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

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EQUAL EMPLOYMENT OPPORT COMMISSION,	TUNITY )	SEP 1 5 2004
Plaintiff,	) CIVIL ACT	tion no. Hidge any st. eve
v.	$\begin{cases} & con \mathbf{\Omega} \mathbf{A} \end{cases}$	IC 5996
SMURFIT-STONE CONTAINER O	CORP. ) MAGIS	TRATE JUDGE SCHENKIED
Defendant.	) JURY TRIA	AL DEMAND SELECTION OF THE SELECTION OF
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#### **NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 ES.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 on the basis of race and to provide appropriate relief to Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees who were adversely affected by such practices.

### **JURISDICTION AND VENUE**

- 1. This action is brought by the United States Equal Employment Opportunity

  Commission to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended,

  42 U.S.C. § 2000e et seq.
- 2. This action is authorized and instituted pursuant to § 706(f)(1) and § 706(f)(3) of Title VII, as amended, 42 U.S.C. §2000e-5(f)(1) and §2000e-5(f)(3), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.
- 3. This court has jurisdiction of this action pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345.
- 4. The unlawful acts alleged below were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

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#### **PARTIES**

- 5. Plaintiff, Equal Employment Opportunity Commission ("EEOC" or the "Commission"), is an 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 § 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).
- 6. At all relevant times, Defendant Smurfit-Stone Container Corp. has continuously been a corporation doing business in the State of Illinois and the Village of Hanover Park.
- 7. At all relevant times, Smurfit-Stone Container Corp. has continuously had at least fifteen (15) employees.
- 8. At all relevant times, Smurfit-Stone Container Corp. 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

- 9. More than thirty (30) days prior to the institution of this lawsuit, Milton Parker, Ed Washington, Robert Ewen, and Keyon Hayes filed charges of discrimination with the Commission alleging violations of Title VII by Smurfit-Stone Container Corp.
  - 10. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 11. Since at least 2000, Defendant has engaged in unlawful employment practices at its Hanover Park, Illinois, facility in violation of §703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Such unlawful employment practices have included subjecting Parker, Washington, Ewen, Hayes, and a class of African American employees to racial harassment and failing to use reasonable care to prevent and correct promptly such acts of racial harassment.
- 12. The result of the practices complained of in paragraph 11 has been to deprive Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.
  - 13. The unlawful employment practices complained of above were intentional.

14. The unlawful practices complained of above were done with malice or with reckless indifference to the federally protected rights of Parker, Washington, Ewen, Hayes, and a class of African American employees.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Commission requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race;
- B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for its employees regardless of race, and which eradicate the effects of its unlawful employment practices;
- C. Order Defendant to make whole Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees by providing compensation for past and future pecuniary losses resulting from those unlawful employment practices, including medical expenses, in amounts to be determined at trial;
- D. Order Defendant to make whole Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees by providing compensation for past and future non-pecuniary losses resulting from those unlawful employment practices, including emotional pain, suffering, loss of enjoyment of life, humiliation, and inconvenience, in amounts to be determined at trial;
- E. Order Defendant to pay Milton Parker, Ed Washington, Robert Ewen, Keyon Hayes, and a class of African American employees punitive damages for its malicious and reckless conduct in amounts to be determined at trial.
- F. Prohibit Defendant from discriminating against any individual for engaging in protected activity under Title VII of the Civil Rights Act of 1964, or for opposing practices made unlawful by Title VII, or for participating in this lawsuit;
  - G. Grant such further relief as this Court deems necessary and proper in the public

#### interest; and

H. 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 S. 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.O. 205

John C. Hendrickson

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(312) 886-9078



# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS

DOCKETED

SEP 1 5 2004

# **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): EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Defendant(s):SMURFIT-STONE CONTAINER

CORPORATION

County of Residence:

County of Residence:

Plaintiff's Atty: Richard J. Mrizek

Defendant's Atty:

JUDGE AMY ST. EVE

Equal Employment Opportunity

Commission

500 W. Madison, Suite 2800

Chicago, IL 60661 312-886-9078 04C 5996

MAGISTRATE JUDGE SCHENKIER

II. Basis of Jurisdiction:

T. U.S. Gov't Plaintiff

III. Citizenship of Principal 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 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 on the basis of race.

VII. Requested in Complaint

Class Action: Dollar Demand:

Jury Demand: Yes

VIII. This case IS NOT a refiling of a previously dismissed case.

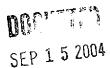
Signature:

Date:

http://www.ilnd.uscourts.gov/PUBLIC/Forms/auto\_js44.cfm

14/2004

# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS



In the Matter of

**EASTERN DIVISION** 

Equal Employment Opportunity Commission v
Smurfit-Stone Container Corporation

JUDGE AMY ST. EVE

Case Number:

5996

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

MAGISTRATE JUDGE SCHENKIER

(A) SIGNATURE NAME Richard J. Mrizek FIRM **Equal Employment Opportunity Commission** Equal Employment Opportunity Commission STREET ADDRESS STREET ADDRESS 500 W. Madison, Suite 2800 500 W. Madison, Suite 2800 CITY/STATE/ZIP CITY/STATE/ZIP Chicago, IL 60661 Chicago, IL 60661 TELEPHONE NUMBER FAX NUMBER TELEPHONE NUMBER FAX NUMBER 312-886-9075 312-353-8555 312-886-9124 312-353-8555 E-MAIL ADDRESS E-MAIL ADDRESS IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06237730 ARDC No. 06210804 MEMBER OF TRIAL BAR? V YES MEMBER OF TRIAL BAR? YES NO V TRIAL ATTORNEY? TRIAL ATTORNEY? Ø 囨 DESIGNATED AS LOCAL COUNSEL? YES **(D)** SIGNATURE NAME C. Hendrickson John FIRM Equal Employment Opportunity Commission STREET ADDRESS 500 W. Madison, Suite 2800 CITY/STATE/ZIP CITY/STATE/ZIP Chicago, IL 60661 TELEPHONE NUMBER FAX NUMBER TELEPHONE NUMBER 312-353-8555 312-353-8551 E-MAIL ADDRESS E-MAIL ADDRESS IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE V MEMBER OF TRIAL BAR? MEMBER OF TRIAL BAR? V TRIAL ATTORNEY? YES NO TRIAL ATTORNEY? YES NO YES NO DESIGNATED AS LOCAL COUNSEL? YES DESIGNATED AS LOCAL COUNSEL? NO