

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

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CLERK
U.S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
Von Maur Inc.,)
)
)
Defendant.)
_____)

03C 6194
CIVIL ACTION NO. **6194**
JUDGE AMY ST. EVE

COMPLAINT MAGISTRATE JUDGE ASHMAN
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to restrain the unlawful payment of wages to female employees at rates less than the rates paid to male employees, and to provide appropriate relief due to employees as a result of such unlawful practices. The Equal Employment Opportunity ("EEOC") alleges that from at least 1999 through 2002 Von Maur Inc. (Defendant) violated Title VII and the Equal Pay Act ("EPA") at its stores in Illinois and several other states by providing to male but not female employees of its Mens' Clothing Departments a 50% discount on tailored men's clothing bought from particular vendors. Defendant also violated the EPA by abolishing the discount program for men in 2003 thus reducing the compensation of both women and men.

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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 16(c) and 17 of the

Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217, to enforce the requirements of the Equal Pay Act of 1963, codified as Section 6(d) of the FLSA, 29 U.S.C. § 206(d), and pursuant to Sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and 2000e-6. This action is also authorized and instituted pursuant to Section 102 of Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed in all of Defendant's stores, including at Defendant's store in St. Charles, Illinois, which is within the jurisdiction of the United States District Court for the Northern District of Illinois.

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 the Equal Pay Act and Title VII, and is expressly authorized to bring this action by Sections 16(c) and 17 of the FLSA, 29 U.S.C. §§ 216(c) and 217, as amended by Section 1 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and Public Law 98-532 (1984), 98 Stat. 2705; and by Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and 2000e-6.

4. At all relevant times, Defendant has continuously been a corporation doing business in the State of Illinois and City of St. Charles and has continuously had at least 15 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).

6. At all relevant times, Defendant has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

7. At all relevant times, Defendant has continuously employed employees engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(b), (i) and (j) of the FLSA, 29 U.S.C. §§ 203(b), (i) and (j) and has continuously been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(r) and (s) of the FLSA, 29 U.S.C. §§ 203(r) and (s).

STATEMENT OF TITLE VII CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Lauris Galley filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. From at least 1999 through 2002 Defendant engaged in a pattern or practice of unlawful employment practices at all of Defendant's stores, including its store in St. Charles, Illinois, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by providing to male but not female employees of its Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments) a 50% discount on tailored men's clothing bought from particular vendors.

10. The effect of the practice(s) complained of in paragraph 9 above has been to deprive female employees of Defendant's Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments) of equal employment opportunities and otherwise adversely affect

their status as employees, because of their sex.

11. The unlawful employment practices complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of female employees of Defendant's Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and Area Managers having jurisdiction over Mens' Clothing Departments).

STATEMENT OF EQUAL PAY ACT CLAIMS

12. From at least 1999 through 2002 Defendant violated Sections 6(d)(1) and 15(a)(2) of the FLSA, 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by paying wages to its female employees of its Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments) in all of its stores at rates less than the rates paid to male employees in the same establishment for substantially equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

13. As a result of the acts complained of above, Defendant unlawfully withheld and is continuing to withhold the payment of wages due to its female employees of its Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments).

14. Defendant also violated the § 6(d) of the EPA, 29 U.S.C. § 206(d), by abolishing the discount program for men in 2003 thus reducing the wage rate of both women and men.

15. The unlawful practices complained of in paragraph 12 above were willful.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in discrimination in regard to compensation and fringe benefits, and in any other employment practice which discriminates on the basis of sex.

B. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from discriminating within any of its establishments between employees on the basis of sex, by paying wages to employees of one sex at rates less than the rates at which it pays wages to employees of the opposite sex for substantially equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

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 female employees and former employees in all of its Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments) by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

E. Order Defendant to make whole female employees and former employees in all of its Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments) by

providing compensation for past and future pecuniary losses resulting from the unlawful practices described in paragraph 9 in amounts to be determined at trial.

F. Order Defendant to pay female employees and former employees in all of its Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments) punitive damages for its malicious and/or reckless conduct described in paragraphs 9 and 11 above, in an amount to be determined at trial.

G. Grant a judgment requiring Defendant to pay appropriate back wages in amounts to be determined at trial, and an equal sum as liquidated damages, or prejudgment interest in lieu thereof, to female employees and former employees of all of its Mens' Clothing Departments (including sales associates, managers of Mens' Clothing Departments and area managers having jurisdiction over Mens' Clothing Departments) whose wages are being unlawfully withheld as a result of the acts complained of above.

H. Order Defendant to make whole all female employees and former employees at all of its stores whose wages are being unlawfully withheld as a result of the acts complained of above, by restraining the continued withholding of amounts owing as back wages with prejudgment interest, in amounts to be determined at trial.

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

J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

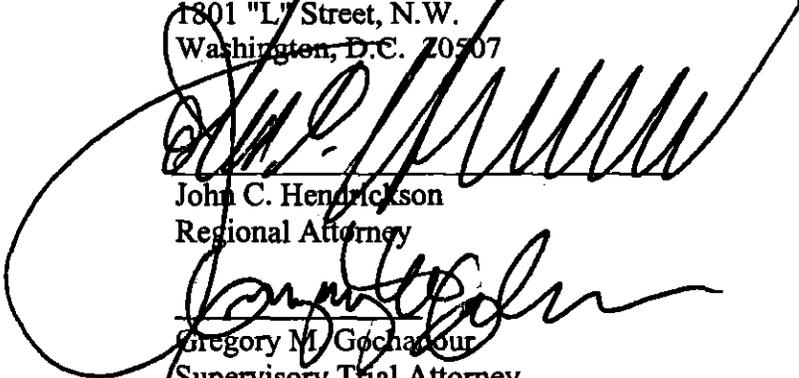
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

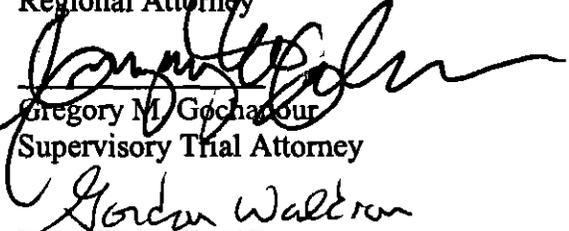
Eric S. Dreiband
General Counsel

Gwendolyn Young Reams
Associate General Counsel

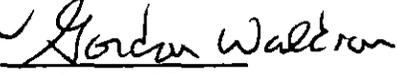
Equal Employment Opportunity Commission
1801 "L" Street, N.W.
Washington, D.C. 20507



John C. Hendrickson
Regional Attorney



Gregory M. Gochanour
Supervisory Trial Attorney



Gordon Waldron
Senior Trial Attorney

Equal Employment Opportunity Commission
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
(312) 353-7525

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

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.

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

Defendant(s): VON MAUR, INC.

County of Residence:

County of Residence: Kane

Plaintiff's Atty: Gordon G. Waldron
Equal Employment Opportunity
Commission
500 W. Madison Street, Suite
2800 Chicago, Illinois 60661
(312) 353-7525

Defendant's Atty:

03C 6194

JUDGE AMY ST. EVE

II. Basis of Jurisdiction: 1. U.S. Gov't Plaintiff

MAGISTRATE JUDGE ASHMAN

III. Citizenship of Principal
Parties (Diversity Cases Only)

Plaintiff: -N/A
Defendant: -N/A

U.S. DISTRICT COURT
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IV. Origin : 1. Original Proceeding

V. Nature of Suit: 442 Employment

VI. Cause of Action: Equal Pay Act of 1963 and 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. This action challenges pay and compensation discrimination against women.

VII. Requested in Complaint

Class Action: No
Dollar Demand:
Jury Demand: Yes

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VIII. This case IS NOT a refiling of a previously dismissed case.

Signature: Gordon Waldron

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

In the Matter of

EASTERN DIVISION

03C 6194

Equal Employment Opportunity Commission,
v. Plaintiff,
Von Maur, Inc.,
Defendant.

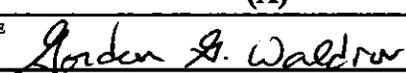
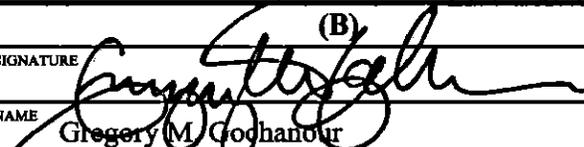
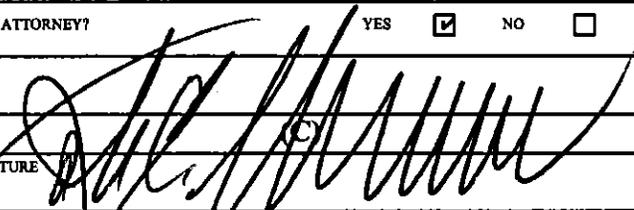
Case Number:

JUDGE AMY ST. EVE

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

U.S. Equal Employment Opportunity Commission, Plaintiff

~~MAGISTRATE JUDGE ASHMAN~~

| (A) | | (B) | |
|---|------------------------------|--|------------------------------|
| SIGNATURE  | | SIGNATURE  | |
| NAME Gordon G. Waldron | | NAME Gregory M. Gochanour | |
| FIRM Equal Employment Opportunity Commission | | FIRM Equal Employment Opportunity Commission | |
| STREET ADDRESS 500 W. Madison St., Suite 2800 | | STREET ADDRESS 500 W. Madison St., Suite 2800 | |
| CITY/STATE/ZIP Chicago, Illinois 60661 | | CITY/STATE/ZIP Chicago, Illinois 60661 | |
| TELEPHONE NUMBER (312) 353-7525 | FAX NUMBER (312) 353-8555 | TELEPHONE NUMBER (312) 886-9124 | FAX NUMBER (312) 353-8555 |
| E-MAIL ADDRESS Gordon.Waldron@eeoc.gov | | E-MAIL ADDRESS Gregory.Gochanour@eeoc.gov | |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 02920646 | | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804 | |
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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"/> | |
| SIGNATURE  | | SIGNATURE | |
| NAME John C. Hendrickson | | NAME | |
| FIRM Equal Employment Opportunity Commission | | FIRM | |
| STREET ADDRESS 500 W. Madison St., Suite 2800 | | STREET ADDRESS | |
| CITY/STATE/ZIP Chicago, Illinois 60661 | | CITY/STATE/ZIP | |
| TELEPHONE NUMBER (312) 353-8551 | FAX NUMBER (312) 353-8555 | TELEPHONE NUMBER | FAX NUMBER |
| E-MAIL ADDRESS John.Hendrickson@eeoc.gov | | E-MAIL ADDRESS | |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589 | | 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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