

**ROCKETED**

**SEP 10 2003**

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

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**v.**

**FIFTH THIRD BANK,**

**Defendant.**

JUDGE KENNELLY

**03C 63 64**

**CIVIL ACTION NO.**

**Jury Trial Demanded**

**MAGISTRATE JUDGE MASON**

FILED-EDS

03 SEP 10 AM 8:41

CLERK  
U.S. DISTRICT COURT

**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 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Carrie Collander and a class of females who were adversely affected by such practices. Plaintiff, Equal Employment Opportunity Commission ("EEOC") alleges that Fifth Third Bank subjected Carrie Collander to sexual harassment because of her sex, female. The EEOC also alleges that Fifth Third Bank subjected a class of women to sexual harassment and different terms and conditions of employment because of their sex (female), which resulted on the constructive discharge of some of the female employees.

**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

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Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 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 United States District Court for the Northern District of Illinois, Eastern Division.

### **PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission, is an 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. Section 2000e-5(f)(1) and (3).

4. At all times relevant, Defendant Fifth Third Bank, registered in the state of Illinois, has continuously been doing business in the Northern District of Illinois and has continuously had at least fifteen employees.

5. At all times relevant, Fifth Third Bank, 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. Sections 2000e(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Carrie Collander filed a charge with the Commission alleging violations of Title VII by Fifth Third Bank. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January, 2001, Defendant Fifth Third Bank has engaged in unlawful employment practices at its Fox River Business Development Group, including but not limited to locations at Elmhurst, Aurora and Wheaton, Illinois, in violation of Sections 701(k) and 703(a) of Title VII, 42 U.S.C. Sections 2000e(k) and 2(a). Such unlawful employment practices have included: 1) subjecting Carrie Collander and a class of female employees to harassment and a hostile work environment because of their sex, 2) subjecting a class of female employees to different terms and conditions of employment and harassment based on their gender, and 3) constructively discharging a class of females based on their sex.

8. The effect of the practices complained of above has been to deprive Collander, and a class of female employees adversely affected by the discriminatory conduct, of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

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

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Collander and a class of women employees because of their sex (female).

**PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Fifth Third Bank, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates because of sex.

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

C. Order Defendant to make whole Collander and the affected class 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 its unlawful employment practices.

D. Order Defendant to make whole Collander and the affected class, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, including medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Collander and the affected class by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including emotional pain, inconvenience, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Collander and the affected class punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8 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,

Eric S. Dreiband  
General Counsel

James Lee  
Deputy General Counsel

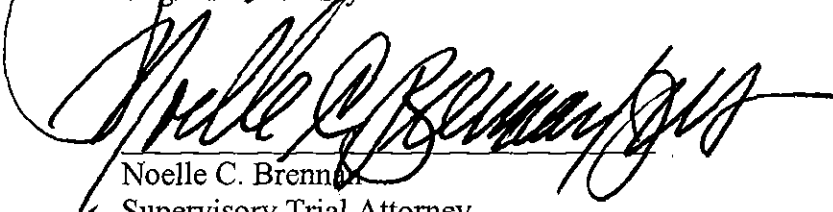
Gwendolyn Young Reams  
Associate General Counsel

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COMMISSION


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COMMISSION

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*CPT 1*

JUDGE KENNELLY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
MAGISTRATE JUDGE MASON

**Civil Cover Sheet 03C 6364 SEP 10 2003**

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): EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Defendant(s): FIFTH THIRD BANK**

County of Residence:

County of Residence:

Plaintiff's Atty: Pamela Moore-Gibbs  
Equal Employment Opportunity Commission  
500 W. Madison, Suite 2800,  
Chicago, IL 60661  
312-886-9120

Defendant's Atty:

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03 SEP 10 AM 8:41  
CLERK  
U.S. DISTRICT COURT

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. § 2000e et seq. ("Title VII") and Title I of the Civil Rights Act of 1991 to correct 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: *Pamela Moore-Gibbs*  
Date: 9/9/03

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

03C 6364  
JUDGE KENNELLY  
SEP 10 2003

In the Matter of

EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
V.  
FIFTH THIRD BANK

03C 6364  
Case Number

MAGISTRATE JUDGE MASON

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FILED  
14841  
U.S. DISTRICT COURT

(A)		(B)	
SIGNATURE <i>Pamela S. Moore-Gibbs</i>		SIGNATURE <i>Noelle C. Brennan</i>	
NAME Pamela S. Moore/Gibbs		NAME Noelle C. Brennan	
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 312-886-9120	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-353-7582	FAX NUMBER 312-353-8555
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06197710		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901	
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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"/>	
(C)		(D)	
SIGNATURE <i>John C. Hendrickson</i>		SIGNATURE	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP	
TELEPHONE NUMBER 312-353-8551	FAX NUMBER 312-353-8555	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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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"/>	

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