

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

UNITED STATES EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )

Plaintiff, )

v. )

PRO-PAK INDUSTRIES, INC. )

Defendant. )

01C 0552  
FILED  
01 JAN 29 10:16  
U.S. DISTRICT COURT  
COMPLAINT  
JUDGE GETTLEMAN  
JURY DEMAND  
MAGISTRATE JUDGE ROSEMOND

DOCKETED  
JAN 29 2007

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 based on race and to provide appropriate relief to Kwaku Oware ("Charging Party" or "Oware") and a class of black employees who were adversely affected by such practices.

Defendant Pro-Pak Industries, Inc. ("Pro-Pak" or "Defendant") discriminated against Charging Party and a class of black employees because of their race by subjecting them to racially discriminatory terms and conditions and maintaining a racially hostile work environment. Furthermore, Defendant discriminated against Charging Party by terminating him because of his race and in retaliation for Charging Party's complaints of discrimination.

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) and Section

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707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §2000e-6(e).

2. The employment practices alleged to be unlawful were 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 VII and is expressly authorized to bring this action by Section 706(f)(1) and (3), 42 U.S.C. § 2000e-5(f)(1) and (3).

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

5. 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).

### **STATEMENT OF CLAIMS**

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

7. Since at least 1998, Defendant engaged in unlawful employment practices at its West Chicago, Illinois facility, in violation of Section 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and Section 704(a) of , 42 U.S.C. § 2000e-3. Such unlawful employment practices include, but are not limited to:

A. Creating and maintaining a racially hostile work environment by, among other

things, subjecting Charging Party and a class of black employees to racially offensive comments and statements;

B. Subjecting Charging Party and a class of black employees to discriminatory terms and conditions of employment because of their race; and

C. Terminating Charging Party because of his race and in retaliation for Charging Party's complaints of discrimination.

8. The effect of the aforementioned practices of Defendant has been to deprive Charging Party and a class of black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

9. The unlawful employment practices complained of in Paragraph 7 above were and are intentional.

10. The unlawful employment practices complained of in Paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Charging Party and other black employees of the Defendant.

#### **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 them, from engaging in any employment practice which discriminates on the basis of race or which constitutes racial harassment;

B. order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities regardless of race and which eradicate the effects of its unlawful employment practices;

C. order Defendant to make whole Charging Party and a class of black employees by

C. order Defendant to make whole Charging Party and a class of black employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above, in amounts to be determined at trial;

D. order Defendant to make whole Charging Party and a class of black employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraph 7 above, including emotional pain, suffering, and humiliation, in amounts to be determined at trial;

E. order Defendant to pay to Charging Party and a class of black employees punitive damages for its malicious and reckless conduct, as described in Paragraph 7 above, in amounts to be determined at trial;

F. grant such further relief as the Court deems necessary and proper in the public interest; and

G. award the Commission its costs in this action.

**JURY TRIAL DEMAND**

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

Respectfully submitted,

Gwendolyn Young Reams  
Associate General Counsel

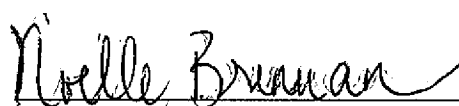
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

FILED  
JAN 10 17  
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.

JUDGE GETTLEMAN

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

Defendant(s): PRO-PAK INDUSTRIES, INC

County of Residence:

County of Residence: **MAGISTRATE JUDGE ROSEMOND**

Plaintiff's Atty: Noelle C. Brennan  
EEOC - Chicago District Office  
500 W. Madison, Suite 2800  
Chicago, IL 60661  
312-353-7303

Defendant's Atty: Robert J. Kartholl  
Schrott & Luetkehans  
105 E. Irving Park Rd. P.O.  
Box 247, Itasca, IL  
60143-0240

**DOCKETED**  
JAN 29 2001

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

**01C 0552**

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 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.

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand:

VIII. This case **is NOT** a refile of a previously dismissed case. (If yes case number \_\_ by Judge \_\_)

Signature: *Noelle Brennan*

Date: *January 26, 2001*

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

*[Handwritten signature]*

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

Eastern Division

In the Matter of

U.S. EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff

v.  
PRO-PAK INDUSTRIES, INC.

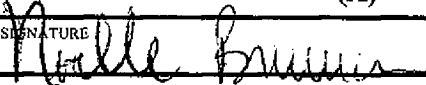

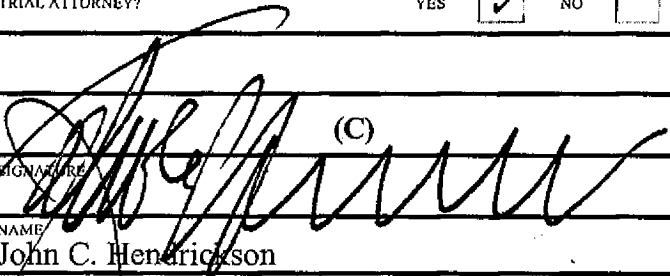
Case Number: **010-0552**  
**JUDGE GETILL**

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CLERK  
U.S. DISTRICT COURT

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION **MAGISTRATE JUDGE ROSEMOND**

**DOCKETED**  
JAN 29 2001

(A)	(B)
SIGNATURE 	SIGNATURE 
NAME Noelle C. Brennan	NAME Jose J. Behar
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06203727
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	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE 	SIGNATURE
NAME John C. Henrikson	NAME
FIRM EEOC - Chicago District Office	FIRM
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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"/>