

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

DOCKETED  
MAY 29 2003

Equal Employment Opportunity  
Commission, )

Plaintiff, )

v. )

Walsh Construction Company of Illinois, )

Defendant. )

CIVIL ACTION NO.

JUDGE ZAGEL

93C 3601

COMPLAINT

JURY TRIAL DEMAND

MAGISTRATE JUDGE BOBRICK

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
MAY 28 AM 9:01  
FILED-ED4

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 to provide appropriate relief to Janice Lenoir who was adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends Defendant, Walsh Construction Company of Illinois, has violated Title VII by subjecting Janice Lenoir, because of her sex, to a hostile and abusive work environment and by failing to take prompt remedial action intended to eliminate the harassment after the Defendant became aware of it.

JURISDICTION AND VENUE

1. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 451, 1331,

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1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been and is now doing business in the State of Illinois and has continuously had at least fifteen (15) 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 Janice Lenoir filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During 2001, Defendant has violated Section 703(a)(1) of Title VII, 42

U.S.C. § 2000e-2(a)(1) by subjecting Janice Lenoir to sexual harassment and by failing to take prompt remedial action intended to eliminate the harassment after the Defendant became aware of the illegal behavior.

8. The effect of the practices complained of in paragraph seven above has been to deprive Janice Lenoir of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

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 the federally protected rights of Janice Lenoir.

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. 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;

C. Order Defendant to make whole Janice Lenoir by providing compensation for pecuniary losses resulting from the unlawful employment practices described above;

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

E. Order Defendant to pay Janice Lenoir punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

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

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

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

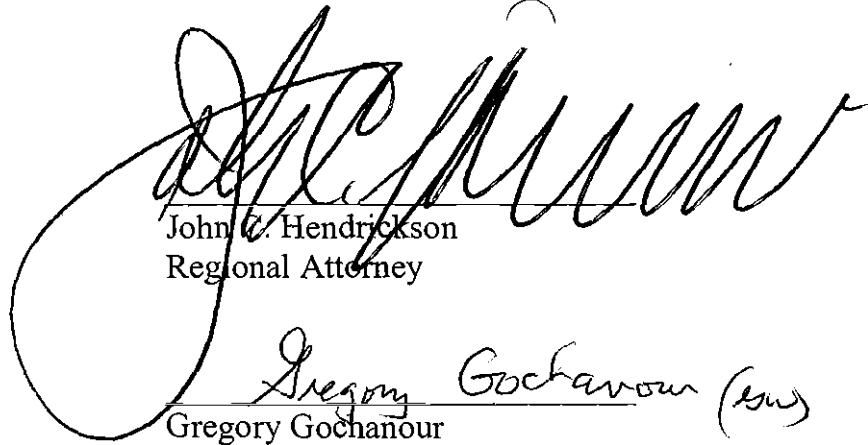
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,


NICHOLAS INZEO  
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

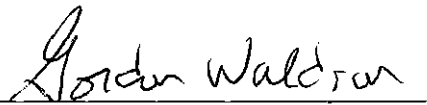
Equal Employment Opportunity Commission  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**Civil Cover Sheet 03C 3601**

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.

JUDGE ZAGEL

**Plaintiff(s): U.S. Equal Employment  
Opportunity Commission**

**Defendant(s): Walsh Construction Company of  
Illinois**

**DOCKETED  
MAY 29 2003**

County of Residence:

County of Residence:

**MAGISTRATE JUDGE BOBRICK**

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

Defendant's Atty:

U.S. DISTRICT COURT  
MAY 28 11 59 AM '03  
FILED-ED4

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

III. Citizenship of Principal  
Parties (Diversity Cases Only)

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

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 unlawful employment practices on the basis of sex.**

VII. Requested in Complaint

Class Action: No  
Dollar Demand:  
Jury Demand: Yes

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

Signature: Gordon Waldron 5/27/03

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

**DOCKETED**  
MAY 29 2003

In the Matter of

EASTERN DIVISION

U.S. Equal Employment Opportunity Commission,  
v. Plaintiff,  
Walsh Construction Company of Illinois,  
Defendant.

Case Number:

**03C 3601**

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

U.S. Equal Employment Opportunity Commission, Plaintiff

**JUDGE ZAGEL**

MAGISTRATE JUDGE BORNIK

(A)		(B)	
SIGNATURE <i>Gordon Waldron</i>		SIGNATURE <i>Gregory Gochanour (Gw)</i>	
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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	
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