

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

UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION,

FILED

JUN 15 2004

MICHAEL W. PALLMEYER
Plaintiff, U.S. DISTRICT COURT
RECEIVED

vs.

JUN 15 2004

REGAL-BELOIT CORPORATION,

Case No. 04C2706

Defendant.

ANSWER

Defendant, Regal-Beloit Corporation, answers the Complaint of Plaintiff, United States Equal Opportunity Commission, by admitting, denying and asserting as follows:

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 based on national origin, race and retaliation and to provide appropriate relief to Christopher Nowak ("Charging Party" or "Nowak") and a class of similarly situated employees who were adversely affected by such practices. Regal-Beloit Corp. ("Regal" or "Defendant") discriminated against Charging Party and a class

of employees at Defendant's Foote-Jones/Illinois Gear manufacturing facility located in Chicago, Illinois because of their national origin or race by maintaining a hostile and offensive work environment. Defendant also discriminated against Nowak by retaliating against him for opposing employment practices made unlawful by Title VII.

RESPONSE:

Defendant admits this is a Title VII action and that its Foote-Jones/ Illinois Gear manufacturing facility is located in Chicago, Illinois. Defendant denies the remaining allegations in this paragraph of the Complaint.

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 706(0)(1) and (3) and Section 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(e).

RESPONSE:

Defendant admits the jurisdictional allegations in paragraph 1 of the Complaint, except Defendant denies violating Title VII.

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.

RESPONSE:

Defendant admits the venue allegations in paragraph 2 of the Complaint, except Defendant denies committing any unlawful employment practices.

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 Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) and Section 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(e).

RESPONSE:

Defendant admits the allegations in paragraph 3 of the Complaint.

4. At all relevant times, Defendant, a Wisconsin corporation, has been continuously doing business in the City of Chicago, State of Illinois, and has continuously had at least fifteen (15) employees.

RESPONSE:

Defendant admits the allegations in paragraph 4 of the Complaint.

5. At all relevant times, Defendant has 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).

RESPONSE:

Defendant admits the allegations in paragraph 5 of the Complaint.

STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Charging Party filed a charge with the Commission alleging violations of Title VII by Regal. All conditions precedent to the institution of this lawsuit against the Defendant have been fulfilled.

RESPONSE:

Defendant admits the allegations in the first sentence, except Defendant denies violating Title VII, and Defendant denies the allegations in the second sentence of paragraph 6 of the Complaint.

7. Defendant engaged in unlawful employment practices at its Chicago, Illinois facility, in violation of Sections 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Such unlawful employment practices include, but are not limited to:

A. Since at least 1998, discriminating against Charging Party because of his national origin (Polish) by subjecting him to harassment consisting of ethnic and racial slurs and creating and maintaining an abusive and hostile work environment.

B. Since at least 1998, discriminating against a class of employees because of their national origin (including but not limited to Hispanic) or race (including but not limited to Black) by subjecting them to harassment consisting of ethnic and racial slurs and creating and maintaining an abusive and hostile work environment.

C. Since at least 1999, discriminating against Charging Party by subjecting him to increased harassment because of his opposition to employment practices made unlawful by Title VII, specifically, for participating in the investigation of a Charge of Discrimination filed with the Illinois Department of Human Rights and for complaining to his supervisors regarding the harassment he was experiencing at work.

RESPONSE:

Defendant denies the allegations in paragraph 7 of the Complaint, including all of its subparagraphs.

8. The effect of the aforementioned practices of Defendant has been to deprive Charging Party and a class of employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

RESPONSE:

Defendant denies the allegations in paragraph 8 of the Complaint.

9. The unlawful employment practices complained of in Paragraph 7 above were and are intentional.

RESPONSE:

Defendant denies the allegations in paragraph 9 of the Complaint.

10. The unlawful employment practices complained of in Paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Charging Party and other employees of the Defendant.

RESPONSE:

Defendant denies the allegations in paragraph 10 of the Complaint.

AFFIRMATIVE DEFENSES

11. The Complaint is time-barred pursuant to 42 U.S.C. section 2000e-5(e)(1) or by other applicable statutes of limitation.
12. The Complaint fails to state a claim upon which relief can be granted against Defendant.

13. The Charging Party has failed to mitigate his alleged damages, if any.

14. The Charging Party's alleged damages, if any, were caused by factors unrelated to Defendant's alleged conduct.

WHEREFORE, Defendant, Regal-Beloit Corporation, respectfully demands judgment dismissing the Complaint on the merits and with prejudice and awarding Defendant its taxable costs and disbursements, including its reasonable attorneys' fees, and such other relief in its favor as this Court may deem just and proper.

Dated this 9 day of June, 2004.

Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202
414-298-1000

Mailing Address:
P.O. Box 2965
Milwaukee, WI 53201-2965

Jeffrey P. Clark
Member of Trial Bar of U.S. District
Court for the Northern District of Illinois
WI State Bar ID No. 1009316

Robert K. Sholl
WI State Bar ID No. 1016881
IL State Bar ID No. 6181394

BY Jeffrey P. Clark
Attorneys for Defendant
Regal-Beloit Corporation