

FILED

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AUG 30 2005

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

Aug 30 2005
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

05C 4995

Equal Employment Opportunity)
Commission,)
)
Plaintiff,)
)
v.)
)
H and M International Transportation, Inc.,)
)
)
Defendant.)

CIVIL ACTION NO. JUDGE ASPEN
 Judge MAGISTRATE JUDGE ASHMAN
 Magistrate Judge
COMPLAINT
 JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an 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 sex and to provide appropriate relief to a class of women, including Anita Evans and Gwendolyn Farley, who were victims of sexual harassment. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends that Defendant, H and M International Transportation, Inc., discriminated against female employees by subjecting them to sexual harassment in violation of Title VII.

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) and Section 707(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-

5(f)(1) and (3) and §2000c-6(e) , 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 Northern District of Illinois, Eastern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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(f)(1) and (3) and Section 707(e) of Title VII, 42 U.S.C. § 2000c-5(f)(1) and (3) and § 2000e-6(e).

4. At all relevant times, Defendant has continuously been and is now doing business in Northlake, Illinois and has continuously had at least fifteen (15) employees. At all relevant times Defendant has had over 500 employees.

5. At all relevant times, Defendant 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 thirty days prior to the institution of this lawsuit, Gwendolyn Farley and Anita Evans filed charges of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since about September 2001, Defendant has engaged in unlawful employment

practices at its facility in Northlake, Illinois in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000c-2(a)(1). These practices include discriminating against Anita Evans ("Evans") and Gwendolyn Farley ("Farley"), and a class of other female employees, by subjecting them to sexual harassment from September, 2001 through June 1, 2004.

8. The effect of the practices complained of in paragraph seven above has been to deprive Evans, Farley and a class of female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

9. The unlawful employment practices complained of in paragraph seven above were intentional.

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Evans, Farley, and a class of other female employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully 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 practice which discriminates on the basis of sex;

B. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating against any employee for participating in a protected activity;

C. Order Defendant 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;

D. Order Defendant to make whole Evans, Farley and a class of female employees by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendant to make whole Evans, Farley and a class of female employees by providing compensation for past and future pecuniary losses resulting from sexual harassment;

F. Order Defendant to make whole Evans, Farley and a class of female employees by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation resulting from sexual harassment;

G. Order Defendant to pay Evans, Farley and a class of female employees punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial;

H. Order Defendant and its successors to provide training to its officers, managers and employees regarding sexual harassment in the workplace;

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

J. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

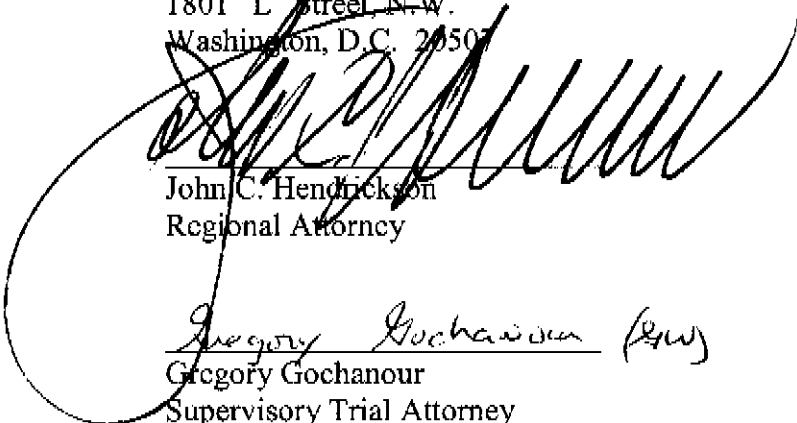
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