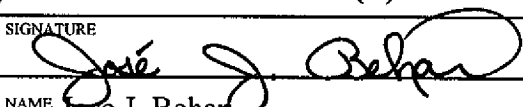
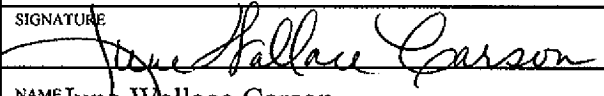
**000 5488**

Fairchild Printing Service, Inc.

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

U.S. Equal Employment Opportunity Commission, Plaintiff

FILED-ED:  
00 SEP -6 PM 3: 03  
CLERK  
U.S. DISTRICT COURT

|  |   |  |   |
|--|---|--|---|
| <b>(B)</b>   |   | <b>(B)</b>   |   |
| SIGNATURE    |   | SIGNATURE  |   |
| NAME John C. Hendrickson   |   | NAME Jose J. Behar   |   |
| FIRM Equal Employment Opportunity Commission   |   | FIRM Equal Employment Opportunity Commission   |   |
| STREET ADDRESS 500 W. Madison St., Suite 2800  |   | STREET ADDRESS 500 W. Madison St., Suite 2800  |   |
| CITY/STATE/ZIP Chicago, IL 60661   |   | CITY/STATE/ZIP Chicago, IL 60661   |   |
| TELEPHONE NUMBER (312) 353-8551  |   | TELEPHONE NUMBER (312) 353-7722  |   |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589                              |   | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06203727                              |   |
| MEMBER OF TRIAL BAR?   | YES <input checked="" type="checkbox"/> NO <input 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"/>            | DESIGNATED AS LOCAL COUNSEL?   | YES <input type="checkbox"/> NO <input type="checkbox"/>            |
| <b>(C)</b>   |   | <b>(D)</b>   |   |
| SIGNATURE  |   | SIGNATURE  |   |
| NAME June Wallace Carson   |   | NAME   |   |
| FIRM Equal Employment Opportunity Commission   |   | FIRM   |   |
| STREET ADDRESS 500 W. Madison St., Suite 2800  |   | STREET ADDRESS   |   |
| CITY/STATE/ZIP Chicago, IL 60661   |   | CITY/STATE/ZIP   |   |
| TELEPHONE NUMBER (312) 353-7259  |   | TELEPHONE NUMBER   |   |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 6202058                               |   | 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"/>            |
| DESIGNATED AS LOCAL COUNSEL?   | YES <input type="checkbox"/> NO <input type="checkbox"/>            | DESIGNATED AS LOCAL COUNSEL?   | YES <input type="checkbox"/> NO <input type="checkbox"/>            |

1-3