

FILED

AUG 11 2005

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

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**PRIMPS L.L.C. D/B/A/ SUPERCUTS AND
MANAGEMENT ADVANTAGE GROUP, INC.)
D/B/A/ SUPERCUTS**

Defendants.

05C 4592
CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

JUDGE JOHN W DARRAH

NATURE OF THE ACTION

MAGISTRATE JUDGE MASON

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 basis of national origin and to provide appropriate relief to Mayra Arias, Rosa Gonzalez, Blanca Saucedo (collectively referred to hereafter as "Charging Parties") and other employees of Hispanic national origin who were adversely affected by such practices. The Commission alleges that Defendant Primps L.L.C. d/b/a/ Supercuts ("Primps") and Defendant Management Advantage Group, Inc. d/b/a Supercuts ("MAG") discriminated against Charging Parties and a class of Hispanic employees by maintaining a policy requiring that employees speak only English.

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, 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 ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for 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(1) and(3) of Title VII, 42 U.S.C. § 2000c-5(f)(1) and (3).

4. At all relevant times, Defendant Primps has continuously been a limited liability company doing business in the Northern District of Illinois, Eastern Division, and has continuously had at least 15 employees.

5. At all relevant times, Defendant MAG has continuously been a corporation doing business in the Northern District of Illinois, Eastern Division, and has continuously had at least 15 employees.

6. At all relevant times, Defendant Primps 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).

7. At all relevant times, Defendant MAG 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

8. More than thirty days prior to the institution of this lawsuit, Charging Parties filed charges with the Commission alleging violations of Title VII by Supercuts (Defendants Primps

and MAG). All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least 2001, Defendant Primps has engaged in unlawful employment practices at its facilities, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These unlawful employment practices include, but are not limited to, requiring that Charging Parties and a class of Hispanic employees speak only English at work.

10. Since at least 2001, Defendant MAG has engaged in unlawful employment practices at its facilities, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These unlawful employment practices include, but are not limited to, requiring that Mayra Arias and a class of Hispanic employees speak only English at work.

11. The effect of the practices complained of in paragraphs 9 and 10 above has been to deprive Charging Parties and a class of Hispanic employees equal employment opportunities and otherwise adversely affect their status as employees, because of their national origin.

12. The unlawful employment practices complained of in paragraphs 9 and 10 above were and are intentional.

13. The unlawful employment practices complained of in paragraphs 9 and 10 above were and are done with malice or with reckless indifference to the federally protected rights of Charging Parties and the class of similarly situated Hispanic employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Primps, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of national origin.

B. Grant a permanent injunction enjoining Defendant MAG, its officers, successors,

assigns, and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of national origin.

C. Order Defendant Primps to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanics, and which eradicate the effects of its past and present unlawful employment practices.

D. Order Defendant MAG to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanics, and which eradicate the effects of its past and present unlawful employment practices.

E. Order Defendant Primps to make whole Charging Parties and a class of Hispanic employees adversely affected by the employment practices alleged above, 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.

F. Order Defendant MAG to make whole Charging Parties and a class of Hispanic employees adversely affected by the employment practices alleged above, 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.

G. Order Defendant Primps to make whole Charging Parties and a class of Hispanic employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 9 and 10 above, in amounts to be determined at trial.

H. Order Defendant MAG to make whole Charging Parties and a class of Hispanic employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 9 and 10 above, in amounts to be

determined at trial.

I. Order Defendant Primps to make whole Charging Parties and a class of Hispanic employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 9 and 10 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

J. Order Defendant MAG to make whole Charging Parties and a class of Hispanic employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 9 and 10 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

K. Order Defendant Primps to pay Charging Parties and a class of Hispanic employees punitive damages for its malicious and reckless conduct described in paragraphs 9 and 10 above, in amounts to be determined at trial.

L. Order Defendant MAG to pay Charging Parties and a class of Hispanic employees punitive damages for its malicious and reckless conduct described in paragraphs 9 and 10 above, in amounts to be determined at trial.

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

N. 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.

Respectfully submitted,

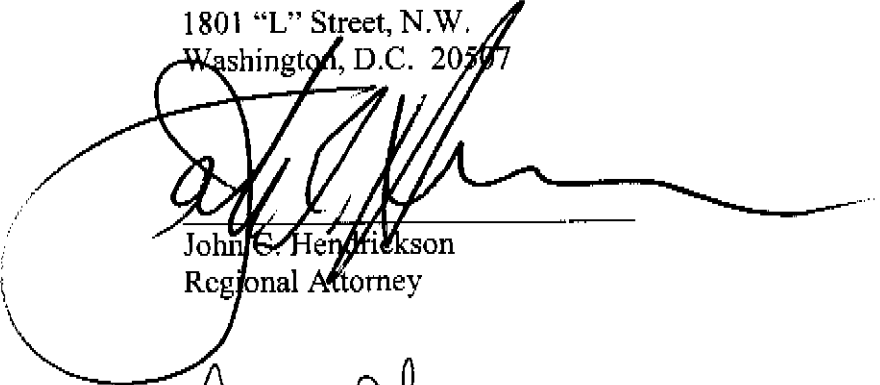
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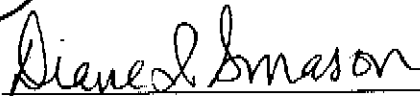
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COMMISSION

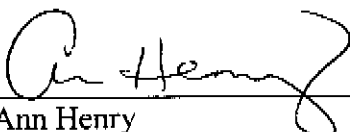
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