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

EASTERN DIVISION

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

V.

Civil Action No.

FAIRCHILD PRINTING SERVICE, INC.,

Defendant.

Defendant.

COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FAIRCHILD STATES DISTRICT COURT
JUDGE ALESIA

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

OCC 5488

Plaintiff,

DOCKETED
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## NATURE OF THE ACTION

This is an action brought 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 retaliation and to make whole Kenneth Brown ("Brown") who has been aggrieved by Defendant's unlawful employment practices. Defendant, Fairchild Printing Service, Inc., terminated Brown from his position as janitor in retaliation for his having complained of discrimination.

#### 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, 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 hereafter alleged to be unlawful were and are now being committed within the jurisdiction of the Northern District of Illinois, Eastern Division.

#### **PARTIES**

- 3. Plaintiff, U.S. 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1).
- 4. At all relevant times, Defendant has continuously been and is now an Illinois corporation doing business in Bensenville, Illinois within the Northern District of Illinois and has continuously had and does now have at least fifteen (15) employees.
- 5. At all relevant times, Defendant has continuously been and is now 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, Kenneth Brown filed a Charge of Discrimination with the EEOC, alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. Since at least December 1998, Defendant has engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). These practices include, but are not limited to, terminating Brown's employment in retaliation for his having complained of harassment and discrimination.
- 8. The effect of the practices complained of above has been to deprive Brown of employment in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).
- 9. The unlawful employment practices complained of above in Paragraphs 7 and 8 were and are intentional.

10. The unlawful employment practices complained of above in Paragraphs 7 and 8 were and are done with malice and/or reckless indifference to Brown's federally protected rights.

# PRAYER FOR RELIEF

WHEREFORE, the U.S. Equal Employment Opportunity Commission prays that this Court:

- A. Grant a permanent injunction enjoining Defendant, Fairchild Printing Service, Inc., its officers, successors, assigns and all persons in active concert or participation with it from engaging in any employment practice which constitutes retaliation for activity protected by TitleVII;
- B. Order Defendant to institute and carry out policies, practices and programs which eradicate the effects of its past and present unlawful employment practices;
- C. Order Defendant to make whole Kenneth Brown by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including reinstatement of Kenneth Brown;
- D. Order Defendant to make whole Kenneth Brown by providing compensation for past and future pecuniary losses resulting from the unlawful practices, including, but not limited to, job search expenses and relocation expenses;
- E. Order Defendant to make whole Kenneth Brown by providing compensation for nonpecuniary losses, including, but not limited to, emotional pain, suffering, loss of enjoyment of life and humiliation;
- F. Order Defendant to pay Kenneth Brown punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial;
  - G. Grant such further relief as the Court deems necessary and proper; and
  - H. Grant the EEOC its costs in this action.

### JURY TRIAL DEMAND

EEOC requests a jury trial on all issues of fact raised by its Complaint.

Respectfully submitted,

C. Gregory Stewart General Counsel

Gwendolyn Young Reams Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION

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June Wallace Carson

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**EQUAL EMPLOYMENT OPPORTUNITY** 

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312/353-7259

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# UI\_TED STATES DISTRICT COUTT NORTHERN DISTRICT OF ILLINOIS

In the Matter of

# JUDGE ALESIA

U.S. Equal Employment Opportunity Commission, Plaintiff,

DOCKETED SEP 0 7 2000 MAGISTRATE JUDGE GERALDINE SOAT BROWN

v.
Fairchild Printing Service, Inc.

Case Number: 5488

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:											
U.S. Equal Employment Opport	tunity Co	mmiss	$\int$	5.4.4.f \$f \$	rigeten milion	CT CT					
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THE MAN THE STATE OF THE STATE	III	11	/		(B	)	3	<u></u>			
SIGNATURE	1/1/		1	100	SIGNATURE		)				
NAME John C. Hendrickson	<i>V</i>	<i>L</i> Z	NAME Jose J. Behar								
FIRM Equal Employment Opportu	nity Con	nmissio	n		FIRM Equal Employment Opportunity Commission						
STREET ADDRESS 500 W. Madison St.,	Suite 28	00			STREET ADDRESS 500 W. Madison St., Suite 2800						
CITALIZATION Chicago, IL 60661	<u> </u>				CITY/STATE/ZIP Chicago, IL 60661						
TELEPHONE NUMBER (312) 353-8551					TELEPHONE NUMBER (312) 353-7722						
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	ARDC N	o. 011	87:	589	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06203727						
MEMBER OF TRIAL BAR?	YES 5	ОМ	1		MEMBER OF TRIAL BAR?	YES		NO	$\mathbf{x}$		
TRIAL ATTORNEY?	YES 2	NO			TRIAL ATTORNEY?	YES	$\mathbf{x}$	NO			
DESIGNATED AS LOCAL COUNSEL?	YES [	) NO			DESIGNATED AS LOCAL COUNSEL?	YES		Ю			
(C)					(D)	)			· · · · · · · · · · · · · · · · · · ·		
SIGNATURE CONTRACTOR	2000	л			SIGNATURE				,		
NAME June Wallace Carson					NAME						
FIRMEqual Employment Opportur	nity Com	n	FIRM								
STREET ADDRESS 500 W. Madison St.,	Suite 280	00			STREET ADDRESS						
CITY/STATE/ZIP Chicago, IL 60661					CITY/STATE/ZIP						
TELEPHONE NUMBER (312) 353-7259					TELEPHONE NUMBER	-			2		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	ARDC N	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERS	iE)		abla	<del></del>					
MEMBER OF TRIAL BAR?	YES 5	NO			MEMBER OF TRIAL BAR?	YES		NO			
TRIAL ATTORNEY?	YES 2	.] NO			TRIAL ATTORNEY?	YES		NO			
DESIGNATED AS LOCAL COUNSEL?	YES	МО			DESIGNATED AS LOCAL COUNSEL?	YES		NO			