

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

FILED

JUL 17 2002

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

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
PHYLLIS POWELL,)
Intervenor,)
)
v.)
)
UNITED AIR LINES, INC. D/B/A)
UNITED AIRLINES,)
)
Defendant,)

DOCKETED

JUL 24 2002

No. 02 C 4594

Judge Suzanne Conlon

Magistrate Judge Morton Denlow

Jury Trial Demanded

INTERVENOR'S COMPLAINT

Intervenor Phyllis Powell, by her attorneys Favaro, Buzek & Gorman, Ltd., and Beeler, Schad & Diamond, P.C., complains against defendant United Air Lines, Inc., d/b/a as United Airlines ("United")

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, seeking relief for plaintiff Phyllis Powell ("Powell"), for discrimination in the terms and conditions of her employment based on her sex, female, and her race, Black. United subjected Powell to sexual and racial harassment, and after she complained of employment discrimination, United retaliated against her by subjecting her to different terms and conditions of employment, and by discharging her, in violation of Title VII. Powell brings this complaint to intervene in the action brought by the U.S. Equal Employment Opportunity Commission ("EEOC").



Jurisdiction And Venue

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337, and 1343. The action is brought pursuant to Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. ¶ 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. Venue is proper pursuant to 28 U.S.C. ¶ 1391(b) and (c), and 42 U.S.C. § 2000e-5(f)(3). United's headquarters are in this district, and its illegal employment practices occurred in this district.

Parties

3. EEOC is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII.

4. At all relevant times United is a corporation doing business in Cook County, Illinois. United has more than fifteen employees, and is an employer engaged in an industry affecting commerce within the meaning of Title VII, 42 U.S.C. § 2000e(b)(g) and (h).

5. Powell was an employee of United within the meaning of Title VII, 42 U.S.C. § 2000e(f).

Administrative Prerequisites

6. Powell filed a charge of discrimination with the EEOC within 300 days of United's acts of discrimination, and more than 30 days prior to the filing of this lawsuit.

7. Powell has fulfilled all conditions precedent to the filing of this action.

Violations of Title VII

6. Powell was hired by United in early May, 1999, to work as a ramp service employee at O'Hare airport. The duties of ramp service employees include loading and unloading baggage on airplanes and at the terminal.

7. Beginning at the end of May, 1999, while at work at United, Powell was subjected to repeated sexual and racial harassment, including unwanted touching, racial slurs, and sexual comments about parts of her body. For example, male employees intentionally brushed against her breasts, and asked her if her breasts were real. Racial and sexual slurs, such as "black bitch" or comments referring to Powell's breasts, were written on the table in the employees' break room.

8. After Powell complained to United about being harassed, United retaliated by subjecting her to significantly worse terms and conditions of employment than those enjoyed by other workers. Powell's supervisor assigned her to work for extended periods by herself in the pit, the underbelly of airplanes where baggage is stored. Normally ramp service employees work in the pit in pairs, and regularly rotate to other assignments, because work in the pit is very hot, cramped and involves substantial lifting under awkward conditions.

9. Powell's supervisor did nothing to improve the racially and sexually hostile environment to which Powell was subjected, but instead encouraged the hostile environment by saying in front of other employees that he did not understand why United kept hiring "black bitches".

10. Despite her complaints, Powell was continually subjected to a hostile environment and retaliation until United discharged her in August, 1999.

11. United's actions deprived Powell of equal employment opportunities and otherwise adversely affected her status as an employee because of her sex, female, and race, Black.

12. United's actions were done intentionally, and with malice or with reckless indifference to Powell's federally protected rights.


13. As a result of United's illegal discrimination and retaliation, Powell suffered loss of income, loss of career opportunities, severe humiliation and emotional distress.

WHEREFORE, Phyllis Powell requests the Court to enter judgment in her favor and against United, and awarding Powell:

- A. Reinstatement with no loss of seniority, vesting or benefits;
- B. Back pay, prejudgment interest and compensation for other pecuniary losses;
- C. Front pay;
- D. Compensatory damages for pain, suffering, emotional distress, inconvenience and mental anguish;
- E. Punitive damages;
- F. Attorney's fees, expert witness fees and costs; and
- G. Such additional relief as the Court finds appropriate.

Jury Demand

Intervenor Phyllis Powell requests a jury trial.



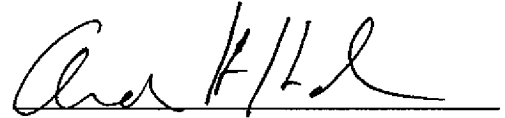
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CERTIFICATE OF SERVICE

I, Andrew Haber, an attorney, certify that on July 16, 2002, I served a copy of Phyllis Powell's Motion For Leave To Intervene on the attorneys named below by first class mail.

A handwritten signature in black ink, appearing to read "Andrew Haber", is written over a horizontal line.

Service List

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