

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,) Civil Action No. _____
)
v.)
)
JOURNAL COMMUNITY PUBLISHING) **COMPLAINT**
GROUP, INC.,) (Jury Trial Demand)
)
Defendant.)
_____)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the bases of sex and retaliation and to provide appropriate relief to Karen Bombaci who was adversely affected by such practices. As alleged with greater particularity in Paragraphs 7 and 8 below, Bombaci, a woman, was sexually harassed by male co-workers for several years. After she complained of the harassment, the conditions of her employment were made so intolerable that she was forced to resign her position.

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) of Title VII of the Civil Rights Act of 1964 (“Title VII”), 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 Eastern District of Wisconsin.

PARTIES

3. The plaintiff, the Equal Employment Opportunity Commission (“EEOC”), 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, the defendant, Journal Community Publishing Group, Inc., has continuously been a Wisconsin corporation doing business in the State of Wisconsin and the City of Hartland, and has continuously had at least 15 employees. Journal Community Publishing Group, Inc., which was formerly known as Add, Inc., is a wholly-owned subsidiary of Journal Communications, Inc., of Milwaukee, Wisconsin.

5. At all relevant times, Journal Community Publishing Group 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 30 days prior to the institution of this lawsuit, Karen Bombaci (“Bombaci”) filed a charge with the EEOC alleging violations of Title VII by Add, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Journal Community Publishing Group, Inc., has engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2, by allowing Bombaci to be subjected to sexual harassment at its Hartland, Wisconsin, facility by two male co-workers, including sexually inappropriate comments and unwelcome touching, almost every day from the beginning of her employment in August 1998 until April 2001, when the two men were discharged. Several co-

workers witnessed the harassment, and managers were aware of it, but nothing was done to stop it.

8. Since at least April 2001, Journal Community Publishing Group, Inc., has further engaged in unlawful employment practices against Bombaci by subjecting her to retaliation, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), by allowing her to be isolated and ignored by co-workers, yelled at by co-workers who supported the two male harassers, and assigned to less desirable work. Her working conditions became so intolerable that she was constructively discharged from her employment on September 27, 2001.

9. The effect of the practices complained of in Paragraphs 7 and 8 above has been to deprive Bombaci of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

10. The unlawful employment practices complained of in Paragraphs 7 and 8 above were intentional.

11. The unlawful employment practices complained of in Paragraphs 7 and 8 above were done with malice or with reckless indifference to Bombaci's federally-protected rights..

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Journal Community Publishing Group, Inc., and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and retaliation, and any other employment practice which discriminates on the basis of sex.

B. Order Journal Community Publishing Group, Inc., 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 Journal Community Publishing Group, Inc., to make Bombaci whole by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including (but not limited to) reinstatement and/or front pay.

D. Order Journal Community Publishing Group, Inc., to make Bombaci whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraphs 7 and 8 above, including job search expenses and medical expenses, in amounts to be determined at trial.

E. Order Journal Community Publishing Group, Inc., to make Bombaci whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraphs 7 and 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Journal Community Publishing Group, Inc., to pay Bombaci punitive damages for its malicious and reckless conduct described in Paragraphs 7 and 8 above, in amounts to be determined at trial.

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

H. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

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

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