

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

DOCKETED

DEC 18 2002

U.S. EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

K-B TELEVISION AND APPLIANCE CO.

Defendant.

02C 9128  
Action No.

COMPLAINT  
JURY DEMAND

JUDGE CONLON

MAGISTRATE JUDGE ASHMAN

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, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of disability, and to provide appropriate relief to Ronnie Martin ("Martin") who was adversely affected by such practices. As alleged with greater particularity below, Defendant K- B Television and Appliance Co. ("Defendant") failed to extend an offer of employment to Martin, a qualified individual with a disability, a missing hand, because of his 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 Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42

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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 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 (the "Commission"), is the 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. Defendant, K-B Television and Appliance Co., is a publishing company incorporated in the State of Illinois. At all relevant times, Defendant has continuously been doing business in the State of Illinois and the City of Darien, 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 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 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 days prior to the institution of this lawsuit, Martin 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 February 23, 2000, Defendant has engaged in unlawful employment practices in violation of Section 102(a) and 102(b)(5) of Title I of the ADA, 42 U.S.C. §§ 12112(a). Such practices include, but are not limited to: failing to extend an offer of employment to Martin because of his disability.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Martin of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability.

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 Martin.

### **PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining Defendant, 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 disability.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which

eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Ronnie Martin, by providing appropriate 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 extension of an offer of employment to Martin.

D. Order Defendant to make whole Martin by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 and 9 above, including job search and medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Martin by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 8 and 9 above, including pain, suffering, emotional distress, injury to his professional reputation, inconvenience, and mental anguish, in amounts to be determined at trial.

F. Order Defendant to pay Martin punitive damages for its malicious and reckless conduct, as described in paragraphs 8 and 9, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

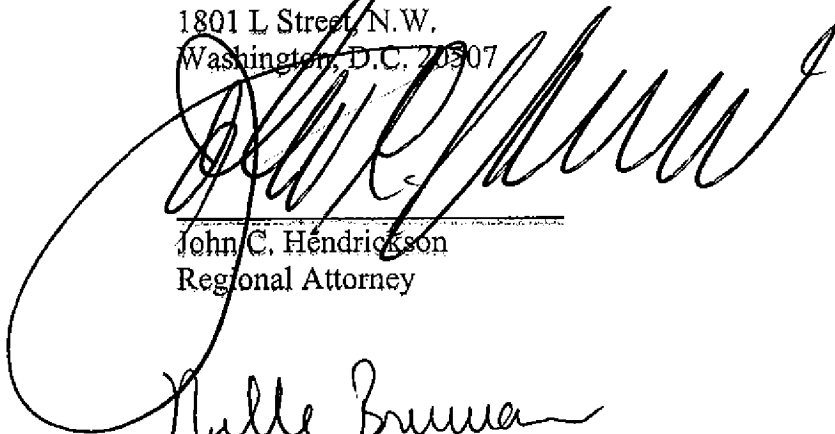
**JURY TRIAL DEMANDED**

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

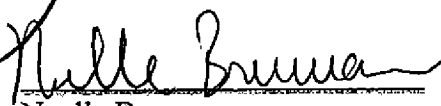
Respectfully submitted,

Gwendolyn Young Reams  
Associate General Counsel

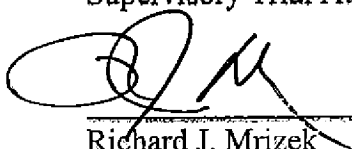
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 L Street, N.W.  
Washington, D.C. 20507



John C. Hendrickson  
Regional Attorney



Noelle Brennan  
Supervisory Trial Attorney



Richard J. Mrizek  
Trial Attorney

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

U.S. DISTRICT COURT  
CLERK  
02 DEC 17 AM 11:32  
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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.

DOCKETED

DEC 18 2002

Plaintiff(s): U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Defendant(s): K-B TELEVISION &  
APPLIANCE CO.

County of Residence:

County of Residence:

Plaintiff's Atty: Richard Mrizek  
Equal Employment Opportunity  
Commission  
500 W. Madison, Suite 2800,  
Chicago, IL 60661  
312-886-9078

Defendant's Atty:

JUDGE CONLON

02C 9128  
MAGISTRATE JUDGE ASHMAN

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

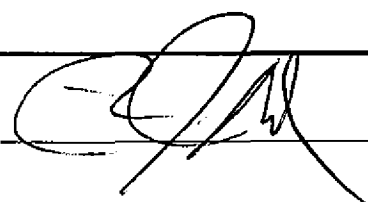
VI. Cause of Action: Title I of Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. § 12101 et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct the unlawful employment practices on the basis of disability.

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand: Yes

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

Signature:

 12/17/02

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

**DOCKETED**

**DEC 18 2002**

In the Matter of

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

v.

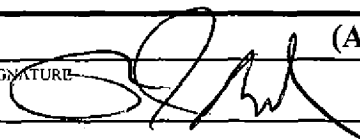
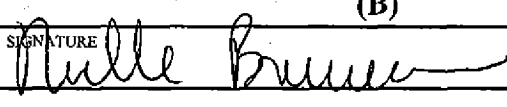
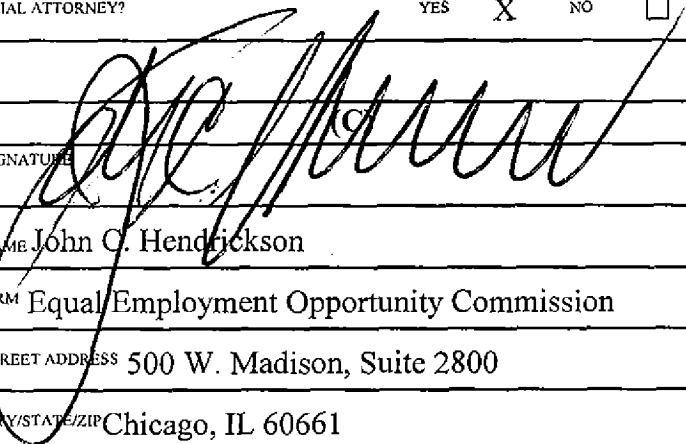
K-B TELEVISION & APPLIANCE CO. Defendant.

U.S. DISTRICT COURT  
CLERK  
02 DEC 17 2002  
Plaintiff  
Case No. **02C119128**

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**MAGISTRATE JUDGE ASHMAN**

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Richard Mrizek		NAME Noelle C. Brennan	
FIRM Equal Employment Opportunity Commission		FIRM 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 312-886-9078	FAX NUMBER	TELEPHONE NUMBER 312-353-7582	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06237730		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"/>		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, Suite 2800		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP	
TELEPHONE NUMBER 312-353-8551	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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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"/>	

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