

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

DOCKETED  
APR 16 2004

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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): U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Defendant(s): T-MOBILE USA, INC.

County of Residence:

County of Residence: Cook

Plaintiff's Atty: Gordon G. Waldron  
Equal Employment Opportunity  
Commission  
500 W. Madison St., Suite 2800  
Chicago, IL 60661  
(312) 353-7525

Defendant's Atty: Brian McCarthy  
Jackson, Lewis LLP  
320 W. Ohio St., Suite 500,  
Chicago, IL 60610  
(312) 787-4949

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

III. Citizenship of Principal  
Parties (Diversity Cases Only)

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

JUDGE GETTLEMAN  
04C 2707  
MAGISTRATE JUDGE MASON

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 and retaliation.

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand: Yes

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

FILED-EDA  
U.S. DISTRICT COURT  
CHICAGO, ILL. 60610  
APR 14 2004

Signature: Gordon G. Waldron

Date: 4/14/04

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

In the Matter of

EASTERN DIVISION

**DOCKETED**

APR 16 2004

JUDGE GETTLEMAN

Equal Employment Opportunity Commission,  
v. Plaintiff,  
T-Mobile, Inc.,  
Defendant.

Case Number

**04C 2707**

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

U.S. Equal Employment Opportunity Commission, Plaintiff

MAGISTRATE JUDGE MASON

(A)		(B)	
SIGNATURE <i>Gordon G. Waldron</i>		SIGNATURE <i>Gregory M. Gochanour by gww</i>	
NAME Gordon G. Waldron		NAME Gregory M. Gochanour	
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 02920646		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input 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 <i>John C. Hendrickson</i>		SIGNATURE	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
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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"/>	

U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF ILLINOIS  
 CHICAGO, ILLINOIS  
 APR 16 2004

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

Equal Employment Opportunity  
Commission,

Plaintiff,

v.

T-Mobile USA, Inc., formerly known as  
VoiceStream Wireless,

Defendant.

JUDGE GETTLEMAN

CIVIL ACTION NO.

**04C 2707**

COMPLAINT

JURY TRIAL DEMAND

MAGISTRATE JUDGE MASON

DOCKETED

APR 1 6 2004

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
FILED-ED74

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 retaliation and to provide appropriate relief to Gerardine Baugh, a former employee of T-Mobile USA, Inc., ("Defendant"). Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends that Defendant discriminated against Baugh because of her sex by failing to remedy and prevent sexual harassment and by retaliating against her for asserting her Title VII rights, all in violation of 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 Section 706(f)(1) and (3) and Section 707(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-

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

4. At all relevant times, Defendant has continuously been and is now doing business in the State of Illinois and the City of Chicago and has continuously had at least fifteen (15) employees. At all relevant times Defendant has had over 500 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, Baugh (formerly known as Gerardine Novak) filed charges of discrimination with the Commission alleging violations of Title VII by Defendant, or its predecessor. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During 2001 and 2002 Defendant engaged in unlawful employment practices at its

facility in Chicago, Illinois in violation of Sections 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and § 2000e-3(a). These practices include discriminating against Baugh by failing to remedy and prevent sexual harassment against her in 2001 and 2002, and by retaliating against Baugh for having filed charges of discrimination with the Commission by terminating her on about September 25, 2002.

8. The effect of the practices complained of in paragraph seven above has been to deprive Baugh of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex, and because she had filed charges of discrimination with the Commission.

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

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to Baugh's federally protected rights.

#### 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. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating against any employee for participating in protected activity;

C. Order Defendant to institute and carry out policies, practices, and programs which

provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Defendant to make whole Baugh 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;

E. Order Defendant to make whole Baugh by providing compensation for past and future pecuniary losses resulting from her unlawful termination, including, but not limited to, job search expenses;

F. Order Defendant to make whole Baugh by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;

G. Order Defendant to pay Baugh punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial;

H. Order Defendant and its successors to provide training to its officers, managers and employees regarding sexual harassment and retaliation in the workplace;

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

J. 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,

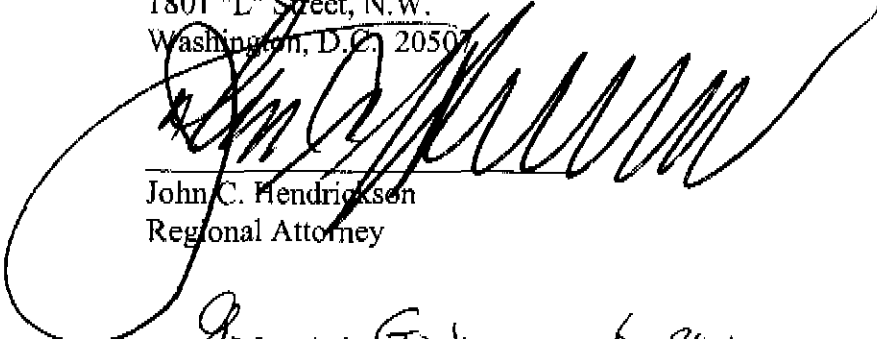
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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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