

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

FILED-ED4
07:11:44 4-83J30
U.S. DISTRICT COURT

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
UNITED AIR LINES, INC. d/b/a)
UNITED AIRLINES,)
)
Defendant.)
)
_____)

03C00812

Case No.

JUDGE JOHN W. DARRAH

JURY TRIAL DEMANDED

MAGISTRATE JUDGE LEVIN

DOCKETED

FEB 05 2003

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. § 12101 et seq., and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Joanne Plurad ("Plurad"), who was adversely affected by such practices. The Commission alleges that Defendant United Airlines, Inc. d/b/a United Airlines ("Defendant") discriminated and retaliated against Plurad in that it failed to provide a reasonable accommodation to Plurad.

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 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("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.

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2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court in the Northern District of Illinois, Eastern Division.

PARTIES

3. Plaintiff U.S. Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107 (a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times Defendant United Airlines Inc. d/b/a United Airlines ("Defendant") has been and is now an Illinois corporation doing business in the State of Illinois and has continuously had and does now have at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 10(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Defendant has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, Joanne Plurad filed a charge with the Commission alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least March 1996 Defendant has engaged in unlawful employment practices at its Chicago O'Hare facility in violation of Sections 102(a), 102(b)(1) and 102(b)(6) of the ADA, 42 U.S.C. §§ 12112(a), 12112(b)(1) and 12112(b)(5). These practices include Defendant's failure to provide Plurad with a reasonable accommodation, and Defendant's retaliation against Plurad for having complained about the discriminatory treatment by placing her on unpaid involuntary sick leave.

9. The effect of the practices complained of has been to deprive Plurad of equal employment opportunities and otherwise adversely affect her employment status on the basis of her disability.

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

11. Defendant, at all relevant times, has acted with malice or reckless indifference to the federally protected rights of Plurad.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, management personnel, employees, agents, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability; and from retaliation against any person because that person has, in good faith, opposed discriminatory policies or practices, has filed a charge with the EEOC, or because of the person's participation in, or cooperation with, the initiation, investigation, and/or litigation of this case.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities to qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Joanne Plurad, by providing back pay with prejudgment 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 Joanne Plurad, by providing compensation for pecuniary losses resulting from the unlawful employment practices described in paragraph 8, above, in amounts to be proved at trial.

E. Order Defendant to make whole Joanne Plurad, by providing compensation for non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including pain, suffering, emotional distress, inconvenience and mental anguish, in amounts to be proved at trial.

F. Order Defendant to pay Joanne Plurad, punitive damages for its malicious and reckless conduct, as described in paragraph 8, in amounts to be proved at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Grant the Commission its costs in this action.

JURY TRIAL DEMANDED

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

Respectfully submitted,

NICHOLAS INZEO
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel


U.S. Equal Employment
Opportunity Commission
1801 "L" Street, N.W.
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Regional Attorney



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#1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

FILED-ED4
03 FEB -4 AM 11:40
U.S. DISTRICT COURT
CLERK

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): UNITED AIR LINES, INC, d/b/a
UNITED AIRLINES**

County of Residence:

County of Residence: COOK

Plaintiff's Atty: June Wallace Calhoun
Equal Employment
Opportunity Commission
500 W. Madison St, Suite 2800
Chicago, IL 60661
(312) 353-7259

Defendant's Atty: Kim Dawsonia
United Airlines - WHQHR
1200 East Algonquin Road
ElkGrove Village, IL 60007
(847)700-5881

DOCKETED
FEB 05 2003

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

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

03C00812

JUDGE JOHN W DARRAH

IV. Origin : 1. Original Proceeding

MAGISTRATE JUDGE LEVIN

V. Nature of Suit: 442 Employment

VI. Cause of Action: Title I of Americans with Disabilities Act of 1990 (the "ADA"), 42 U.S.C. § 12101 et seq., 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 disability.

VII. Requested in Complaint
Class Action:
Dollar Demand:
Jury Demand: Yes

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

Signature: June Wallace Calhoun 2/4/03

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

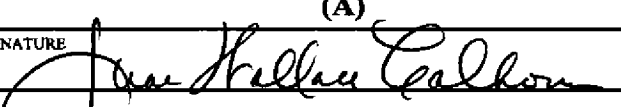
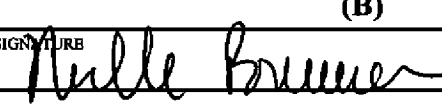
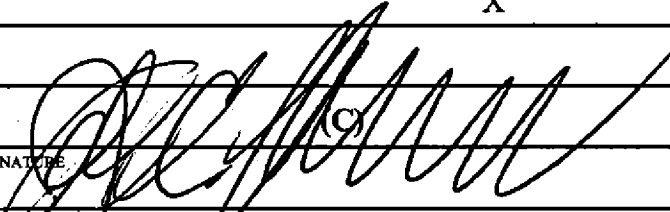
In the Matter of
U.S. Equal Employment Opportunity Commission,
Plaintiff,
v.
United Airlines,
Defendant.

FILED-ED4
03 FEB -4 AM 11:40
U.S. DISTRICT COURT
Case Number

03C00812

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:
Plaintiff, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION **JUDGE JOHN W. DARRAH**

MAGISTRATE JUDGE LEVIN

(A)	(B) DOCKETED
SIGNATURE 	SIGNATURE  FEB 05 2003
NAME June Wallace Calhoun	NAME Noelle C. Brennan
FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission
STREET ADDRESS 500 W. Madison St., Suite 2800	STREET ADDRESS ADDRESS 500 W. Madison St., Suite 2800
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661
TELEPHONE NUMBER 312-353-7259	TELEPHONE NUMBER 312-353-7582
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) USDC No. 06202058	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901
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	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE 	SIGNATURE
NAME John C. Hendrickson	NAME
FIRM Equal Employment Opportunity Commission	FIRM
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
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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 checked="" type="checkbox"/>

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