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1999 WL 34002340 (N.D.Ill.)

For opinion see [2004 WL 434203](#), [217 F.R.D. 415](#)

[Motions, Pleadings and Filings](#)

United States District Court, N.D. Illinois.  
Eastern Division

Lisa ELLIS, Marcia English, Derrick Denson and Yvonne Mason, individually and for a class, Plaintiffs,  
v.

Elgin Riverboat RESORT d/b/a Grand Victoria Riverboat; Nevada Landing Partnership and RBG Ltd.,  
Defendants.

No. 98 CV 7093.

Docketed July 8, 1998.

July 7, 1999.

Amended Complaint

[Cecile Singer](#), [Kenneth N. Flaxman](#), 122 South Michigan Avenue, Suite 1850, Chicago, Illinois 60603,  
(312) 427-3200, attorneys for plaintiffs.  
Judge [Marovich](#).

Pursuant to leave of Court, plaintiffs, by counsel, file this amended complaint and allege as follows:

1. This is a civil action arising under Title VII of the Civil Rights Act of 1964, as amended, [42 U.S.C. §2000e](#).
2. Plaintiffs Lisa Ellis, Marcia English, Derrick Denson and Yvonne Mason were, at all times relevant, African-American residents of the Northern District of Illinois. Each plaintiff was, at all times relevant, well-trained, competent, and experienced in a variety of customer-service positions (e.g., dealer) at a riverboat casino.
3. Plaintiff Yvonne Mason died subsequent to the filing of this lawsuit and will be replaced by a personal representative within the time period of [Federal Rule of Civil Procedure 25](#).
4. Defendant Elgin Riverboat Resort d/b/a Grand Victoria Riverboat; Nevada Landing Partnership and RBG Ltd. (previously referred to as "Grand Victoria Casino") is an employer of more than 15 persons within the Northern District of Illinois.
5. In August of 1998, plaintiffs Ellis, English, and Mason applied for vacant dealer positions with defendant.
6. On or about August 12, 1998, plaintiffs were Ellis and English were scheduled to be

"auditioned" for vacant dealer positions. Plaintiffs Ellis and English were interviewed with a group of eight potential employees. This group consisted of plaintiffs Ellis and English, two African-American woman, three Caucasian women, one Caucasian man, and one Asian woman.

7. The Caucasian applicants were auditioned first and each received an extensive tryout. Thereafter, plaintiffs and the Asian woman were auditioned; each received a brief and superficial audition.

8. Following the auditions, defendant hired all of the Caucasian applicants and failed to hire plaintiffs and the other non-Caucasian applicant.

9. Plaintiff Yvonne Mason applied for employment with defendant on August 5, 1998. On September 9, 1998, she was one of two applicants who auditioned for a job as a dealer. The other applicant was a white male. The white male was hired, Mason was not.

10. Plaintiff Derrick Denson applied for a dealer position with defendant on or about November 15, 1998. At that time, Denson had seven years experience as a dealer and two years experience as a supervisor in the gaming industry. In applying for a dealer position, Denson received a written application and, along with 15 to 20 other applicants, completed the application. Denson was the only African-American among this group of applicants. Defendant did not hire Denson; Denson is informed and believes that defendant hired a significant number of the non-African-American applicants who had applied for vacant dealer positions at the same time as Denson applied.

11. Plaintiffs filed timely charges of employment discrimination with the EEOC and initiated this lawsuit within 90 days of receipt of a notice of right to sue.

12. Plaintiffs bring this case under [Rule 23 of the Federal Rules of Civil Procedure](#) for all African-American persons who have been denied equal employment opportunities because of defendant's refusal to hire African-American dealers. The proposed class consists of all African-Americans who applied and were rejected for employment or who were deterred from applying for employment from December 25, 1997 (300 days before the filing of the first EEOC charge) to present. The proposed class satisfies each of the requirements of [Rule 23\(a\)](#) and certification is appropriate under [Rule 23\(b\)\(2\)](#).


Wherefore plaintiffs request that the Court order that this case may be maintained as a class action and that the Court:

- Enter a declaratory judgment finding that defendant discriminated against plaintiffs and other similarly situated class members,
- Enjoin the defendant from continuing its policy and practice of discriminating against

plaintiffs and other similarly situated class members,

- Mandate the employment with full back pay and benefits of the named plaintiffs, and
- That the Court fashion such additional appropriate relief as may be appropriate to make whole the plaintiff class.

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- [2003 WL 24309321](#) (Trial Motion, Memorandum and Affidavit) Defendants' Motion for Summary Judgment (Dec. 19, 2003)  [Original Image of this Document \(PDF\)](#)
- [1:98CV07093](#) (Docket) (Nov. 5, 1998)
- [1998 WL 34375913](#) (Expert Report and Affidavit) (Report or Affidavit) (1998)

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