

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

U.S. DISTRICT COURT
CLERK
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FILED-EDS

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
STREATOR BRICK, INC.)
)
Defendant.)

DOCKETED

SEP 04 2003

080 6192
Civil Action No.)
COMPLAINT)
JUDGE RONALD GUZMAN)
JURY TRIAL DEMAND)
MAGISTRATE JUDGE BOBRICK)

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 Charles Williams and a class of employees who were adversely affected by such practices. Plaintiff, Equal Employment Opportunity Commission ("EEOC"), alleges that Defendant Streator Brick, Inc. subjected Charles Williams and a class of black employees to harassment because of their race and subjected a class of white employees to direct harassment because of their association with black employees.

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

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3. This court has jurisdiction of this action pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, 1345, 42 U.S.C. §§ 2000e-5(f)(3), 2000e-6(a-c), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

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.

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

6. At all relevant times, Defendant Streator Brick, Inc. has continuously been a corporation doing business in LaSalle County, Illinois.

7. At all relevant times, Streator Brick, Inc. has continuously had at least fifteen (15) employees.

8. At all relevant times, Streator Brick, Inc. 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, Charles Williams filed a charge of discrimination with the Commission alleging violations of Title VII by Streator Brick, Inc.

10. On about March 4, 2003, the EEOC issued a Letter of Determination to Streator Brick, Inc. finding that Defendant had discriminated against Charles Williams and a class of employees.

11. 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 this lawsuit but EEOC was unable to secure an acceptable conciliation agreement.

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

13. Since at least December 2001, Defendant has failed to use reasonable care to prevent and correct promptly acts of racial harassment perpetrated by co-workers against Charles Williams and a class of black employees who were adversely affected by such practices and also a class of white employees who were subjected to direct harassment because of their association with black employees, in continuing violation of §703(a) of Title VII, 42 U.S.C. § 2000e-2(a). These unlawful employment practices include, but are not limited to, failing to use reasonable care to prevent and correct promptly racially harassing behavior by co-workers towards Charles Williams and a class of black employees and a class of white employees who were harassed because of their association with black employees.

14. The result of the practices complained of in paragraph 13 has been to deprive equal employment opportunities to Charles Williams and a class of black employees and a class of white employees who were harassed because of their association with black employees, and otherwise adversely affect their status as employees because of race.

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

16. The unlawful practices complained of above were done with malice or with reckless indifference to the federally protected rights of Charles Williams and a class of black employees and a class of white employees who were harassed because of their association with black 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 them, 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 Charles Williams and a class of black employees and a class of white employees who were subjected to direct harassment because of their association with black, by providing compensation for non-pecuniary losses resulting from those unlawful employment practices including emotional pain, humiliation, and inconvenience in amounts to be determined at trial;

D. Order Defendant to pay to Charles Williams and a class of black employees and a class of white employees who were subjected to direct harassment because of their association with black employees, punitive damages for its malicious and reckless conduct in an amount to be determined at trial.

E. 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 law suit;

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

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

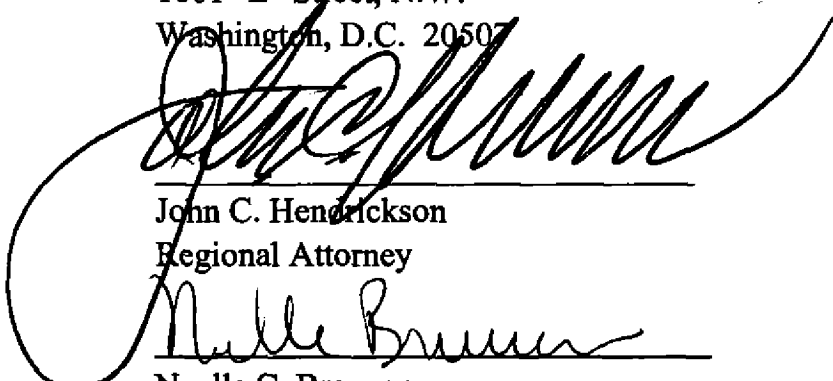
The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

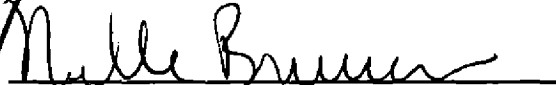
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

U.S. DISTRICT COURT
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Civil Cover Sheet

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): STREATOR BRICK, INC.

County of Residence:

County of Residence:

Plaintiff's Atty: Pamela S. Moore-Gibbs
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-886-9120

Defendant's Atty:

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SEP 04 2003
03C 6192

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

JUDGE RONALD GUZMAN

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

MAGISTRATE JUDGE BOBRICK

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

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

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

Signature:

Pamela Moore-Gibbs

Date:

9/4/03

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

U.S. DISTRICT COURT
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In the Matter of

EASTERN DIVISION

Equal Employment Opportunity Commission
Plaintiff,

v.
Streator Brick, Inc.,
Defendant.

Case Number

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION **JUDGE RONALD GUZMAN**

MAGISTRATE JUDGE BOBRICK

(A)		SEP 04 2003		(B)	
SIGNATURE <i>Pamela S. Moore-Gibbs</i>		SIGNATURE <i>Noelle C. Brennan</i>			
NAME Pamela S. Moore-Gibbs		NAME Noelle C. Brennan			
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission			
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS 500 W. Madison, Suite 2800			
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661			
TELEPHONE NUMBER 312-886-9120	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-353-7582	FAX NUMBER 312-353-8555		
E-MAIL ADDRESS pamela.mooregibbs@eeoc.gov		E-MAIL ADDRESS noelle.brennan@eeoc.gov			
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06197710		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901			
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"/>			
SIGNATURE <i>John C. Hendrickson</i>		SIGNATURE		(D)	
NAME John C. Hendrickson		NAME			
FIRM Equal Employment Opportunity Commission		FIRM			
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS			
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP			
TELEPHONE NUMBER 312-353-8551	FAX NUMBER 312-353-8555	TELEPHONE NUMBER	FAX NUMBER		
E-MAIL ADDRESS john.hendrickson@eeoc.gov		E-MAIL ADDRESS			
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? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>			

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