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

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

**EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
                                  **Plaintiff,** )  
 )  
v. )  
 )  
**FUN IN MOTION, INC.** )  
 )  
                                  **Defendant.** )**

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CIVIL ACTION NO. **05C 6889**

**COMPLAINT**

**JURY TRIAL DEMAND**

**JUDGE FILIP**

**NATURE OF THE ACTION**

**MAGISTRATE JUDGE  
GERALDINE SOAT BROWN**

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 Daniella D'Ambrosio ("D'Ambrosio") and a class of female employees who were adversely affected by such practices. Plaintiff U.S. Equal Employment Opportunity Commission (the "EEOC" or "Commission") alleges that Defendant Fun in Motion, Inc. ("Defendant") discriminated against D'Ambrosio and a class of female employees by subjecting them to harassment because of their sex and discriminated against D'Ambrosio by terminating her employment in retaliation for her opposing sexual harassment.

**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 of the Civil Rights Act of 1964, as amended, 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 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 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 has continuously been and is now doing business in the State of Illinois, including the counties of Cook, Will, Lake, DuPage, and 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-(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, D'Ambrosio 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 2001, Defendant has engaged in unlawful employment practices in violation of Section 703(a)(1), 42 U.S.C. § 2000e-2(a)(1), and Section 704(a), 42 U.S.C. § 2000e-3(a) of Title VII. Such unlawful employment practices include:

- (a) subjecting D'Ambrosio and a class of female employees to harassment because of their sex, in continuing violation of Section 703(a)(1), 42 U.S.C. § 2000e-2(a)(1); and
- (b) terminating D'Ambrosio in retaliation for her opposing sexual harassment, in violation of Section 704(a), 42 U.S.C. § 2000e-3(a).

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive D'Ambrosio and a class of female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex. The further effect of the practices complained of in paragraph seven (7) above has been to deprive D'Ambrosio of equal employment opportunities and otherwise adversely affect her status as an employee because she opposed sexual harassment.

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

10. 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 D'Ambrosio 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 it, from engaging in any employment practice which discriminates on the basis of sex;
- B. Grant a permanent injunction enjoining Defendant, its officers, successors,

assigns, and all persons in active concert or participation with it, from retaliating against any employee for participating in protected activity;

C. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Defendant to make whole D'Ambrosio and a class of female employees by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendant to make whole D'Ambrosio and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial;

F. Order Defendant to make whole D'Ambrosio and a class of female employees by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial;

G. Order Defendant to pay D'Ambrosio and a class of female employees punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

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.

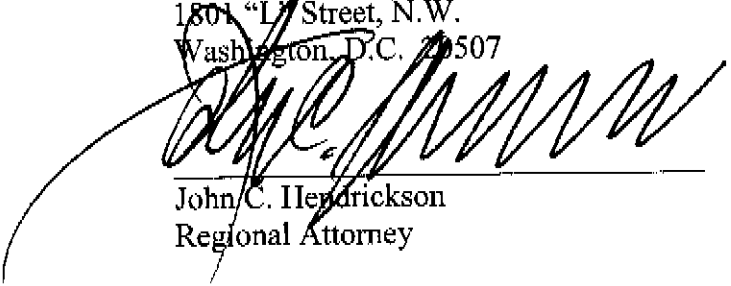
Respectfully submitted,

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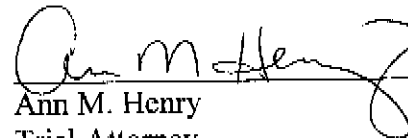


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