

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

DOCKETED

MAR 28 2001

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

JETSON MIDWEST MAILERS, INC.,

Defendant.

01C 2119

Case No.

JUDGE NORDBERG

Jury Trial Demanded

MAGISTRATE JUDGE NOLAN

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U.S. DISTRICT COURT
EASTERN DIVISION

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. §12101 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 Cassandra M. Brooks, who was adversely affected by such practices. The Commission alleges that Cassandra Brooks was discharged by Jetson Midwest Mailers, Inc., in violation of the ADA, because it perceived her to have a disability.

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 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, 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) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times Defendant Jetson Midwest Mailers, Inc. 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 Jetson Midwest Mailers, Inc. has continuously been an employer engaged in an industry affecting commerce under Section 101(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 Jetson Midwest Mailers, Inc. 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, Cassandra Brooks filed a charge with the Commission alleging violations of Title I of the ADA by

Defendant Jetson Midwest Mailers, Inc.. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least December 5, 1997 Defendant Jetson Midwest Mailers, Inc. has engaged in unlawful employment practices at its Bridgeview Illinois facility in violation of Sections 102(a), 102(b)(1), and 102(b)(6) of the ADA, 42 U.S.C. §§12112(a), 12112(b)(1),and 12112(b)(6). These practices include the wrongful termination of Cassandra Brooks because it perceived her to have a disability within the meaning of the ADA.

9. The effect of the practices complained of has been to deprive Cassandra Brooks of equal employment opportunities and otherwise adversely affect her status as an employee because of a perceived disability.

10. The unlawful employment practices complained of above were intentional.

11. Defendant Jetson Midwest Mailers, Inc., at all relevant times, has acted with malice or reckless indifference to the federally protected rights of Cassandra Brooks.

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;

B. Order Defendant Jetson Midwest Mailers, Inc. 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 Jetson Midwest Mailers, Inc. to make whole Cassandra Brooks, by providing 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, including, but not limited to reinstatement.

D. Order Defendant Jetson Midwest Mailers, Inc. to make whole Cassandra Brooks by providing compensation for pecuniary losses resulting from the unlawful employment practices described in paragraph 8, above, in amounts to be determined at trial;

E. Order Defendant Jetson Midwest Mailers, Inc. to make whole Cassandra Brooks 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 provided at trial.

F. Order Defendant Jetson Midwest Mailers, Inc. to pay Cassandra Brooks 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

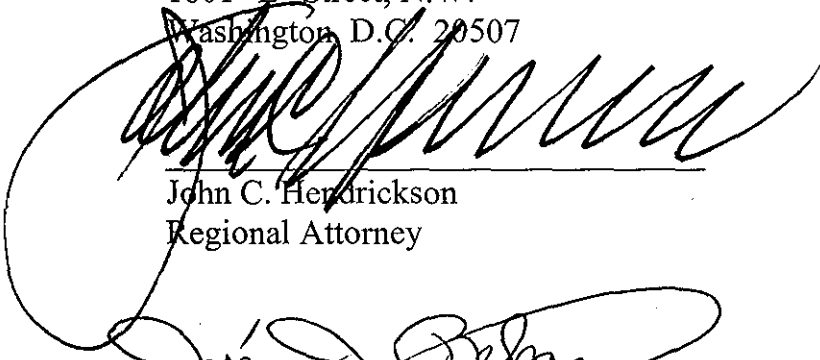
The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

Gwendolyn Young Reams
Associate General Counsel

Equal Employment Opportunity
Commission

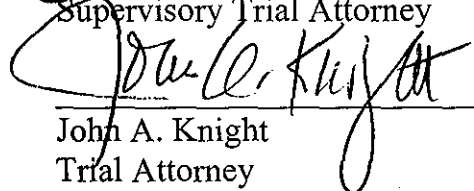
1801 "L" Street, N.W.
Washington, D.C. 20507



John C. Hendrickson
Regional Attorney



Jose J. Bekar
Supervisory Trial Attorney



John A. Knight
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

01C 2119

Civil Cover Sheet

JUDGE NORDBERG

JUDGE NOLAN

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): **JETSON MIDWEST MAILERS, INC.**

County of Residence:

County of Residence:

DOCKETED

Plaintiff's Atty: John A. Knight (312) 353-7726
Equal Employment Opportunity Commission
500 W. Madison Street, Suite 2800
Chicago, IL 60661

Defendant's Atty:

MAR 28 2001

II. Basis of Jurisdiction: 1 U.S. Gov't Plaintiff

III. Citizenship of Principle 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 I of the Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. 12101 et seq., and Title I of the Civil Rights Act of 1991

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand:

VIII. This case **Is NOT** a refiling of a previously dismissed case. (If yes case number __ by Judge __)

Signature:

John A. Knight

Date:

3/27/01

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U.S. DISTRICT COURT

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**

In the Matter of

U.S. Equal Employment Opportunity Commission,
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JETSON MIDWEST
MAILERS, INC.
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01C 2119

Case Number: **JUDGE NORDBERG**

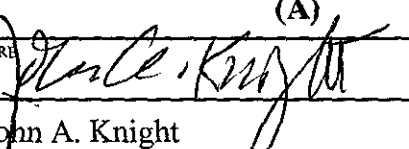

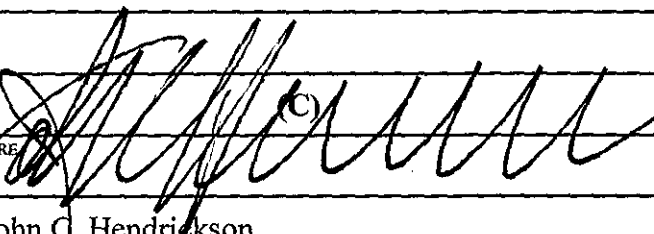
MAGISTRATE JUDGE NOLAN DOCKETED

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

U.S. Equal Employment Opportunity Commission, Plaintiff

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 CLERK
 U.S. DISTRICT COURT

(A)		(B)	
SIGNATURE 	SIGNATURE 	SIGNATURE	SIGNATURE
NAME John A. Knight	NAME Jose J. Behar	NAME	NAME
FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission	FIRM	FIRM
STREET ADDRESS 500 W. Madison St., Suite 2800	STREET ADDRESS 500 W. Madison St., Suite 2800	STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER (312) 353-7726	TELEPHONE NUMBER (312) 353-7722	TELEPHONE NUMBER	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06201433	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06203727	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	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?
(C)		(D)	
SIGNATURE 	SIGNATURE	SIGNATURE	SIGNATURE
NAME John C. Hendrickson	NAME	NAME	NAME
FIRM Equal Employment Opportunity Commission	FIRM	FIRM	FIRM
STREET ADDRESS 500 W. Madison St., Suite 2800	STREET ADDRESS	STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP	CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER (312) 353-8551	TELEPHONE NUMBER	TELEPHONE NUMBER	TELEPHONE NUMBER
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