

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

FILED

JUL 02 2002

MICHAEL W. DOONES
CLERK, U.S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION, and MARIA MARTINEZ as)
Intervenor,)

Plaintiff,)

v.)

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

Defendant.)

NO. 02C 3261
JUDGE CASTILLO
MAGISTRATE JUDGE DENLOW

DOCKETED
JUL 17 2002

INTERVENOR'S COMPLAINT

Maria Martinez, by her counsel, complains of defendant Servico Rolling Meadows, Inc. d/b/a Holiday Inn Rolling Meadows, a subsidiary of Lodgian Inc. as follows:

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Acts 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. Plaintiffs contend 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. Plaintiffs also contend that Holiday Inn subjected a class of women to sexual harassment because of their sex (female) and national origin (Mexican), and further allege that Holiday Inn retaliated

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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 the 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, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 102 of the Civil Rights Acts of 1991, 42 U.S.C. § 1981A. Martinez has intervened as a right pursuant to 42 U.S.C. §2000(e)-5(f)(1) and Federal Rule of Civil Procedure 24.

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. Intervenor Martinez is a citizen of the United States who resides in Cook County, Illinois. Martinez is the aggrieved party in this action and asserts this action on her own behalf.

4. 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 the Title VII, 42 U.S.C. Section 2000e-5(f)(1) and (3).

5. 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.

6. At all times relevant, Holiday Inn has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

7. 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.

8. 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 because she resisted the sexual advances of her supervisor.

9. The effect of the practices complained of the above has been to deprive Martinez of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex (female) and national origin (Mexican).

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

11. 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 because of her 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 or 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 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 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 by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7

and 8 above, including emotional pain, inconvenience, and humiliation, in amounts to be determined at trial.

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

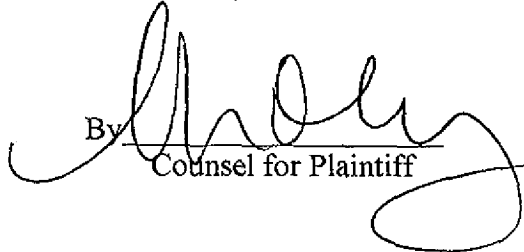
G. Grant such further relief as the Court deems necessary and proper in the public interest; and

H. Award Maria Martinez's attorneys fees and costs in this action.

JURY TRIAL DEMAND

Martinez demands to exercise her right to jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

By 
Counsel for Plaintiff

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