

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

FILED-ED4

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EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

COURTESY CORPORATION, and)

CREATIVE PACKAGING CORP.)

Defendants.)

U.S. DISTRICT COURT
DOCKETED
JAN 15 2002

CIVIL ACTION NO.

020 0327

COMPLAINT
JURY TRIAL DEMAND
JUDGE RONALD GUZMAN
MAGISTRATE JUDGE LEVIN

NATURE OF THE ACTION

This is an action under the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991, to restrain the unlawful payment of wages to a female employee at a rate less than the rate paid to a male employee, and to provide appropriate relief due to the female employee as a result of such unlawful practices. The Commission alleges that Courtesy Corporation ("Courtesy") and Creative Packaging, Corp. ("Creative Packaging"), (collectively, "Defendants"), paid Dawn Weiner ("Weiner"), a female sales employee, at a wage rate which was less than the rate paid to a male employee performing substantially equal work, and then retaliated against her by terminating her when she complained of the unequal treatment.

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 Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217, to enforce the requirements of the Equal Pay Act of 1963, codified as Section 6(d) of the FLSA, 29 U.S.C. §

206(d), and 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) ("Title VII"). This action is also authorized and instituted pursuant to Section 102 of Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being 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 the Equal Pay Act and Title VII, and is expressly authorized to bring this action by Sections 16(c) and 17 of the FLSA, 29 U.S.C. §§ 216(c) and 217, as amended by Section 1 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and Public Law 98-532 (1984), 98 Stat. 2705; and 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, Defendants have continuously been doing business in the State of Illinois and the City of Buffalo Grove, and have continuously had at least 15 employees.

5. At all relevant times, Defendants have continuously been employers 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).

6. At all relevant times, Defendants have acted directly or indirectly as employers in relation to employees and has continuously been employers within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

7. At all relevant times, Defendants have continuously employed employees engaged

in commerce or in the production of goods for commerce within the meaning of Sections 3(b), (i) and (j) of the FLSA, 29 U.S.C. §§ 203(b), (i) and (j), and have continuously been enterprises engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(r) and (s) of the FLSA, 29 U.S.C. §§ 203(r) and (s), in that said enterprises have continuously been enterprises whose annual gross volume of sales made or business done is not less than \$500,000.

STATEMENT OF TITLE VII CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Weiner filed a charge with the Commission alleging violations of Title VII by Defendant Creative Packaging. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least January 2000, Defendants have engaged in unlawful employment practices at its Buffalo Grove facility, in violation of Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3). These practices include, but are not limited to paying Weiner less for doing substantially the same work as a male salesperson and then terminating Weiner when she complained about the disparity in pay.

10. The effect of the practice complained of in paragraph 9 above has been to deprive Weiner of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex.

11. The unlawful employment practices complained of in paragraph 9 above were and are intentional.

12. The unlawful employment practices complained of in paragraph 9 above were and are done with malice or with reckless indifference to the federally protected rights of Weiner.

STATEMENT OF EPA CLAIMS

13. Since at least January 2000, Defendant Employers have violated Sections 6(d)(1) and

15(a)(2) of the FLSA, 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by paying wages to its female sales representatives in its Buffalo Grove facility, at rates less than the rates paid to male employees in the same establishment for substantially equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

14. As a result of the acts complained of above, Defendant Employers unlawfully have withheld and are continuing to withhold the payment of wages due to Weiner.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, their 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 sex.

B. Grant a permanent injunction enjoining the Defendants, their officers, successors, assigns and all persons in active concert or participation with them, from discriminating within any of its establishments between employees on the basis of sex, by paying wages to employees of one sex at rates less than the rates at which it pays wages to employees of the opposite sex for substantially equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

D. Order Defendants to institute and carry out policies, practices and programs which provide equal employment opportunities for women, and which eradicate the effects of their past and present unlawful employment practices.

E. Order Defendants to make whole Weiner, by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to pay

increases of Weiner.

F. Order Defendants to make whole Weiner by providing compensation for past and future pecuniary losses resulting from the unlawful practices described in paragraph 9 above, in amounts to be determined at trial.

G. Order Defendants to make whole Weiner by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

H. Order Defendants to pay Weiner punitive damages for their malicious and/or reckless conduct described in paragraph 9 above, in an amount to be determined at trial.

I. Grant a judgment requiring Defendants to pay appropriate back wages in amounts to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to Weiner.

O. Grant such further relief as this Court deems necessary and proper in the public interest.

P. Award the Commission its costs of this action.

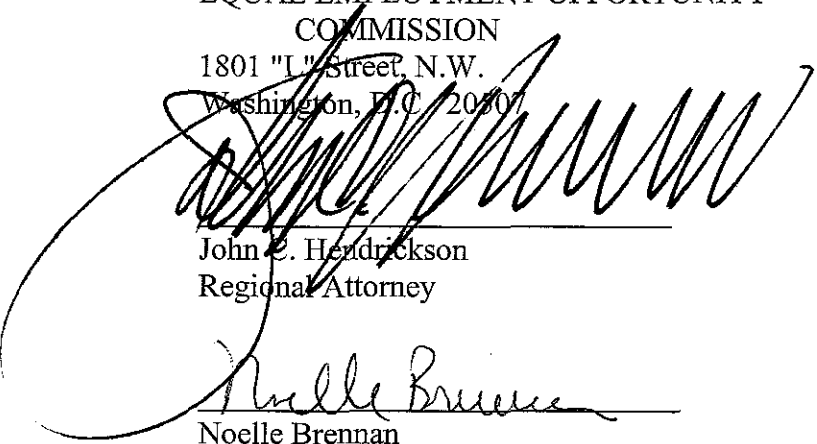
JURY TRIAL DEMAND

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


Nicholas M. Inzeo
Acting Deputy General Counsel

Jerome Scanlon
Assistant General Counsel

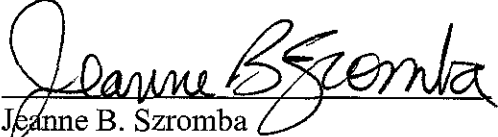
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FILED-ED4
02 JAN 15 11:50 AM
DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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JAN 15 2002

Civil Cover Sheet

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): COURTESY CORPORATION, & CREATIVE PACKAGING CORPORATION

County of Residence:

County of Residence:

Plaintiff's Atty: Jeanne B. Szromba
Equal Employment Opportunity Commission
500 W. Madison, Suite 2800
Chicago, IL 60661
312-353-7546

Defendant's Atty:

02C 032
JUDGE RONALD GUZMAN
MAGISTRATE JUDGE LEVIN

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

III. Citizenship of Principle 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: Under the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991, to restrain the unlawful payment of wages to a female employee at a rate less than the rate paid to a male employee, and to provide appropriate relief due to the female employee as a result of such unlawful practice.

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

VIII. This case **IS NOT** a refileing of a previously dismissed case.

Signature: Jeanne B Szromba
Date: 1/15/02

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust**

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

Eastern Division

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In the Matter of

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION Plaintiff,
v.
COURTESY CORPORATION &
CREATIVE PACKAGING CORP. Defendants.

Case Number: **02C 0327**

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

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
JUDGE RONALD GUZMAN

MAGISTRATE JUDGE LEVIN

(A)	(B)
SIGNATURE <i>Jeanne B. Szromba</i>	SIGNATURE <i>Noelle C. Brennan</i>
NAME Jeanne B. Szromba	NAME Noelle C. Brennan
FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission
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) 353-7546	TELEPHONE NUMBER (312) 353-7582
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06207846	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901
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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"/>
	(D)
SIGNATURE <i>John C. Hendrickson</i>	SIGNATURE
NAME John C. Hendrickson	NAME
FIRM Equal Employment Opportunity Commission	FIRM
STREET ADDRESS 500 W. Madison, Suite 2800	STREET ADDRESS
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP
TELEPHONE NUMBER (312) 353-8551	TELEPHONE NUMBER
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 type="checkbox"/>

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