

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

DOCKETED

DEC 17 2004

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

JEWEL FOOD STORES, INC. and  
ALBERTSON'S, INC.,

Defendants.

CIVIL ACTION NO.

04C 8139

COMPLAINT  
JURY TRIAL DEMAND

JUDGE GOTTSCHALL

NATURE OF THE ACTION

SCHEINKER

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 race, and to provide appropriate relief to a class of employees who were adversely affected by such practices. Plaintiff, the United States Equal Employment Opportunity Commission ("EEOC" or "Commission"), alleges that Defendants Jewel Food Stores, Inc. ("Jewel") and Albertson's, Inc. ("Albertson's") discriminated against Priscilla Powell ("Powell"), Laura Kroner ("Kroner"), Kathy Thurman ("Thurman") and a class of female employees by subjecting them to harassment because of their sex. The Commission alleges that as a result of the sexual harassment of Powell, the conditions of her employment were made so intolerable that she was forced to resign her position. The Commission also alleges that Defendants discriminated against Powell, Thurman and a class of employees by subjecting them to 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 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.

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, 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Jewel has continuously been and is now doing business in the State of Illinois and the City of Orland Park, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Albertson's has continuously been and is now doing business in the State of Illinois and the City of Orland Park, and has continuously had at least fifteen (15) employees.

6. At all relevant times, Defendant Jewel 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 Albertson's 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, Powell, Kroner and Thurman filed charges with the Commission alleging violations of Title VII by Defendants Jewel and Albertson's. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least 2001, Defendants have engaged in unlawful employment practices at their store in Orland Park, Illinois, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Such unlawful employment practices include, but are not limited to: subjecting Powell, Kroner, Thurman and a class of female employees to harassment because of their sex; subjecting Powell, Thurman and a class of employees to harassment because of their race, African American; and constructively discharging Powell.

10. The effect of the practices complained of in paragraph nine (9) above has been to deprive Powell, Kroner, Thurman and a class of female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

11. The effect of the practices complained of in paragraph nine (9) above has been to deprive Powell, Thurman and a class of African American employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

12. The unlawful employment practices complained of in paragraph nine (9) were and are intentional.

13. The unlawful employment practices complained of in paragraph nine (9) above

were and are done with malice or with reckless indifference to the federally protected rights of Powell, Kroner, Thurman and a class of employees.

**PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Jewel, 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 or race;

B. Grant a permanent injunction enjoining Defendant Albertson's, 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 or race;

C. Order Defendant Jewel 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 Albertson's 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;

E. Order Defendant Jewel 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;

F. Order Defendant Albertson's 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;

G. Order Defendant Jewel to make whole Powell by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

H. Order Defendant Albertson's to make whole Powell by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

I. Order Defendant Jewel to make whole Powell, Kroner, Thurman and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial;

J. Order Defendant Albertson's to make whole Powell, Kroner, Thurman and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial;

K. Order Defendant Jewel to make whole Powell, Thurman and a class of African American employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial;

L. Order Defendant Albertson's to make whole Powell, Thurman and a class of African American employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial;

M. Order Defendant Jewel to make whole Powell, Kroner, Thurman 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, in amounts

to be determined at trial;

N. Order Defendant Albertson's to make whole Powell, Kroner, Thurman 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, in amounts to be determined at trial;

O. Order Defendant Jewel to make whole Powell, Thurman and a class of African American employees by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial;

P. Order Defendant Albertson's to make whole Powell, Thurman and a class of African American employees by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial;

Q. Order Defendant Jewel to pay Powell, Kroner, Thurman and a class of female employees punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

R. Order Defendant Albertson's to pay Powell, Kroner, Thurman and a class of female employees punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

S. Order Defendant Jewel to pay Powell, Thurman and a class of African American employees punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

T. Order Defendant Albertson's to pay Powell, Thurman and a class of African American employees punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

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

V. 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,

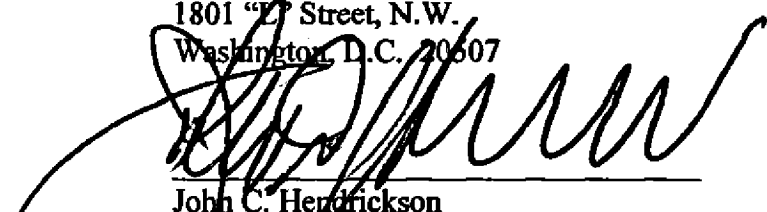
ERIC S. DREIBAND  
General Counsel

JAMES LEE  
Deputy General Counsel

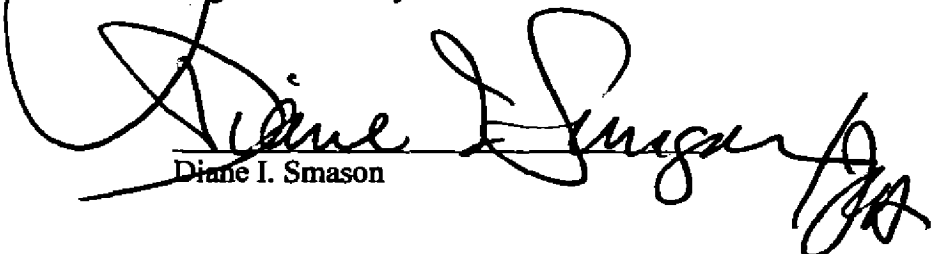
GWENDOLYN YOUNG REAMS  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

1801 "L" Street, N.W.  
Washington, D.C. 20507



John C. Hendrickson  
Regional Attorney



Diane I. Smason

Supervisory Trial Attorney

A handwritten signature in black ink, appearing to read 'Aaron R. DeCamp', is written over a horizontal line.

Aaron R. DeCamp  
Trial Attorney

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

500 West Madison Street  
Suite 2800  
Chicago, Illinois 60661  
(312) 353-7526



DOCKETED

DEC 17 2004

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOISCivil Cover Sheet **04C 8139**

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 GOTTSCHALL

Plaintiff(s): **EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**Defendant(s): **JEWEL FOOD STORES, INC.  
and ALBERTSON'S, INC.,**

County of Residence:

County of Residence:

Plaintiff's Atty: **Aaron R. DeCamp  
Equal Employment Opportunity  
Commission  
500 W. Madison, Suite 2800,  
Chicago, IL 60661  
312-353-7582**

Defendant's Atty:

MAGISTRATE JUDGE SCHENKIER

II. Basis of Jurisdiction:

1. U.S. Gov't Plaintiff

III. Citizenship of PrincipalParties (Diversity Cases Only)

Plaintiff:- N/A

Defendant:- N/A

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

442 Employment

VI. Cause of Action:

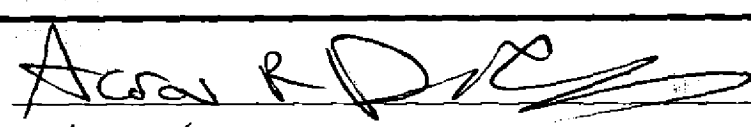
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of sex and race.

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: 12/16/04

FILED FOR DOCKETING  
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CLERK  
U.S. DISTRICT COURT

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

**DOCKETED**

In the Matter of Equal Employment Opportunity Commission ("EEOC")

DEC 17 2004

v.  
Jewel Food Stores, Inc. and Albertson's Inc.

**04c 8139**

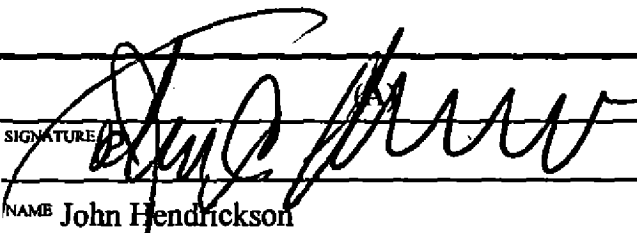
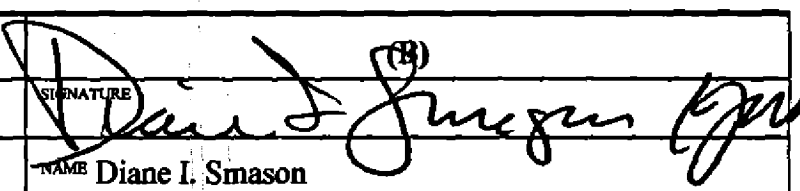
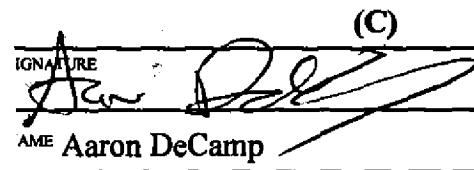
Case Number:

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

Plaintiff, EEOC

JUDGE GOTTSCHALL

**MAGISTRATE JUDGE SCHENKIER**

|                                                                                                                        |  |                                                                                                                         |  |
|------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------|--|
| <br>SIGNATURE<br>NAME John Hendrickson |  | <br>SIGNATURE<br>NAME Diane I. Smason |  |
| FIRM EEOC                                                                                                              |  | FIRM EEOC                                                                                                               |  |
| 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) 353-8551                                                                                        |  | TELEPHONE NUMBER (312) 353-7526                                                                                         |  |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 1187583                                                     |  | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 06228130                                                     |  |
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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"/>                                     |  |
|                                                                                                                        |  | DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>                                   |  |
| <br>SIGNATURE<br>NAME Aaron DeCamp   |  | SIGNATURE<br>NAME                                                                                                       |  |
| FIRM EEOC                                                                                                              |  | FIRM                                                                                                                    |  |
| STREET ADDRESS 500 W. Madison, Suite 2800                                                                              |  | STREET ADDRESS                                                                                                          |  |
| CITY/STATE/ZIP Chicago, IL 60661                                                                                       |  | CITY/STATE/ZIP                                                                                                          |  |
| TELEPHONE NUMBER (312) 353-8561                                                                                        |  | TELEPHONE NUMBER                                                                                                        |  |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) A.R.D.C. No. 06282725                                                    |  | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)                                                                           |  |
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| TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>                                    |  | TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>                                                |  |
| DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>                                  |  | DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>                                   |  |

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