

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

JUDGE SHADUR

UNITED STATES EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FAMILY VIDEO MOVIE CLUB INC., )  
d/b/a FAMILY VIDEO, )  
 )  
Defendant. )

No. 02-6490

**DOCKETED**  
SEP 12 2002

COMPLAINT  
MAGISTRATE JUDGE  
CONCURRENCE BY BROCK  
JURY DEMAND

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Lore Nowlin ("Nowlin") and a class of applicants for employment over the age of 40. The Equal Employment Opportunity Commission ("the Commission" or "EEOC") alleges that since at least September 2000, Family Video failed to hire Nowlin and a class of qualified applicants over the age of 40 due to their age.

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 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were and are now being

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committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

### PARTIES

3. Plaintiff, the EEOC, is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant, Family Video Movie Club Inc., d/b/a Family Video (the "Employer"), has continuously been doing business in the State of Illinois, and has continuously had at least 20 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

### CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

### STATEMENT OF CLAIMS

7. Since at least on or about September 2000, the Defendant Employer has engaged in unlawful employment practices at its video rental stores, in violation of Section 4(a)(1) of the ADEA, 29 U.S.C. § 623(a)(1). The practices included failure to hire Nowlin and a class of qualified applicants over the age of 40 due to their age.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Nowlin and a class of qualified applicants over the age of 40 of equal employment opportunities and otherwise adversely affect their status as applicants, because of their age.

9. The unlawful employment practices complained of in paragraph 7 above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in refusing to hire applicants because of their being over 40 years of age and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful place hiring or award of frontpay to Nowlin and a class of qualified applicants over 40 years of age.

D. Grant such further relief as the Court deems necessary and proper in the public interest.

E. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

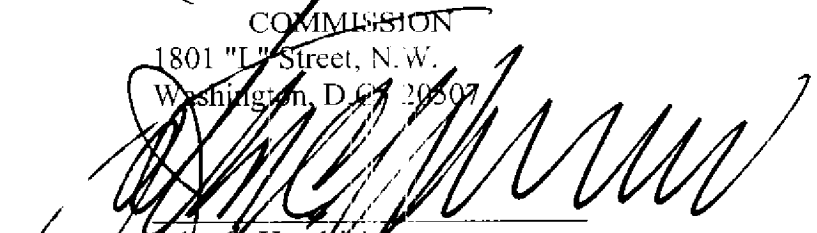
Respectfully submitted,

NICHOLAS M. INZEO  
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Assistant General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

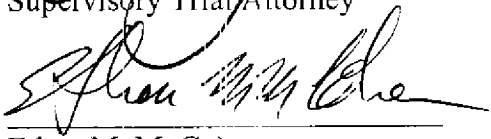
1801 "L" Street, N.W.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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Civil Cover Sheet

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): **United States Equal Employment  
Opportunity Commission**

Defendant(s): **Family Video Movie Club Inc.,  
d/b/a Family Video**

**DOCKETED**

County of Residence:

County of Residence:

SEP 12 2002

Plaintiff's Atty: **Ethan M. M. Cohen  
EEOC  
500, W. Madison, #2800,  
Chicago, IL 60661  
(312) 353-7568**

Defendant's Atty:

JUDGE SHADUR

**02C 6490**

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

MAGISTRATE JUDGE  
GERALDINE SOAT BROWN

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: **Section 4(a)(1) of the ADEA, 29 U.S.C. § 623(a)(1), failure to hire a  
class of qualified applicants over the age of 40 due to their age.**

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand: **Yes**

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

Signature: Ethan M. M. Cohen

Date: 9/12/02

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00

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

In the Matter of United States Equal Employment Opportunity Commission ("EEOC") v. Family Video Movie Club, Inc., d/b/a Family Video

**DOCKETED**

SEP 12 2002

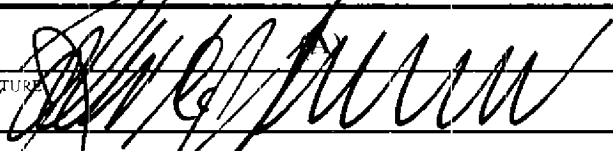
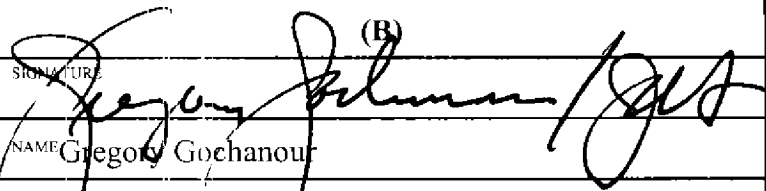
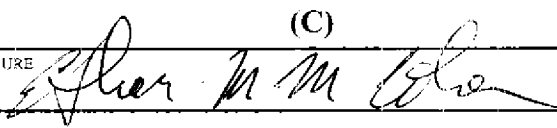
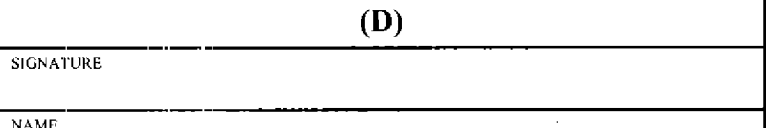
Case Number:

**02C 6490**

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

Plaintiff, EEOC

**MAGISTRATE JUDGE  
GERALDINE SOAT BROWN**

SIGNATURE 		SIGNATURE 	
NAME John Hendrickson		NAME Gregory Gochanour	
FIRM EEOC		FIRM EEOC	
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) 353-8551		TELEPHONE NUMBER (312) 886-9124	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 06210804	
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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"/>
SIGNATURE 		SIGNATURE 	
NAME Ethan M. M. Cohen		NAME	
FIRM EEOC		FIRM	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP	
TELEPHONE NUMBER (312) 353-7568		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 06206781		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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