

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

DOCKETED  
JUL 16 2004

FILED-EDA  
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U.S. DISTRICT COURT

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

MAYTAG CORPORATION,

Defendant.

JUDGE HART

04C 4632

COMPLAINT

MAGISTRATE JUDGE BOBRICK  
JURY DEMAND

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Matthew Max and a class of similarly situated sales managers who had reached the age of 50 prior to April 1, 1999. The Commission alleges that in an April 1999 reorganization Maytag Corporation ("Maytag" or "Defendant") discriminated against a group of Regional Sales Managers over the age of 50 by demoting them due to their age. The Commission further alleges that Maytag discriminated against this group of managers by failing to reinstate them to Regional Sales Manager positions as they became available in 2000 and 2001.

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 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29

U.S.C. §§ 216(c) and 217.

### **PARTIES**

2. 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 the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

3. At all relevant times, Defendant, a Delaware corporation, has been continuously doing business in the City of Chicago, State of Illinois, and has continuously had at least fifteen (15) employees.

4. At all relevant times, Defendant has 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. §§ 2000e-(b), (g), and (h).

### **CONCILIATION**

5. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

### **STATEMENT OF CLAIMS**

6. Since at least April 1, 1999 the Defendant Employer, has engaged in unlawful employment practices nationwide, in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a). These practices included:

- (a) Demoting Matthew Max from Regional Sales Manager to Zone Manager;
- (b) Demoting a class of employees over the age of 50 from Regional Sales Manager to Zone Manager;
- (c) Failing to promote Matthew Max to Regional Sales Manager;
- (d) Failing to promote a class of employees over the age of 50 to Regional Sales Manager;
- (e) Demoting Matthew Max to the position of District Manager;
- (f) Demoting a class of employees over the age of 50 to the position of District Manager.

7. The effect of the practices complained of in paragraph 6 above has been to deprive Matthew Max and a class of employees over the age of 50 of equal employment opportunities and otherwise adversely affect their status as employees, because of their age.

8. The unlawful employment practices complained of in paragraphs 6 and 7 above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in age based decision making in demotions and promotions and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant Employer to institute and carry out policies, practices and programs

which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to reinstatement as Regional Sales Managers of Matthew Max and a class of similarly situated employees over the age of 50, or in the alternative front pay, as well as, back pay, prejudgement interest, the value of lost benefits and liquidated damages.

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

E. Award the Commission its costs of this action.

**JURY TRIAL DEMAND**

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

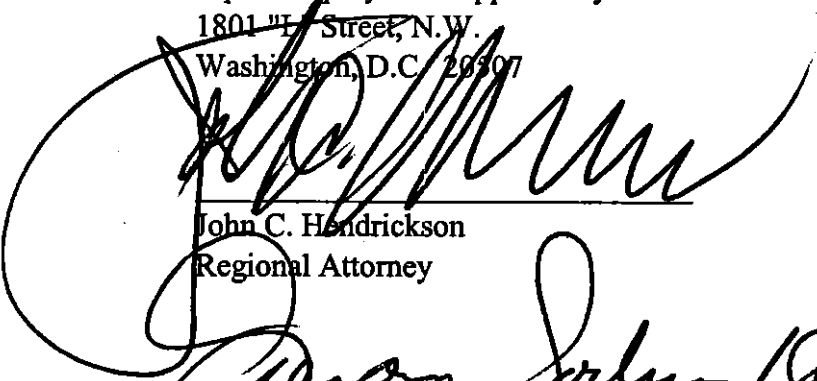
Respectfully submitted,

Eric Dreiband  
General Counsel

James Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel

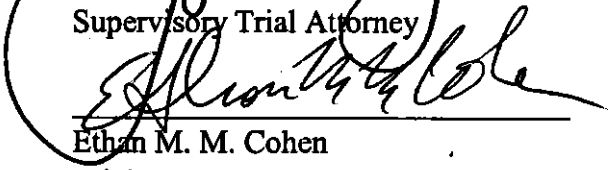
Equal Employment Opportunity Commission  
1801 "E" Street, N.W.  
Washington, D.C. 20507



John C. Hendrickson  
Regional Attorney



Gregory Gochanour  
Supervisory Trial Attorney



Ethan M. M. Cohen  
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

**DOCKETED**  
**JUL 16 2004**

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): UNITED STATES EQUAL  
EMPLOYMENT OPPORTUNITY COMMISSION  
("EEOC")**

**Defendant(s): MAYTAG CORPORATION**

County of Residence:

County of Residence: Cook

Plaintiff's Atty: **Ethan M. M. Cohen  
EEOC  
500 W. Madison, #2800, Chicago,  
IL 60661  
312-353-7568**

Defendant's Atty: **Angela Williams  
Maytag Corporation  
403 W. 4th St., P.O. Box 39,  
Newton, IA, 50208-0039**

**JUDGE HART**

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

III. Citizenship of Principal Parties  
(Diversity Cases Only)

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

**04C 4632**

**MAGISTRATE JUDGE BOBRICK**

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **442 Employment**

VI. Cause of Action: **Section 4(a) of the ADEA, 29 U.S.C. § 623(a). EEOC alleges that Maytag Corporation discriminated against a class of Regional Sales Managers over the age of 50 by demoting them and failing to promote or reinstate them.**

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand: **Yes**

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

Signature:

Date: **7/15/04**

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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**U.S. DISTRICT COURT**  
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**51 JUN 30**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

DOCKETED  
JUL 16 2004

In the Matter of Equal Employment Opportunity Commission ("EEOC") v. Maytag Corporation

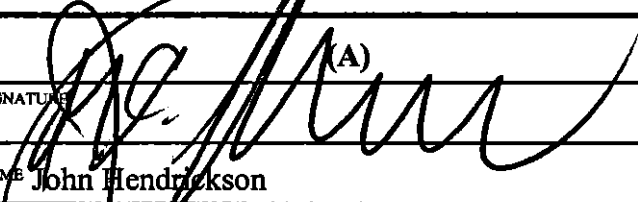
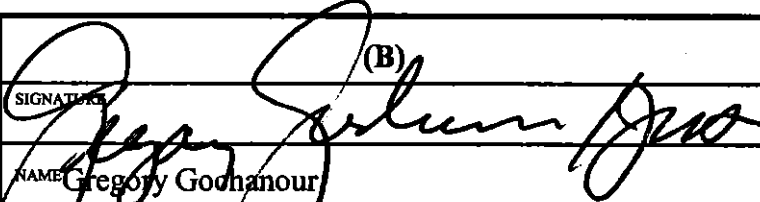
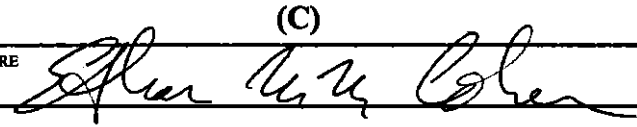
JUDGE HART

Case Number **04C 4632**

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

Plaintiff, EEOC

~~MAGISTRATE JUDGE BOBBICK~~

|  |   |  |   |
|--|---|--|---|
| <b>(A)</b>   |   | <b>(B)</b>   |   |
| SIGNATURE    |   | SIGNATURE  |   |
| NAME John Hendrickson  |   | NAME Gregory Godhanour   |   |
| FIRM EEOC  |   | FIRM EEOC  |   |
| 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) 353-8551  |   | TELEPHONE NUMBER (312) 886-9124  |   |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 1187583                           |   | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 06210804                          |   |
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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"/>            |
| <b>(C)</b>   |   | <b>(D)</b>   |   |
| SIGNATURE  |   | SIGNATURE  |   |
| NAME Ethan M. M. Cohen   |   | NAME   |   |
| FIRM EEOC  |   | FIRM   |   |
| STREET ADDRESS 500 W. Madison, Suite 2800  |   | STREET ADDRESS   |   |
| CITY/STATE/ZIP Chicago, IL 60661   |   | CITY/STATE/ZIP   |   |
| TELEPHONE NUMBER (312) 353-7568  |   | TELEPHONE NUMBER   |   |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 06206781                          |   | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)  |   |
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| TRIAL ATTORNEY?  | YES <input 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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U.S. DISTRICT COURT