

**FILED**  
**LAL**

APR 20 2006 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN

**MICHAEL W. DOBBINS**  
**CLERK, U.S. DISTRICT COURT**

**06cv2197**  
**JUDGE KENNELLY**  
**MAGISTRATE COLE**

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

TOWN & COUNTRY CREDIT CORP.,

Defendant.

CIVIL ACTION NO.

COMPLAINT  
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Raees Yawer ("Yawer"). The Commission alleges that, since Yawer, then age 52, began working at Town & Country Credit Corp.'s ("Town & Country") Naperville, Illinois facility on May 1, 2002 until on or about October 1, 2003, Town & Country subjected her to almost daily harassment because of her age, and then on July 23, 2003, demoted her because of her age.

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 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

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 (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant, Town & Country Credit Corp. ("Defendant"), a Delaware corporation, has continuously been doing business in the State of Illinois and the Cities of Naperville and Itasca, and has continuously had at least 20 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

### CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

### STATEMENT OF CLAIMS

7. Since at least May 1, 2002, the Defendant has engaged in unlawful employment practices at its Naperville, Illinois facility, in violation of Section 4 of the ADEA, 29 U.S.C. § 623(a). The practices include harassing Yawer because of her age, by, including but not limited to, mimicking her and referring to her as "Ya-Ya" (the Greek word for "grandmother"), and then

demoting her on or about July 23, 2003.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Yawer of equal employment opportunities and otherwise adversely affect her status as an employee, because of her age.

9. The unlawful employment practices complained of in paragraph 7 above were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

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 harassment and discriminatory demotion and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

C. Grant a judgment requiring Defendant to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to Yawer.

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

E. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

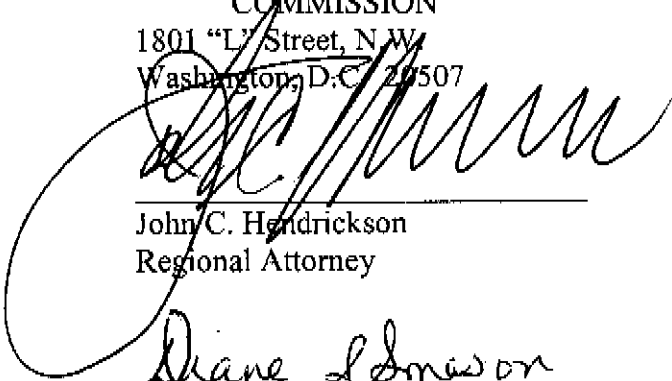
Respectfully submitted,

James Lee  
Deputy General Counsel


Gwendolyn Young Reams  
Associate General Counsel

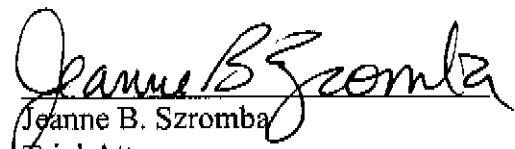
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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