

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

U.S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
PZ RESTAURANTS, INC.)
)
)
Defendant.)
_____)

04050251

Case No.

JURY TRIAL DEMANDED

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, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Sandra White ("White"), and to a class of female employees who were adversely affected by such practices. The U.S. Equal Employment Opportunity Commission (the "EEOC" or "Commission"), alleges that Defendant, PZ Restaurants, Inc. ("Defendant") discriminated against White and a class of female employees employed at Defendant's Parkway Restaurant in Sterling, Illinois by subjecting them to sexual harassment, in violation of Title VII. The Commission alleges further that Defendant retaliated against White and a class of female employees for complaining of sexual harassment in that it

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terminated White's employment and the employment of other members of the class, in violation of Title VII. Defendant later rehired White but made conditions so intolerable that it caused her constructive discharge.

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 Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful acts alleged below were committed within the Jurisdiction of the United States District Court for the Northern District of Illinois, Western Division.

PARTIES

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

4. At all relevant times, Defendant has continuously been doing business in the State of Illinois and the City of Sterling,

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 within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, White filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Pursuant to 42 U.S.C. §2000e-5(f)(1), EEOC's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with Title VII prior to institution of the lawsuit but EEOC was unable to secure a conciliation agreement acceptable to the Commission.

8. Since at least July 2000, Defendant has engaged in unlawful employment practices at Parkway Restaurant in Sterling, Illinois, in violation of Sections 703(a) and 704 of Title VII, 42 U.S.C. § 2000e-2(a) and 3. These practices include, but are not limited to, sexually harassing White and a class of female employees, failing to correct the sexually hostile work environment, and retaliating against White and a class of female employees after they complained of harassment by terminating White

and other females and then, after rehiring White, making conditions so intolerable that it caused her constructive discharge.

9. The effect of the practices complained of above has been to deprive White and a class of female employees at Parkway Restaurant of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and retaliation.

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 White and a class of female employee.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests 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 practices which discriminate on the basis of sex or engaging in retaliation;

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for its employees regardless of sex and which

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

C. Order Defendant to make whole Sandra White and a class of female employees 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.

D. Order Defendant to make whole Sandra White and the class of female employees, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 and 9 above, in amounts to be determined at trial.

E. Order Defendant to make whole Sandra White and the Class of female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 8 and 9 above, including emotional pain, humiliation, and inconvenience, in amounts to be determined at trial.

F. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraphs 8 and 9 above, 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 DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

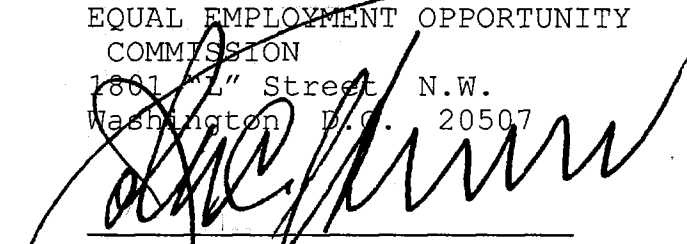
Respectfully submitted,

Eric S. Dreiband
General Counsel

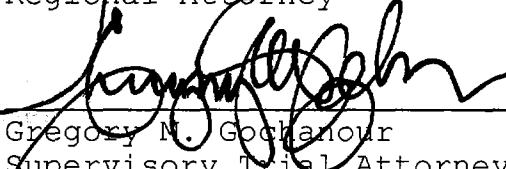
James Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

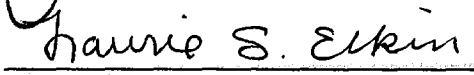
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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Civil Cover Sheet

U. S. DISTRICT COURT

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): PZ RESTAURANTS, INC.

County of Residence:

County of Residence: Whiteside County

Plaintiff's Atty: Laurie S. Elkin
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661

Defendant's Atty:
04050251

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. § 2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of sexual harassment and retaliation.**

VII. Requested in Complaint

Class Action: Yes
Dollar Demand:
Jury Demand: Yes

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

Signature: Laurie S. Elkin

Date: 6/3/04

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

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In the Matter of

WESTERN DIVISION

2004 JUN -4 AM 8:10

U.S. Equal Employment Opportunity Commission,
Plaintiff

V.
PZ Restaurants, Inc.

U.S. DISTRICT COURT
Case Number:

04050251

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

(A)		(B)	
SIGNATURE <i>Laurie S. Elkin</i>		SIGNATURE <i>Gregory M. Gochanour</i>	
NAME Laurie S. Elkin		NAME Gregory M. Gochanour	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
STREET ADDRESS 500 W. Madison St., Suite 2800		STREET ADDRESS 500 W. Madison St., Suite 2800	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661	
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E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC NO. 6210523		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804	
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TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" 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 <i>John C. Hendrickson</i>		SIGNATURE	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
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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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