

022

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

UNITED STATES EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

Plaintiff,)

v.)

FORESIGHT INTERNATIONAL, INC.,)

Defendant.)

06CV5139

JUDGE GOTTSCHALL

MAG. JUDGE COLE

JURY TRIAL DEMAND

FILED

SEP 22 2006

**MICHAEL W. DOBBING
CLERK, U.S. DISTRICT COURT**

COMPLAINT

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. § 12101 et seq., to correct unlawful employment practices on the basis of disability, and to provide appropriate relief to Brent Shiver ("Shiver"), who was adversely affected by such practices. As alleged below, Defendant Foresight International, Inc. ("Defendant" or "Foresight") discharged Shiver, a qualified individual with a disability, deafness, because of his disability.

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 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII of

the Civil Rights Act of 1964, ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3), 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.

PARTIES AND OTHER PERONS

3. Plaintiff Equal Employment Opportunity Commission ("Plaintiff" or "Commission") is the agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. Defendant Foresight is an Illinois corporation. At all relevant times, Foresight has continuously been and is now a corporation doing business in Lake County, Illinois, and has continuously had and does now have at least fifteen (15) employees.

5. At all relevant times, Foresight has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of Section 101(5) of the ADA, 42 U.S.C. § 12111(5), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Foresight has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

7. At all relevant times, Shiver was a qualified individual with a disability within the meaning of Section 101(8) of the ADA, 42 U.S.C. § 12111(8).

STATEMENT OF CLAIMS

8. More than thirty (30) days prior to the institution of this lawsuit, Shiver filed a Charge with the Commission alleging a violation of Title I of the ADA by Foresight. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least February 2002, Foresight has engaged in and is continuing to engage in unlawful employment practices at its facilities in and around Lake Zurich, Illinois, in violation of Title I of the ADA, 42 U.S.C. §12112(a) and (b). These practices include, but are not limited to discharging Shiver because of his disability.

10. The effect of the practices complained of above has been to deprive Shiver of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability, in violation of Title I of the ADA, 42 U.S.C. § 12112.

11. The unlawful employment practices complained of above in Paragraph 9 were and are intentional.

12. The unlawful employment practices complained of above in Paragraph 9 were and are done with malice and/or reckless indifference to the federally protected rights of Shiver.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining Foresight, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice that violates Title I of the ADA.

B. Order Foresight to institute and carry out policies, practices, and programs which

eradicate the effects of its past and present unlawful employment practices;

C. Order Foresight to make Shiver whole 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 rightful-place reinstatement of Shiver;

D. Order Defendant to make Shiver whole by providing compensation for past and future pecuniary losses;

E. Order Defendant to make Shiver whole by providing compensation for past and future nonpecuniary losses, including emotional pain, suffering, loss of enjoyment of life and humiliation;

F. Order Defendant to pay Shiver punitive damages for its intentional, 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 Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

RONALD COOPER
General Counsel

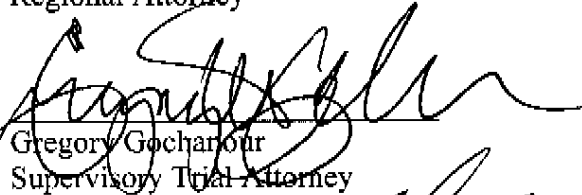
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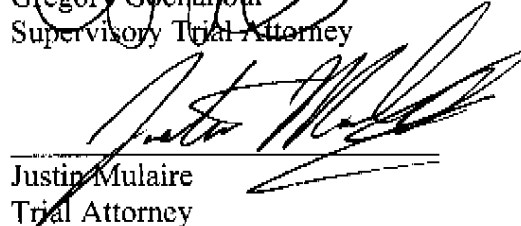
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