

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

DUTCH FARMS, INC.

Defendant.

020

2964

CIVIL ACTION NO.
MAGISTRATE JUDGE SCHENKIER

DOCKETED

APR 25 2002

COMPLAINT

JURY TRIAL DEMAND

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 basis of race, and to provide appropriate relief to Bernard Harper and a class of African-American employees who were adversely affected by such practices. Plaintiff Equal Employment Opportunity Commission ("EEOC") alleges that Defendant Dutch Farms, Inc. ("Dutch Farms") subjected Bernard Harper and a class of African-American employees to a pattern or practice of harassment because of their race (African-American).

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 Sections 706(f)(1) and (3) and 707 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 42 U.S.C. § 2000e-6, and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois.

PARTIES

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

4. At all relevant times, Defendant Dutch Farms, an Illinois corporation, has continuously been doing business in the State of Illinois and the City of Chicago, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Dutch Farms 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, Bernard Harper filed a charge with the EEOC alleging violations of Title VII by Defendant Dutch Farms. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 2000, Defendant Dutch Farms has engaged in unlawful employment practices at its Chicago, Illinois facility, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2(a)(1). Such unlawful employment practices include subjecting Bernard Harper and a class of African-American employees to a pattern or practice of racial harassment, including, but not limited to offensive racial remarks, jokes, and graffiti.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Bernard Harper and a class of African-American employees of equal employment opportunities and otherwise adversely affect their status as employees, because of their race.

9. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

10. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Bernard Harper and a class of African-American employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Dutch Farms, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in a pattern or practice of racial harassment and any other employment practice which discriminates on the basis of race.

B. Order Defendant Dutch Farms to institute and carry out policies, practices, and programs which provide equal employment opportunities for African-Americans, and which eradicate the effects of its past and present unlawful employment practices

C. Order Defendant Dutch Farms to make whole Bernard Harper and a class of African-American employees, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

D. Order Defendant Dutch Farms to make whole Bernard Harper and a class of African-American employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

E. Order Defendant Dutch Farms to pay Bernard Harper and a class of African-

American employees punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

G. 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.

NICHOLAS INZEO
Acting Deputy General Counsel

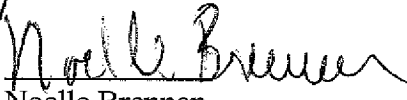
GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

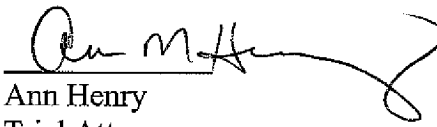
1801 L Street, N.W.
Washington, DC 20507



John Hendrickson
Regional Attorney



Noelle Brennan
Supervisory Trial Attorney



Ann Henry
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Chicago District Office
500 West Madison Street
Chicago, Illinois 60661
(312) 353-8558

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Civil Cover Sheet 02C 2964

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.

JUDGE SHADUR

**Plaintiff(s): U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

County of Residence:

Plaintiff's Atty: Ann Henry
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800,
Chicago, IL 60661
312-353-8558

Defendant(s): DUTCH FARMS, INC.

MAGISTRATE JUDGE SCHENKIER

County of Residence:

Defendant's Atty:

DOCKETE

APR 25 2002

II. Basis of Jurisdiction: 1. 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: Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct the 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:

Ann Henry

Date:

4/24/02

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

Eastern Division

020 2964

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, Plaintiff,

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Defendant.

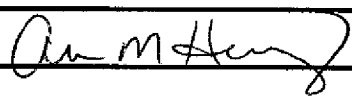

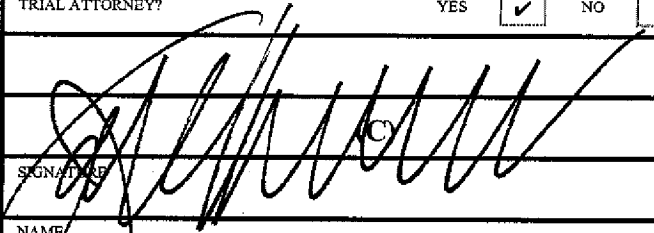
Case Number:

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION MAGISTRATE JUDGE SCHENKIER

DOCKETED

APR 25 200

(A)	(B)
SIGNATURE 	SIGNATURE 
NAME Ann Henry	NAME Noelle C. Brennan
FIRM Equal Employment Opportunity Commission	FIRM Equal Employment Opportunity Commission
STREET ADDRESS 500 W. Madison, Suite 2800	STREET ADDRESS 500 W. Madison, Suite 2800
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP Chicago, IL 60661
TELEPHONE NUMBER (312) 353-8558	TELEPHONE NUMBER (312) 353-7582
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06272394	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
 (C)	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
	(D)
	SIGNATURE
	NAME
FIRM Equal Employment Opportunity Commission	FIRM
STREET ADDRESS 500 W. Madison, Suite 2800	STREET ADDRESS
CITY/STATE/ZIP Chicago, IL 60661	CITY/STATE/ZIP
TELEPHONE NUMBER (312) 353-8551	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
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