

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

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

Plaintiff,)

v.)

HQ GLOBAL WORKPLACES,)

Defendant.)

JUDGE ZAGEL

Case No.

02C 66 23

JURY TRIAL DEMANDED
MAGISTRATE JUDGE MASON

NATURE OF THE ACTION

This is an action under Title I and Title V of the Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. § 12101 et seq., and 42 U.S.C. § 12203 et seq., and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Kathleen Giuliano ("Giuliano" or "Charging Party") and her local manager, Jan Trapani ("Trapani"), who were adversely affected by such practices. The Commission alleges that Defendant HQ Global Workplaces ("Defendant") discriminated against Charging Party on the basis of her disability by maintaining policies on leave and the availability of part-time status which precluded reasonable accommodations in violation of the ADA. The Commission alleges further that Defendant discriminated against Trapani for complying with the requirements of the ADA.

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

FILED-EDS
SEP 18 AM 9:05
CLERK
U.S. DISTRICT COURT

1-1

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), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

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

PARTIES

3. Plaintiff U.S. Equal Employment Opportunity Commission (the "Commission"), is an 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. At all relevant times Defendant HQ Global Workplaces ("Defendant") has been and is now an Illinois corporation doing business in the State of Illinois and has continuously had and does now have at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 10(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), 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, Defendant has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, Giuliano filed a charge with the Commission alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least August 23, 1999 Defendant has engaged in unlawful employment practices at its Oakbrook Terrace, Illinois facility in violation of Sections 102(a), 102(b)(5) and 503(b) of the ADA, 42 U.S.C. §§ 12112(a), 12112(b)(5) and 12203(b). These practices include, but are not limited to: 1) Defendant's failing to provide Giuliano with a reasonable accommodation; 2) terminating Giuliano on the basis of her disability; and 3) reprimanding Trapani for providing Giuliano with a reasonable accommodation.

9. The effect of the practices complained of in paragraph 8 has been to deprive Giuliano of equal employment opportunities and otherwise adversely affect her status as an employee because of her disability. The effect of the practices complained of in paragraph 8 has also been to deprive Trapani of her right aid or encourage Giuliano in the exercise or enjoyment of her entitled right to a reasonable accommodation under the ADA.

10. The unlawful employment practices complained of in paragraphs 8 and 9 above were intentional.

11. The unlawful employment practices complained of in paragraphs 8 and 9 above were done with malice or with reckless indifference to the federally protected rights of Giuliano and Trapani.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, management personnel, employees, agents, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability, and from maintaining policies on leave and availability of part-time status which preclude reasonable accommodations in violation of the ADA.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities to qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Giuliano by providing back pay 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 to make whole Giuliano by providing compensation for pecuniary losses resulting from the unlawful employment practices described in paragraph 8, above, in amounts to be proved at trial.

E. Order Defendant to make whole Giuliano and Trapani by providing compensation for non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including pain, suffering, emotional distress, inconvenience and mental anguish, in amounts to be proved at trial.

F. Order Defendant to pay Giuliano and Trapani punitive damages for its malicious and reckless conduct, as described in paragraph 8, in amounts to be proved at trial.

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

H. Grant the Commission its costs in this action.

JURY TRIAL DEMANDED

The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

Nicholas Inezo
Acting Deputy General Counsel

U.S. Equal Employment
Opportunity Commission
1801 L Street, N.W.
Washington, D.C. 20507



John C. Hendrickson
Regional Attorney



Gregory Gochanour
Supervisory Trial Attorney



June Wallace Calhoun
Trial Attorney

U. S. Equal Employment
Opportunity Commission
Chicago District Office
500 West Madison Street
Suite 2800
Chicago, Illinois 60661
(312) 353-7259

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Cont

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): HQ GLOBAL WORKPLACES

County of Residence:

County of Residence:

Plaintiff's Atty: June Wallace Calhoun
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-353-7259

Defendant's Atty: Kimberly Samon, Esq., V.P.
Human Resources
HQ Global Workplaces
Tower 2, Suite 400, 15950
N. Dallas Pkwy.
Dallas, TX 75249

II. Basis of Jurisdiction:

1. U.S. Gov't Plaintiff

02C 6623
JUDGE ZAGEL

III. Citizenship of Principal
Parties (Diversity Cases Only)

Plaintiff:- N/A
Defendant:- N/A

MAGISTRATE JUDGE MASON

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

442 Employment

VI. Cause of Action:

Title I and Title V of the Americans with Disabilities Act of 1990 ("the ADA"), 42 U.S.C. § 12101 et seq., and 42 U.S.C. § 12203 et seq., and Title I of the Civil Rights Act of 1991, to correct the unlawful employment practices on the basis of disability.

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

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

Signature:

June Wallace Calhoun

Date:

9/17/02

FILED-EDS
02 SEP 18 AM 9:05
CLERK
U.S. DISTRICT COURT

[Handwritten mark]

9/17/02

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

In the Matter of

U.S. Equal Employment Opportunity Commission,
Plaintiff,

JUDGE ZAGEL

v.

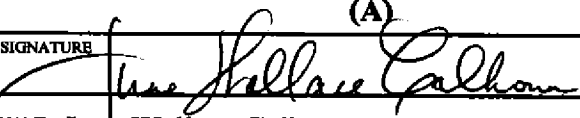
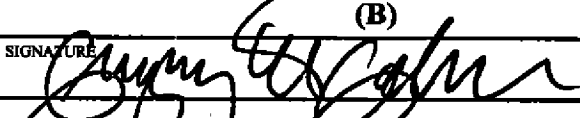
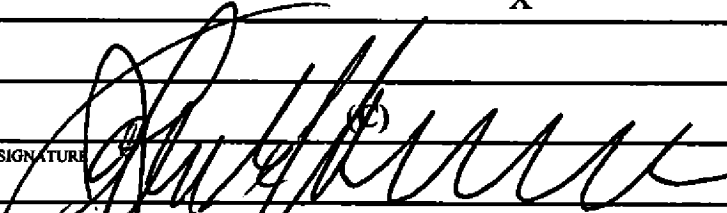
HQ Global Workplaces,
Defendant.

Case Number **02C 6623**

MAGISTRATE JUDGE MASON

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

Plaintiff, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(A)		(B)	
SIGNATURE 	SIGNATURE 		
NAME June Wallace Calhoun	NAME Gregory M. Gochanour		
FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission		
STREET ADDRESS 500 W. Madison St., Suite 2800	STREET ADDRESS ADDRESS 500 W. Madison St., Suite 2800		
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661		
TELEPHONE NUMBER 312-353-7259	TELEPHONE NUMBER 312-886-9124		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) USDC No. 06202058	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804		
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input 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 St., Suite 2800	STREET ADDRESS		
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP		
TELEPHONE NUMBER 312-353-8551	TELEPHONE NUMBER		
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"/>		

FILED-EDS
02 SEP 18 AM 9:05
CLERK
U.S. DISTRICT COURT

13