

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

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

REGAL-BELOIT CORPORATION,

Defendant.

JUDGE PALLMEYER

04C 2706

COMPLAINT

JURY DEMAND
MAGISTRATE JUDGE
GERALDINE SOAT BROWN

DOCKETED

APR 15 2004

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.

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(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).

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 (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).

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.

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).

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.

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.

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.

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

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.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. grant a permanent injunction enjoining Apollo, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of national origin or race or which constitutes racial harassment, and enjoining Defendant from retaliating against any employee for opposing employment practices made unlawful by Title VII;
- B. order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities regardless of national origin and race and which eradicate the effects of its unlawful employment practices;
- C. order Defendant to make whole Charging Party and a class of employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above, in amounts to be determined at trial;
- D. order Defendant to make whole Charging Party and a class of employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraph 7 above, including emotional pain, suffering, and humiliation, in amounts to be determined at trial;
- E. order Defendant to pay to Charging Party and a class of employees punitive damages for its malicious and reckless conduct, as described in Paragraph 7 above, in amounts to be determined at trial;
- F. grant such further relief as the Court deems necessary and proper in the public interest; and
- G. award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

Eric Dreiband
General Counsel

James Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

Equal Employment Opportunity Commission
1801 "L" Street, N.W.
Washington, D.C. 20507

John C. Hendrickson
Regional Attorney

Gregory Gochanour/Ease
Gregory Gochanour
Supervisory Trial Attorney

Ethan M. M. Cohen
Ethan M. M. Cohen
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
(312) 353-7568

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In the Matter of Equal Employment Opportunity Commission ("EEOC") v. Regal-Beloit Corporation

JUDGE PALLMEYER

Case Number:

04C 2706

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR: **MAGISTRATE JUDGE
GERALDINE SOAT BROWN**

(A)		(B)			
SIGNATURE		SIGNATURE			
NAME John Hendrickson		NAME Gregory Gochanour			
FIRM EEOC		FIRM EEOC			
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS 500 W. Madison, Suite 2800			
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661			
TELEPHONE NUMBER (312) 353-8551		TELEPHONE NUMBER (312) 886-9124			
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 1187583		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. 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		SIGNATURE			
NAME Ethan M. M. Cohen		NAME			
FIRM EEOC		FIRM			
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS			
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP			
TELEPHONE NUMBER (312) 353-7568		TELEPHONE NUMBER			
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 06206781		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)			
MEMBER OF TRIAL BAR?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
TRIAL ATTORNEY?	YES <input 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 type="checkbox"/>