

U.S. DISTRICT COURT  
CLERK

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

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
GURTZ ELECTRIC CO. AND PICKUS )  
CONSTRUCTION and EQUIPMENT )  
COMPANY, INC. )  
Defendants. )

**02C 4976**  
CIVIL ACTION NO.

JUDGE JOHN W DARRAH  
COMPLAINT  
MAGISTRATE JUDGE LEVIN  
JURY TRIAL DEMAND

**DOCKETED**  
JUL 15 2002

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.*, 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 Wendy Cordts ("Cordts"), employee of Defendant, Gurtz Electric Co. ("Gurtz") and a class of employees who were adversely affected by such practices. As alleged with greater particularity in paragraph nine (9) below, Plaintiff, the U.S. Equal Employment Opportunity Commission, alleges that Gurtz and Pickus Construction and Equipment Company, Inc. ("Pickus") discriminated against Cordts because of her sex by subjecting her to a sexually hostile work environment by failing to take prompt remedial action intended to eliminate the harassment after the Defendants became aware of such behavior, in violation of Title VII.

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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 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) (“Title VII”).

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.

## PARTIES

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

4. At all relevant times, Defendant Gurtz has continuously been and is now an Illinois corporation doing business in the State of Illinois, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Gurtz 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 Pickus has continuously been and is now an Illinois corporation doing business in the State of Illinois, and has continuously had at least 15 employees.

7. At all relevant times, Defendant Pickus 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, Cordts filed two separate charges with the Commission; one against Gurtz alleging violations of Title VII and the other against Pickus alleging violations of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least 1999, Gurtz and Pickus have engaged in unlawful employment practices at the "Lake Barrington Woods" construction site in Lake Barrington, Illinois, in violation of Sections 703(a)(1) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2 and 2000e-3(a).

These practices include, but are not limited to:

- A. Discriminating against Cordts and other female employees because of their sex by subjecting them to sexual harassment, and failing to take prompt remedial action intended to eliminate the harassment after the Defendants became aware of such behavior.
- B. Creating and maintaining a sexually hostile work environment by, among other things, permitting employee portable toilets, gang boxes and basement walls at the "Lake Barrington Woods" construction site to remain covered with sexually offensive graffiti and by refusing to take effective action to remove such graffiti and prevent its recurrence.

10. The effect of the practices complained of in paragraph nine (9) above has been to deprive Cordts and a class of employees 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 nine (9) above

were and are intentional.

12. The unlawful employment practices complained of in paragraph nine (9) above were done with malice or with reckless indifference to the federally protected rights of Cordts and a class of employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Gurtz, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and any employment practice which discriminates on the basis of sex in violation of Title VII.

B. Grant a permanent injunction enjoining Pickus, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and any employment practice which discriminates on the basis of sex in violation of Title VII.

C. Order Gurtz to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and employees who complain of violations of Title VII, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Pickus to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and employees who complain of violations of Title VII, and which eradicate the effects of its past and present unlawful employment practices;

E. Order Gurtz to make whole Cordts and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph (9) above, in amounts to be determined at trial;

F. Order Pickus to make whole Cordts and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph (9) above, in amounts to be determined at trial;

G. Order Gurtz to make whole Cordts and a class of female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph nine (9) above, including, but not limited to, emotional pain, suffering, and humiliation, in amounts to be determined at trial;

H. Order Pickus to make whole Cordts and a class of female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph nine (9) above, including, but not limited to, emotional pain, suffering, and humiliation, in amounts to be determined at trial;

I. Order Gurtz to pay Cordts and a class of female employees punitive damages for its malicious and/or reckless conduct described in paragraph nine (9) above, in amounts to be determined at trial;

J. Order Pickus to pay Cordts and a class of female employees punitive damages for its malicious and/or reckless conduct described in paragraph nine (9) above, in amounts to be determined at trial;

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

L. Award the Commission its costs in this action.

JURY TRIAL DEMAND

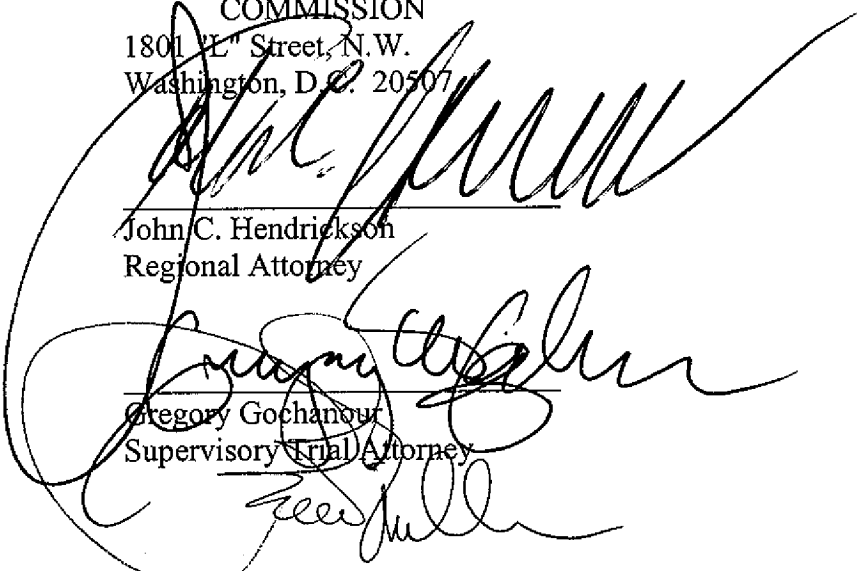
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

NICHOLAS M. INZEO  
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Assistant General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 "E" Street, N.W.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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FILED-EDS

**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): EQUAL EMPLOYMENT  
OPORTUNITY COMMISSION**

**Defendant(s): GURTZ ELECTRIC CO. &  
PICKUS CONSTRUCTION & EQUIPMENT  
COMPANY, INC.**

County of Residence:

County of Residence:

Plaintiff's Atty:

Defendant's Atty:

Beth A. Miller  
Equal Employment Opportunity  
Commission  
500 W. Madison, Suite 2800,  
Chicago, IL 60661  
312-353-7722

**DOCKETED**  
**JUL 15 2002**

(Pickus)Louis W. Brydges, Jr.  
P.C., 1220 Grand Ave., P.O.  
Box 710, Waukegan, IL  
60079  
(Gurtz)Lynn Lucchese-Soto,  
Law Offices of Berger  
Newmark & Fenchel P.C.  
222 N. LaSalle St., Suite  
1900, Chicago, IL 60601

**02C 4976**

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

III. Citizenship of Principal  
Parties (Diversity Cases Only)

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

JUDGE JOHN W DARRAH

MAGISTRATE JUDGE LEVIN

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., and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to correct the unlawful practices on the basis of sex.

VII. Requested in Complaint

Class Action: ✓  
Dollar Demand:  
Jury Demand: ✓

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

Signature:

A handwritten signature in black ink that reads "Fred Miller". The signature is written in a cursive style and is positioned above a horizontal line.

Date:

7-15-02

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00



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

Eastern Division

In the Matter of

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

v.  
**GURTZ ELECTRIC CO. & PICKUS CONSTRUCTION  
& EQUIPMENT COMPANY, INC.**

Case Number: **02C 4976**

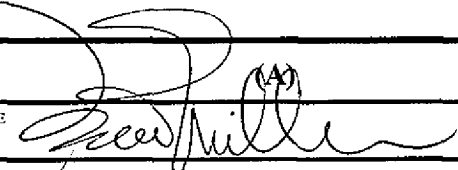
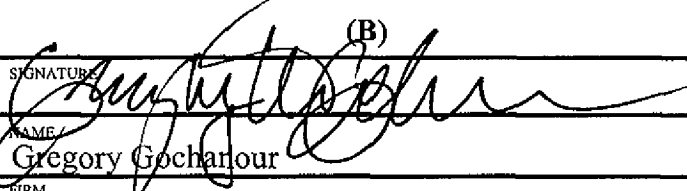
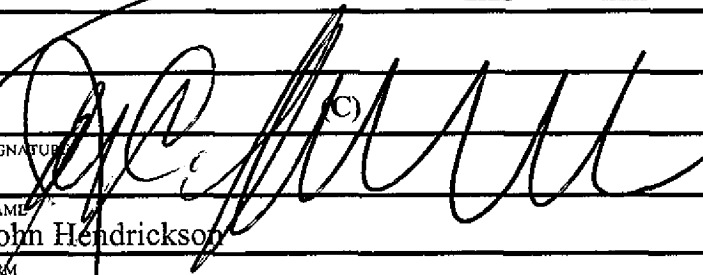
APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**JUDGE JOHN W. DARRAH**

**DOCKETED  
JUL 15 2002**

MAGISTRATE JUDGE LEVIN

SIGNATURE (A) 		SIGNATURE (B) 	
NAME Beth A. Miller		NAME Gregory Gochanour	
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) 353-7722		TELEPHONE NUMBER (312) 886-9124	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06203264		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 (C) 		SIGNATURE (D)	
NAME John Hendrickson		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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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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U.S. DISTRICT COURT

