

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

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JEFFERSON SMURFIT CORP. (US.), )  
 )  
Defendant. )

04 C 5996

Judge Amy St. Eve


NOTICE OF FILING

TO: Keith A. Dorman, Esq.  
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Chicago, Illinois 60602

Please take notice that Plaintiff EEOC, pursuant to leave granted, has filed its **FIRST AMENDED COMPLAINT** with the United States District Court for the Northern District of Illinois on November 4, 2004.

Date: November 4, 2004

By: 

Richard J. Mrizek  
Trial Attorney  
United States Equal Employment  
Opportunity Commission  
500 West Madison Street, Suite 2800  
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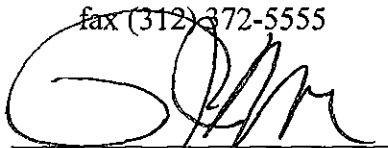
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**CERTIFICATE OF SERVICE**

Richard J. Mrizek, an attorney, hereby certifies that he caused a copy of foregoing PLAINTIFF EEOC'S AMENDED COMPLAINT SUBSTITUTING JEFFERSON SMURFIT CORP. (U.S.) FOR SURMIT-STONE CONTAINER CORP AS THE DEFENDANT to be delivered by facsimile and first class mail on November 4, 2004, to counsel of record at the address below:

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EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
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CIVIL ACTION NO.  
04 C 5996

Judge Amy St. Eve

JURY TRIAL DEMAND

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FIRST AMENDED 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 race and to provide appropriate relief to Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees who were adversely affected by such practices.

JURISDICTION AND VENUE

1. This action is brought by the United States Equal Employment Opportunity Commission to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.

2. This action is authorized and instituted pursuant to § 706(f)(1) and § 706(f)(3) of Title VII, as amended, 42 U.S.C. §2000e-5(f)(1) and §2000e-5(f)(3), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

3. This court has jurisdiction of this action pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345.

4. The unlawful acts alleged below were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern

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Division.

**PARTIES**

5. Plaintiff, Equal Employment Opportunity Commission ("EEOC" or the "Commission"), is an 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 § 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

6. At all relevant times, Defendant Jefferson Smurfit Corp. (U.S.), a wholly-owned subsidiary of JSCE, Inc, which is a wholly-owned subsidiary of Smurfit-Stone Container Corp., has continuously been a corporation doing business in the State of Illinois and the Village of Hanover Park.

7. At all relevant times, Jefferson Smurfit Corp. (U.S.) has continuously had at least fifteen (15) employees.

8. At all relevant times, Jefferson Smurfit Corp. (U.S.) 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**

9. More than thirty (30) days prior to the institution of this lawsuit, Milton Parker, Ed Washington, Robert Ewen, and Keyon Hayes filed charges of discrimination with the Commission alleging violations of Title VII by Jefferson Smurfit Corp. (U.S.)

10. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. Since at least 2000, Defendant has engaged in unlawful employment practices at its Hanover Park, Illinois, facility in violation of §703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Such unlawful employment practices have included subjecting Parker, Washington, Ewen, Hayes, and a class of African American employees to racial harassment and failing to use reasonable care to prevent and correct promptly such acts of racial harassment.

12. The result of the practices complained of in paragraph 11 has been to deprive Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees

of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

13. The unlawful employment practices complained of above were intentional.

14. The unlawful practices complained of above were done with malice or with reckless indifference to the federally protected rights of Parker, Washington, Ewen, Hayes, and a class of African American employees.

**PRAYER FOR RELIEF**

WHEREFORE, the Commission 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 race;

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

C. Order Defendant to make whole Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees by providing compensation for past and future pecuniary losses resulting from those unlawful employment practices, including medical expenses, in amounts to be determined at trial;

D. Order Defendant to make whole Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees by providing compensation for past and future non-pecuniary losses resulting from those unlawful employment practices, including emotional pain, suffering, loss of enjoyment of life, humiliation, and inconvenience, in amounts to be determined at trial;

E. Order Defendant to pay Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees punitive damages for its malicious and reckless conduct in amounts to be determined at trial.

F. Prohibit Defendant from discriminating against any individual for engaging in

protected activity under Title VII of the Civil Rights Act of 1964, or for opposing practices made unlawful by Title VII, or for participating in this lawsuit;

G. Grant such further relief as this 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 the Complaint.

Respectfully submitted,

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General Counsel

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Deputy General Counsel

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Associate General Counsel

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