

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

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U.S. DISTRICT COURT

U.S. EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
THE SHERWIN-WILLIAMS COMPANY )  
 )  
Defendant. )

03C50344

Civil Action No.

JURY TRIAL DEMAND

COMPLAINT

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 to provide appropriate relief to Courtney Moore who was adversely affected by such practices. The U.S. Equal Employment Opportunity Commission alleges that the defendant, The Sherwin-Williams Company, discriminated against Ms. Moore on the basis of her sex by permitting sexual harassment of her assistant manager, practices made unlawful under Title VII.

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, 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.

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2. The unlawful acts alleged below were committed within the jurisdiction of the United States District Court for the Northern District of Illinois.

### **PARTIES**

3. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission" or 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 The Sherwin-Williams Company, has continuously been a corporation doing business in the State of Illinois, County of Whiteside, 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-5(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty (30) days prior to the institution of this lawsuit, Courtney Moore filed charges of discrimination 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. From at least November 2001, defendant has engaged in unlawful employment

practices in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). These practices include, but are not limited to, harassing Ms. Moore on the basis of her gender and permitting the harassment to go unaddressed.

9. The effect of the practices complained of above has been to deprive Courtney Moore of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

10. The unlawful employment practices complained of in paragraphs 8 and 9 above were intentional.

10. 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 Courtney Moore.

#### **PRAAYER 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 defendant, from engaging in any employment practices which discriminate on the basis of sex;

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 practices;

C. Order defendant to make whole Courtney Moore by providing appropriate relief, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices;

D. Order defendant to make whole Courtney Moore 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 Courtney Moore and a class of female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described 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; and

H. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

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

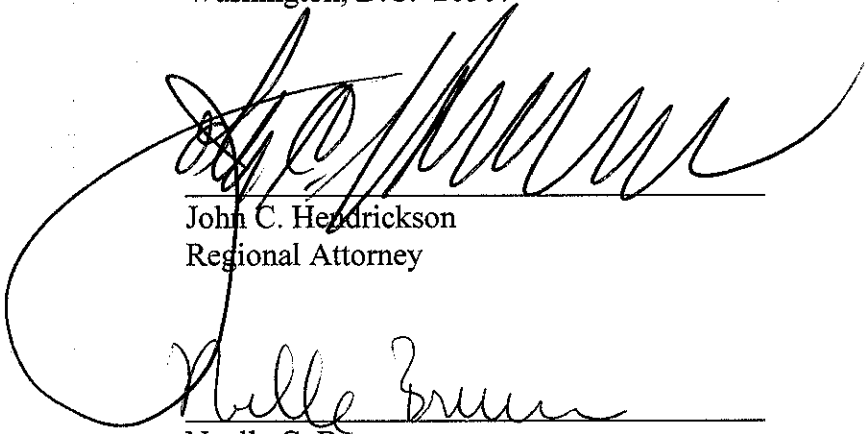
Respectfully submitted,

Eric S. Dreiband  
General Counsel

James Lee  
Deputy General Counsel


Gwendolyn Young Reams  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
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Washington, D.C. 20507



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John C. Hendrickson  
Regional Attorney



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Noelle C. Brennan  
Supervisory Trial Attorney



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Richard J. Mrizek  
Trial Attorney

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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): U.S. Equal Employment  
Opportunity Commission**

**Defendant(s): The Sherwin-Williams Company**

County of Residence:

County of Residence: Whiteside

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

Defendant's Atty:

03050344

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

III. Citizenship of Principal  
Parties (Diversity Cases Only)

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

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IV. Origin : 1. Original Proceeding

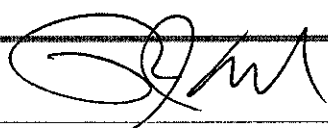
V. Nature of Suit: 442 Employment

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 sex.

VII. Requested in Complaint

Class Action: No  
Dollar Demand:  
Jury Demand: Yes

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

Signature: 

Date: 9/2/03

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

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

FILED-WD

In the Matter of

WESTERN DIVISION

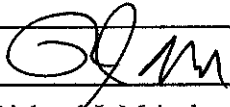
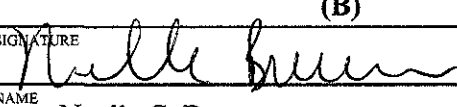
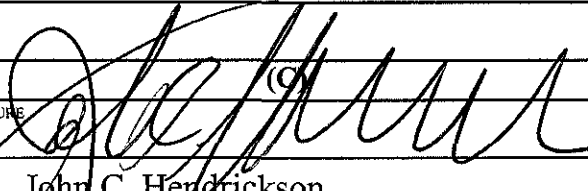
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Equal Employment Opportunity Commission,  
v. Plaintiff,  
The Sherwin-Williams Company  
Defendant.

Case Number:

U. S. DISTRICT COURT  
**03050344**

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff

(A)		(B)	
SIGNATURE 		SIGNATURE 	
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MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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"/>
(C)		(D)	
SIGNATURE 		SIGNATURE	
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input type="checkbox"/>
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?		DESIGNATED AS LOCAL COUNSEL?	

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