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

EQUAL EMPLOYMENT OF COMMISSION,	PPORTUNITY	) 010 739 7	
Plaintiff,		) CIVIL ACTION NO. LINDBERG ) JUDGE LINDBERG	
v.	DOCKETED	RATE JUDGE BOBRICK S	
GOLF GALAXY, INC.	SEP 2 5 2001	,	
		) COMPLAINT DESCRIPTION OF THE PROPERTY OF THE	
Defendant.			
	NATURE OF TH	E 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, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Kelly Colonero ("Colonero"), a former employee of Golf Galaxy, Inc. ("Golf Galaxy"). Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends Defendant, Golf Galaxy, discriminated against Kelly Colonero because of her sex and in retaliation for her opposition to sex discrimination, by subjecting her to sexual harassment, and by retaliating against her and terminating her employment all in violation of Title VII.

#### 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 Section 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 and the Cities of Naperville and Downer's Grove 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, Colonero 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 August 2000, Defendant 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 practices include, but are not limited to, engaging in intentional discrimination against Kelly Colonero by subjecting her to sexual harassment. These practices include, but are not

necessary to eradicate the effects of its unlawful employment practices;

- D. Order Defendant to make whole Kelly Colonero by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including, but not limited to, job search expenses;
- E. Order Defendant to make whole Kelly Colonero by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;
- F. Order Defendant to pay Kelly Colonero punitive damages for its malicious and/or reckless conduct described, in amounts to be determined at trial;
- G. Order Defendant and its successors to provide training to its officers, managers and employees regarding sexual harassment in the workplace;
- 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.

limited to, Kelly Colonero being sexually harassed by her immediate supervisor. These practices also include, but are not limited to, taking adverse employment action against Kelly Colonero including interfering in her ability to perform the functions of her job and retaliating against Kelly Colonero for reporting discrimination on the basis of her sex, all in continuing violation of Section 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 3(a).

- 8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Kelly Colonero of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.
- 9. The unlawful employment practices complained of in paragraph seven (7) above 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 Kelly Colonero.

#### PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, Golf Galaxy, Inc., 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. 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;
- C. Order Defendant to make whole Kelly Colonero by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief

Respectfully submitted,

GWENDOLYN YOUNG REAMS Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION

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# UNITED STATES DISTRICT COURTINGE LINDBERG NORTHERN DISTRICT OF ILLINOIS

# 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): GOLF GALAXY, INC.

County of Residence:

County of Residence:

Plaintiff's Atty:

Noelle C. Brennan & Lauren G. Defendant's Atty:

Dreilinger

Equal Employment Opportunity

Commission

500 W. Madison, Suite 2800

Chicago, IL 60661 312-353-7303 Durga M. Bharam Tressler, Soderstron, Maloney & Priess

Sears Tower, Floor 22, 233 S. Wacker, Chicago, IL

60606-6308

II. Basis of Jurisdiction:

1. U.S. Gov't Plaintiff

III. Citizenship of Principle

Parties (Diversity Cases Only)

SEP 2 5 2001

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, 42 U.S.C. § 1981a

VII. Requested in Complaint

Class Action:

Dollar Demand:

Jury Demand: Yes-Juny Demand. 20

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

Signature: Mull Breller Jamen & Bulinger

Date:

9-25-01

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

Eastern Division In the Matter of Case Number. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION GOLF GALAXY, INC MAGISTRATE JUDGE BOBRICK APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR: UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (A) SIGNATURE SIGNATURE Hausen & Bulino Lauren G. Dreilinger Noelle C. Brennan **Equal Employment Opportunity Commission** Equal Employment Opportunity Commission STREET ADDRESS 500 W. Madison, Suite 2800 500 W. Madison, Suite 2800 Chicago, IL 60661 Chicago, IL 60661 TELEPHONE NUMBER (312) 353-7582 TELEPHONE NUMBER (312) 353-7303 IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901 MEMBER OF TRIAL BAR? MEMBER OF TRIAL BAR? YES YES ~ NO TRIAL ATTORNEY? V TRIAL ATTORNEY? YES DESIGNATED AS LOCAL COUNSEL? YES NO **(D)** SIGNATURE NAME Henderickson *J*ohn ( FIRM Equal/Employment Opportunity Commission STREET ADDRESS STREET ADDRESS 500 W. Madison, Suite 2800 CT //STATE/ZIP CITY/STATE/ZIP Chicago, IL 60661 TELEPHONE NUMBER TELEPHONE NUMBER (312) 353-8551 IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589 MEMBER OF TRIAL BAR? MEMBER OF TRIAL BAR? YES V NO YES NO TRIAL ATTORNEY? YES V NO TRIAL ATTORNEY? YES

DESIGNATED AS LOCAL COUNSEL?

YES

DESIGNATED AS LOCAL COUNSEL?

YES