

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

FILED
03 SEP 22 PM 11
U.S. DISTRICT COURT

4

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

JUDGE SHADUR

Plaintiff,

CIVIL ACTION NO.

MAGISTRATE JUDGE ASHMAN

00C 5861

v.

SPACELABS BURDICK, INC.

COMPLAINT

JURY TRIAL DEMAND

Defendant.

DOCKETED

SEP 25 2000

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 Karyn Hilborn ("Hilborn") who was adversely affected by such practices. As alleged with greater particularity below, Burdick, Inc. discriminated against Hilborn on the basis of her sex, female, with respect to compensation, terms and conditions of employment, exclusion from benefits, and discharge, in violation of Title VII. Burdick, Inc. was later acquired by Spacelabs Medical, which was then renamed Spacelabs Burdick, Inc. ("Defendant" or "Spacelabs Burdick").

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) of

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Title VII of the Civil Rights Act of 1964, as amended, 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 employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Western Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. Defendant Spacelabs Burdick, Inc. is a Delaware corporation continuously doing business in Illinois and has continuously had at least fifteen (15) employees. Defendant acquired Burdick, Inc. on or about April 26, 1999. Burdick, Inc. was a developer and manufacturer of diagnostic cardiology systems. At all relevant times, Burdick, Inc. was continuously doing business in the State of Illinois and the City of Rolling Meadows 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 days prior to the institution of this lawsuit, Hilborn 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. Since at least on or about 1993, Defendant has engaged in unlawful employment practices on the basis of sex at its Rolling Meadows facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). These practices include, but are not limited to 1) assigning Hilborn a lower commission rate than other sales staff; 2) forcing her to track her own accounts to establish sales; 3) not allowing her to attend the President's Club trip even though she qualified; and 4) terminating her and replacing her with a man.

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Hilborn of equal employment opportunities and otherwise adversely affect her status as an employee on the basis of her sex, in violation of Title VII.

9. The unlawful employment practices complained of in paragraph seven (7) above were intentional.

10. The unlawful employment practices complained of in paragraph seven (7) above were done with malice or with reckless indifference to the federally protected rights of Karyn Hilborn.

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 practice which discriminates on the basis of sex;

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals regardless of such individuals'

sex, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make whole Karyn Hilborn by providing appropriate back pay with pre-judgment 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 Karyn Hilborn by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including, but not limited to, job search expenses;

E. Order Defendant to make whole Karyn Hilborn by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, and humiliation;

F. Order Defendant to pay Karyn Hilborn punitive damages for its malicious and/or reckless conduct described, 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

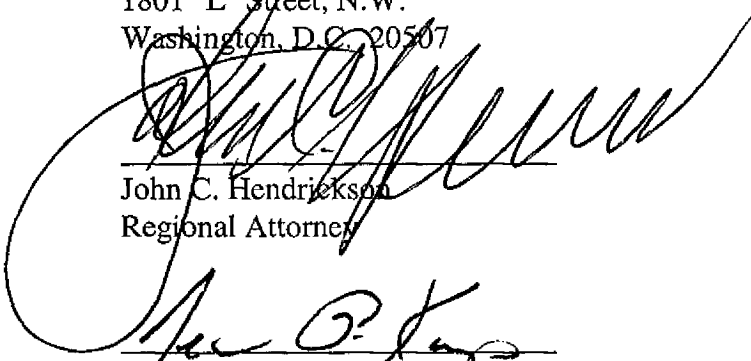
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

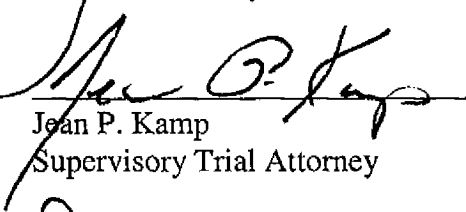
C. GREGORY STEWART
General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

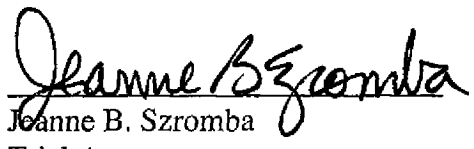
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CAT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

JUDGE SHADUR

Civil Cover Sheet MAGISTRATE JUDGE ASHMAN

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): **SPACELABS BURDICK, INC.**

County of Residence:

County of Residence:

Plaintiff's Atty:

JEANNE B. SZROMBA
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
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312-353-7546

Defendant's Atty:

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MECKLER, BULGER &
WILSON
8200 SEARS TOWER, 233
S. WACKER DR.
CHICAGO, IL 60606
312-474-7870

00C 586 1

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

III. Citizenship of Principle
Parties (Diversity Cases Only)

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

DOCKETED
SEP 25 2000

U.S. DISTRICT COURT
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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:
Dollar Demand:
Jury Demand: Yes

VIII. This case is NOT a refiling of a previously dismissed case. (If yes case number ___ by Judge ___)

Signature: *Jeanne Szromba* 9/21/00

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21-Sep-00 12:18

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

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

Eastern Division

JUDGE SHADUR



Double click on question mark for appearance form instructions

In the Matter of

U.S EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

vs.

SPACELABS BURDICK, INC. vs. REGISTRATE JUDGE ASHMAN

Case Number **00C 586 1**

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

U.S EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DOCKETED

SEP 25 2000

SEP 22 11 11 AM '00
FILED

(A)		(B)	
SIGNATURE		SIGNATURE	
NAME JEANNE B. SZROMBA		NAME JEAN P. KAMP	
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IDENTIFICATION NUMBER ARDC No. 06207846		IDENTIFICATION NUMBER ARDC No. 01390635	
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 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		SIGNATURE	
NAME JOHN C. HENDRICKSON		NAME	
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IDENTIFICATION NUMBER ARDC No. 01187589		IDENTIFICATION NUMBER	
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"/>	
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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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