

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

03 SEP 26 2000

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
CMC SERVICE OF CHICAGO, LLC d/b/a)
GREAT CLIPS FOR HAIR,)
)
Defendant.)
_____)

CIVIL ACTION NO.

03C 6789

COMPLAINT

JUDGE HOLDERMAN
JURY TRIAL DEMAND

MAGISTRATE JUDGE ROLAN

DOCKETED
SEP 26 2000

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of national origin and to provide appropriate relief to Marlen Trujillo and other employees of Hispanic national origin who were adversely affected by such practices. The Commission alleges that Defendant CMC Service of Chicago, LLC d/b/a Great Clips for Hair ("CMC Service") discriminated against Marlen Trujillo and other Hispanic employees whose primary language is not English by requiring them to speak only English at work and discriminated against Marlen Trujillo by terminating her for speaking Spanish.

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 ("Title VII").

(-)

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

PARTIES

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

4. At all relevant times, Defendant CMC Service has continuously been a limited liability company doing business in the State of Illinois and the Cities of (including but not limited to) Wooddale and Schaumburg and has continuously had at least 15 employees.

5. At all relevant times, Defendant CMC Service 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, Marlen Trujillo filed a charge with the Commission alleging violations of Title VII by Defendant CMC Service. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2001, Defendant CMC Service has engaged in unlawful employment practices at its facilities, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These unlawful employment practices include, but are not limited to the following:

- (a) requiring Marlen Trujillo and a class of Hispanic employees whose primary language is not English to speak only English at work, and

(b) terminating Marlen Trujillo's employment because she spoke Spanish at work.

8. The effect of the practice(s) complained of in paragraph 7 above has been to deprive Marlen Trujillo and a class of Hispanic employees whose primary language is not English of equal employment opportunities and otherwise adversely affect their status as employees, because of their national origin.

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

10. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Marlen Trujillo and the class of similarly situated Hispanic employees whose primary language is not English.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant CMC Service, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of national origin.

B. Order Defendant CMC Service to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanics, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant CMC Service to make whole Marlen Trujillo and a class of Hispanic employees adversely affected by the employment practices alleged above, by providing appropriate backpay 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 CMC Service to make whole Marlen Trujillo and a class of Hispanic employees by providing compensation for past and future pecuniary losses resulting from the

unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

E. Order Defendant CMC Service to make whole Marlen Trujillo and a class of Hispanic employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant CMC Service to pay Marlen Trujillo and a class of Hispanic employees punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

H. 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,

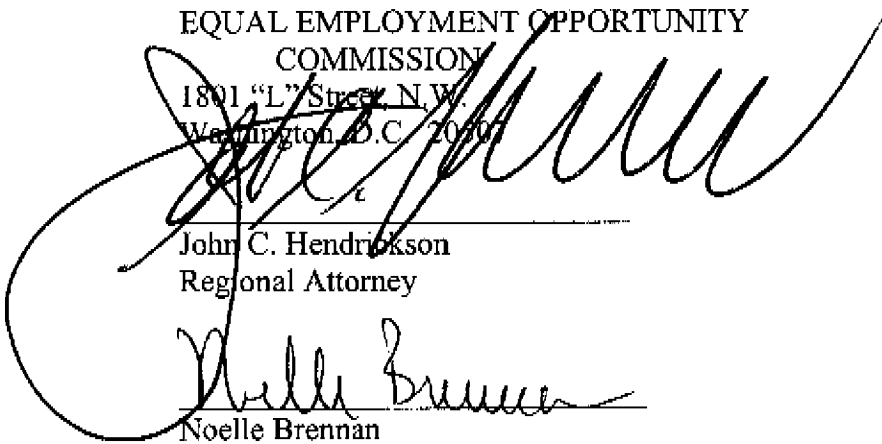
Eric Dreiband
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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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Ann Henry
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EQUAL EMPLOYMENT OPPORTUNITY
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DOCKETED
SEP 26 2003

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

EASTERN DIVISION

In the Matter of

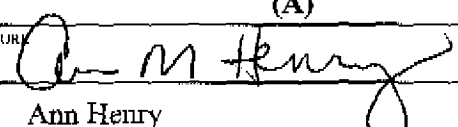

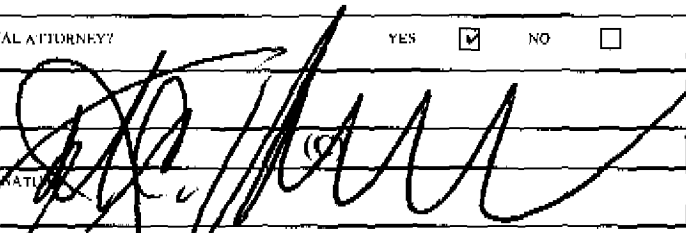
Equal Employment Opportunity Commission

v

Case Number:

CMC Service of Chicago, LLC d/b/a Great Clips for Hair

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR **030 6769**
 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Ann Henry		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	
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06272394		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" 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"/>	
(C)		(D)	
SIGNATURE 		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 john.hendrickson@eeoc.gov		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		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"/>	

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

CLERK OF COURT
JAN 10 2004
JM

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): **EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Defendant(s): **CMC SERVICE OF CHICAGO
LLC d/b/a GREAT CLIPS FOR HAIR**

DOCKETED
SEP 26 2003

County of Residence:

County of Residence:

Plaintiff's Atty: **Ann Henry
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-353-8558**

Defendant's Atty: **Manzoor Pervez
5430 Arlington Dr. East
Hanover Park, IL 60103**

030 676 9

JUDGE HOLDERMAN

MAGISTRATE JUDGE NOLAN

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 and Title I of the Civil
Rights Act of 1991 to correct the unlawful employment practices on
the basis of national origin.**

VII. Requested in Complaint
Class Action:
Dollar Demand:
Jury Demand: **Yes**

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

Signature: *Ann Henry*

Date: 9/25/03