

DOCKETED

MAY 07 2002

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

JUDGE CASTILLO

MAGISTRATE JUDGE DENLOW

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**SERVICO ROLLING MEADOWS, INC d/b/a
HOLIDAY INN ROLLING MEADOWS, a
subsidiary of LODGIAN INC.**

Defendant.

02C

3261

CIVIL ACTION NO.

Jury Trial Demanded

U.S. DISTRICT COURT

02 MAY -7 11:10:14

FILED-ED4

NATURE OF THE 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 to correct unlawful employment practices on the basis of sex and national origin and to provide appropriate relief to Maria Martinez and a class of females who were adversely affected by such practices. Plaintiff, Equal Employment Opportunity Commission ("EEOC") alleges that Servico Rolling Meadows, Inc. d/b/a Holiday Inn Rolling Meadows (Holiday Inn) subjected Maria Martinez to harassment because of her sex, female and national origin, Mexican. EEOC also alleges that Holiday Inn subjected a class of women to sexual harassment because of their sex (female) and national origin (Mexican). EEOC further alleges that Holiday Inn retaliated against Martinez and a class of other females by subjecting them to different terms and conditions of employment, constructively discharging them and/or discharging them, in violation of Title VII.

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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, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices hereafter 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 an 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. Section 2000e-5(f)(1) and (3).

4. At all times relevant, Defendant Servico Rolling Meadows, Inc. d/b/a Holiday Inn Rolling Meadows, an Illinois corporation, has continuously been doing business in the Northern District of Illinois and has continuously had at least fifteen employees.

5. At all times relevant, Holiday Inn 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. Sections 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Maria Martinez filed a charge with the Commission alleging violations of Title VII by Holiday Inn. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 1999, Defendant Holiday Inn has engaged in unlawful employment practices at its Rolling Meadows, Illinois facility, in violation of Sections 701(k) and 703(a) of Title VII, 42 U.S.C. Sections 2000e(k) and 2(a). Such unlawful employment practices have included: 1) subjecting Maria Martinez to harassment because of her sex (female) and national origin (Mexican), and subjecting a class of Mexican women employees to harassment because of their sex (female) and national origin (Mexican). Such unlawful employment practices have also included the constructive discharge, different terms and conditions and retaliatory discharge of Martinez and a class of other female employees because they resisted the sexual advances of their supervisor.

8. The effect of the practices complained of above has been to deprive Martinez, and a class of women employees adversely affected by the harassment, of equal employment opportunities and otherwise adversely affect their status as employees because of their sex (female) and national origin (Mexican).

9. The unlawful employment practices complained of in paragraphs 7 and 8 above were intentional.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Martinez and a class of women employees because of their sex (female) and national origin (Mexican).

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Holiday Inn, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates because of sex and national origin.

B. Order Defendant to institute and carry out policies, practices and programs which eradicate the effects of its past and present unlawful practices.

C. Order Defendant to make whole Martinez and the affected classes by providing appropriate 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, including reinstatement where appropriate.

D. Order Defendant to make whole Martinez and the affected classes, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, including medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Martinez and the affected classes by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including emotional pain, inconvenience, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Martinez and the affected classes punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8 above, in amounts to be determined at trial.

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

H. 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.

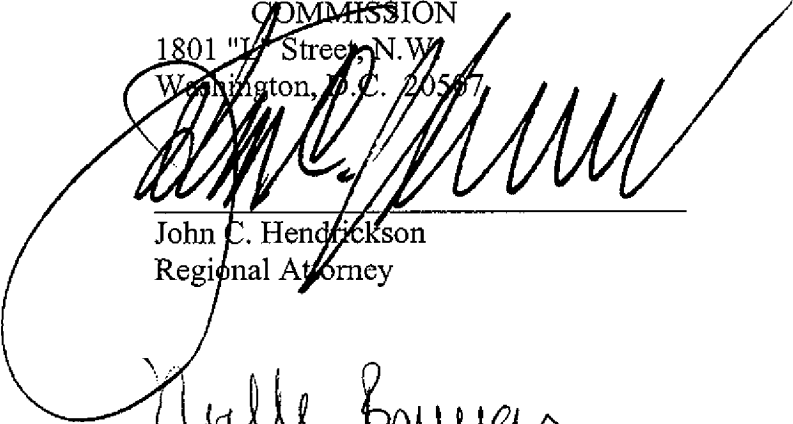
Respectfully submitted,

NICHOLAS M. INZEO
Acting Deputy General Counsel

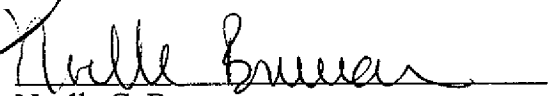
GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

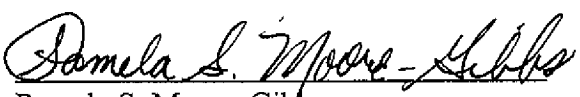
1801 "I" Street, N.W.
Washington, D.C. 20587



John C. Hendrickson
Regional Attorney



Noelle C. Brennan
Supervisory Trial Attorney



Pamela S. Moore-Gibbs
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Chicago District Office
500 West Madison Street
Suite 2800
Chicago, Illinois 60661
(312) 886-9120

(CAT)

JUDGE CASTILLO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

MAGISTRATE JUDGE DENLOW

DOCKETED

MAY 07 2002

Civil Cover Sheet

02C 3261

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): U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

**Defendant(s):SERVICO ROLLING
MEADOWS, INC d/b/a HOLLIDAY INN
ROLLING MEADOWS, a subsidiary of
LODGIAN INC**

County of Residence:

County of Residence:

Plaintiff's Atty: Pamela Moore-Gibbs
U.S. Equal Employment
Opportunity Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-886-9120

Defendant's Atty:

FILED-ED4
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U.S. DISTRICT COURT
CLERK

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, as amended, 42 U.S.C. § 2000 et seq. ("Title VII") and Title I of the Civil Rights Act of 1991.

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

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

Signature: Pamela Moore-Gibbs

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

Eastern Division

In the Matter of

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION v.
SERVICO ROLLING MEADOWS, INC d/b/a
HOLIDAY INN ROLLING MEADOWS, a
subsidiary of LODGIAN INC.

02C 3261

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Case Number:

MAY 07 2002

MAGISTRATE JUDGE DENLOW

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(A)	(B)
SIGNATURE <i>Pamela S. Moore-Gibbs</i>	SIGNATURE <i>Noelle C. Brennan</i>
NAME Pamela S. Moore-Gibbs	NAME Noelle C. Brennan
FIRM U.S. Equal Employment Opportunity Commission	FIRM U.S. 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
TELEPHONE NUMBER (312) 886-9120	TELEPHONE NUMBER (312) 353-7582
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06197710	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901
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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"/>
(C)	(D)
SIGNATURE <i>John C. Hendrickson</i>	SIGNATURE
NAME John C. Hendrickson	NAME
FIRM U.S. 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	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>

U.S. DISTRICT COURT
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