

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

RECEIVED

JUN 07 2002

ZAIDA ESPANA, VITALIA MERO,
ROSELIA CASILDO and
VIRGINIA MUNOZ on behalf
of themselves and all others similarly
situated,
Plaintiffs,

FILED

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JUN 25 2002

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT
JURY DEMANDED

v.

CASE #: 01 C 0210

Judge: Pallmeyer

MIDWEST WIRE SPECIALTIES, INC.,
Defendant.

Magistrate: Schenkier

SECOND AMENDED COMPLAINT-CLASS ACTION

Plaintiffs, on behalf of themselves and all others similarly situated, by their undersigned attorney, for their second amended complaint of discrimination and harassment against Defendant, state as follows:

PARTIES

1. Plaintiff, ZAIDA ESPANA ("ESPANA"), is female and a resident of the state of Illinois.
2. Plaintiff, VITALIA MERO ("MERO"), is female and a resident of the state of Illinois.

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3. Plaintiff, ROSELIA CASILDO ("CASILDO") is female and a resident of the state of Illinois.
4. Plaintiff, VIRGINIA MUNOZ ("MUNOZ") is female and a resident of the state of Illinois.
5. Defendant, MIDWEST WIRE SPECIALTIES, INC. ("MIDWEST"), is duly registered to conduct business in the state of Illinois.
6. At all times pertinent hereto, Defendant MIDWEST, has been engaged in an industry affecting commerce and has had fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

NATURE OF CASE

7. The cause of action for Plaintiffs arise under Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e, as amended.
8. Plaintiffs allege hostile environment sexual harassment, sex discrimination and retaliation against female employees, temporary employees, applicants for employment, and others that opposed discrimination and sexual harassment.

9. Plaintiffs bring this case on behalf of themselves and all others similarly situated, pursuant to Rule 23 (b)(2) and (b)(3) of the Federal Rules of Civil Procedure. The class consists of all female employees, temporary employees and applicants for employment, who have been employed or applied to be employed by Defendant on or after July 1, 1996 and who are subject to Defendant's employment and human resources policies, including but not limited to current or former employees, and who have been, continue to be, or may in the future be, adversely affected by the Defendant's practices. This case meets all the requirements of Rule 23: (a) the class is so numerous that joinder is impracticable; (b) the issues of law and fact applicable to the plaintiffs present questions of law and fact common to the class; (c) the claims of the plaintiffs are typical of the claims of the class; and (d) the plaintiffs will adequately and vigorously represent the interests of the class. The Defendant has acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole. This class also meets the requirements of (b)(2) and (b)(3). Plaintiffs reserve the right to amend the definition of the class following discovery.
10. Defendant employs a system of discriminatory decision-making in connection with work assignments, compensation, bonuses, overtime assignments and transfers that affects all female employees and female job applicants.
11. Plaintiffs on behalf of themselves and members of the class allege that Defendant's

supervisors and managers subject female employees to a sexually charged and hostile work environment. Said supervisors and managers also condition the enjoyment of the ordinary benefits of employment on female employees' submission to their sexual advances, touching and groping.

12. Plaintiffs on behalf of themselves and members of the class further allege that they were disciplined and/or terminated in retaliation for opposing sex discrimination and sexual harassment or rejecting sexual advances of Defendant's supervisors.

JURISDICTION AND VENUE

13. This Court has jurisdiction over this matter based upon 42 U.S.C. 2000e, as amended.
14. Venue in the Northern District of Illinois is proper. The claim for relief arose in this state as required by 42 U.S.C. 2000e.
15. That after investigating the EEOC charge of Plaintiff, MERO, the EEOC concluded and issued a report as follows:

Charging Party alleges that she has been discriminated against on the basis of her sex, female, in violation of Title VII, in that she was sexually harassed by the Plant Manager and by a co-worker.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party on the basis of her sex, in violation of Title VII. The evidence shows that the Plant Manager sexually harassed Charging Party. **(Attached**

As Exhibit A)

16. That after investigating the EEOC charge of Plaintiff, ESPANA, the EEOC concluded and issued a report as follows:

Charging Party alleges that she has been discriminated against on the basis of her sex, female, in violation of Title VII, in that she was sexually harassed by her supervisor and retaliated against for complaining about the harassment.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party on the basis of her sex, in violation of Title VII. The evidence shows that Charging Party's supervisor sexually harassed her and that she was not returned to her position after she made a sexual harassment complaint. **(Attached As Exhibit B)**

17. Plaintiffs CASILDO and MUNOZ filed charges of discrimination with the Equal Employment Opportunity Commission ("EEOC") of the United States Government, and have requested and received Right-to-Sue Letters. **(Said Charges and Right to Sue letters are attached hereto as Exhibit C and D).**
18. All conditions precedent have been fulfilled by each Plaintiff, including the filing of a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") of the United States Government, and a request and receipt of Right-to-Sue Letter. **(Charges and Right to Sue letters of Espana and Mero are attached hereto as Exhibit E).**

COUNT I
PATTERN AND PRACTICE ALLEGATIONS OF
HOSTILE ENVIRONMENT SEXUAL HARASSMENT

19. That the preceding paragraphs are incorporated by reference here. Plaintiffs bring this count on their own behalf and on behalf of those similarly situated.
20. That ESPANA was hired by Defendant on or about June 6, 1996 as a machine operator.
21. That ESPANA was subsequently promoted to the position of welder supervisor.
22. That at times material herein, ESPANA was employed as a welder supervisor and subsequently demoted to a position in Defendant's shipping department.
23. That ESPANA performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.
24. That during her employment with Defendant, ESPANA was supervised by ROBERT ANZURES ("ANZURES"), Plant Manager.
25. That starting in January 1998 and continuing until November of 1998, ESPANA was subjected to persistent sexual harassment by ANZURES.

26. That during said period, ANZURES would walk up behind ESPANA while she was welding and grab her waist with both hands or run one finger down her back approximately six (6) times per day.
27. That ESPANA would ask ANZURES to stop and back away from him to maintain her physical distance from him. In response, ANZURES would laugh and ask Plaintiff why she was "so chicken."
28. That on other occasions, ANZURES would approach ESPANA from behind and blow air in her ear.
29. That in addition, ANZURES made sexually explicit and suggestive comments to ESPANA, such as, "You look nice today" or "those pants look nice and tight on you," and would ask ESPANA "when will you accept an invitation to got out?" or "do you want to go get some coffee?"
30. That furthermore, ANZURES would ask that ESPANA take her sweater off so that he could see her blouse.
31. That in August of 1998, ESPANA witnessed the human resources manager, CHARLES SCHLISMANN ("SCHLISMANN"), with his penis exposed in front of

another female employee, Margarita (Last Name Unknown). SCHLISMANN grabbed a mask to cover his penis and ESPANA left the area.

32. That on November 10, 1998 while welding, ESPANA was approached by ANZURES who asked her to help him search for some molding located on the second floor; ESPANA resisted but ANZURES insisted; ESPANA ultimately went with him to search for the molding. After they could not locate the molding and were coming down the stairs, ANZURES pushed ESPANA by the shoulders up against the wall, grabbed and attempted to kiss her mouth.
33. That ESPANA moved her head from one side to the other to prevent him from connecting with her mouth. Nevertheless, ANZURES was able to kiss her on the neck and cheeks.
34. That ANZURES only stopped and freed ESPANA after he observed another employee, Louis Terraza, in the area.
35. That ESPANA told ANZURES not to bother her again and to leave her alone. ESPANA also told him that she did not approve of his sexual overtures nor was she interested in having a personal relationship with him.
36. That ESPANA did not report ANZURES to the human resources manager,

SCHLISMANN, because he is also known for harassing female workers in the plant and because ESPANA's sister previously reported the sexual harassment she [Claudia Espana] was going through in the hands of ANZURES and was ultimately retaliated against and constructively discharged.

37. That on November 24, 1998, ESPANA was transferred to the shipping department by ANZURES. Her salary was also reduced from \$8.50 per hour to \$8.00 per hour.
38. That ANZURES began requiring that ESPANA work alone on tasks that usually require two employees to accomplish. He further ostracized her, refused to permit other employees to speak to her, denied her appropriate bonus pay and required her to perform very difficult, and sometime dangerous, jobs. He made her life miserable.
39. That ESPANA questioned her demotion and salary reduction with SCHLISMANN. He promised ESPANA that she would return to her former position within two weeks.
40. That ESPANA was never transferred back to her welding supervisor position. Instead, ESPANA was replaced by Estela Garcia who is known to be ANZURES' girlfriend.

41. That Plaintiff, MERO, was hired by Defendant in March 1996 as a packer.
42. That during her employment, MERO performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.
43. That starting about May 1997 and continuing until about March 30, 1999, MERO was subjected to persistent sexual harassment by SCHLISMANN.
44. That SCHLISMANN would tell MERO: "I like you" or "I would like to go out with you" approximately three (3) to four (4) times per week.
45. That SCHLISMANN made further comments such as: "I like your mouth", "I like your hands" or "I like how you painted your nails."
46. That about June 1998, MERO was returning to her work area from a bathroom break when SCHLISMANN grabbed, kissed and placed his tongue in her mouth while groping her buttocks.
47. That a co-worker, JOHNNY COMER ("COMER"), witnessed MERO struggling to break free from SCHLISMANN. COMER complained to SCHLISMANN that he [SCHLISMANN] should not be doing that to MERO.

48. That afraid that COMER would report the incident, SCHLISMANN paid COMER two hundred dollars (\$200) to keep him from reporting.
49. That in or about October 1998 while MERO was on break reading a book, SCHLISMANN came up behind her, kissed her neck and asked "what are you reading?"
50. That on March 11, 1999, a co-worker, FARON SOTH ("SOTH"), asked MERO if she wanted to have sex with him and Miguel (last name unknown). MERO reported said sexual harassment to the immediate supervisor, Jim (last name unknown). On the same day, SCHLISMANN told her to write a complaint about SOTH which she complied with.
51. That on March 18, 1999, SCHLISMANN used the matter of SOTH's sexual harassment as a pretext to approach MERO. He asked if everything was all right and then attempted to kiss MERO.
52. That as a result of Plaintiff's rejection of SCHLISMANN's sexual advances, she was denied bonuses that she was otherwise entitled to.
53. That MUNOZ was hired by Defendant on or about June 1999, as a welder.

54. That MUNOZ performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.
55. That during her employment with Defendant, MUNOZ was supervised by ROBERT ANZURES ("ANZURES"), Plant Manager.
56. That starting in 2000 and continuing, MUNOZ was subjected to persistent sexual harassment by ANZURES.
57. That during said period, ANZURES would repeatedly make sexually explicit comments to MUNOZ. He would say: "I like sex in different colors and flavors" and "I would like to have oral sex with you and in different positions and different angles."
58. That on one occasion, ANZURES stated to MUNOZ "if we were taking a shower together and you dropped the soap and bent down to pick it up, I would take advantage."
59. That on several occasions, MUNOZ was asked by ANZURES if she wanted to go to his apartment to have sex with him. Later on, ANZURES would ask MUNOZ "What happened, have you decided?" in connection with the earlier request for sex.

60. That in response to one of these requests, MUNOZ told ANZURES that he had a girlfriend and asked him "why are you doing this to me?" ANZURES told MUNOZ that he was not getting along with his girlfriend.
61. That MUNOZ rejected ANZURES' advances on several occasions.
62. That after these rejections, ANZURES then asked MUNOZ to go out with Rafael (LNU), one of Defendant's supervisors.
63. That ANZURES told Rafael to ask MUNOZ out on a date.
64. That Rafael then asked MUNOZ out on a date.
65. That MUNOZ refused Rafael's advances and ANZURES' request that she date Rafael.
66. That following MUNOZ's rejections of ANZURES and Rafael, her work was sabotaged. Her work equipment was set up so that the pieces would come out defective.
67. That when her machine was producing defective pieces, MUNOZ was called into a meeting with CHARLES SCHLISMANN ("SCHLISMANN"), ANZURES and others

and chastised.

68. That SCHLISMANN told MUNOZ that they no longer needed her services because the quality of the work she produced was below standard. MUNOZ replied that if that was the case, they would also need to fire the set-up man as he came around every hour and signed off on the quality of the work she produced.

69. That on that same occasion, SCHLISMANN then told her she could continue to work for the company, but that if she continued to produce sub-standard pieces, she would be terminated.

70. That MUNOZ was not allowed to work overtime. MUNOZ usually only worked overtime when those who were routinely given overtime by ANZURES did not want to work it.

71. That when MUNOZ asked ANZURES why he refused to give her overtime, he stated that it was because she was not "kind." In other words, MUNOZ was not given overtime by ANZURES because she would not give in to his or Rafael's sexual advances.

72. That beginning on or about June 2001 until August 2001, ANZURES made sexually explicit comments to MUNOZ like: "You look good" and "you're getting better" two

(2) or three (3) times per day.

73. That while making these comments, ANZURES made hand gestures referring to MUNOZ's buttocks and breasts.
74. That ANZURES openly made sexually offensive jokes on a daily basis
75. That ANZURES openly made comments derogatory to women on a daily basis.
76. That MUNOZ overheard ANZURES make sexually explicit comments to temporary female workers. For example: "I am single and so are you, maybe we should go out."
77. That on another occasion, MUNOZ saw ANZURES grab Bertha Santana's buttocks.
78. That CASILDO was hired by Defendant on or about July 1999 to work in the welding department.
79. That CASILDO performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.
80. That during her employment with Defendant, CASILDO was supervised by MARTIN

BARRIENTOS ("BARRIENTOS").

81. That during her employment with Defendant, CASILDO observed BARRIENTOS touch female employees who worked under him on a regular basis. He touched them and felt their arms and kissed them in a sexual manner.
82. That CASILDO observed BARRIENTOS touch at least three subordinate females in a sexual manner on an on-going basis at least five (5) times per day. BARRIENTOS would kiss their lips and generally touch and grab them as he saw fit. On some occasions, he would disappear with subordinate female workers to closed areas of the company such as the shipping or tool room.
83. That CASILDO observed BARRIENTOS touch the following employees in a sexual manner: Marina Marin, and Evelyn (LNU).
84. That BARRIENTOS routinely dated new female subordinates.
85. That on one occasion, CASILDO saw SCHLISMANN lift and twirl a female subordinate named Lidia (LNU) in his office. SCHLISMANN then grabbed a flashlight and flashed it into her eyes.
86. That on one occasion CASILDO asked David MARRERO for help with her car.

MARRERO stated that he would help her if she went for a ride with him somewhere.

87. That CASILDO ignored MARRERO's request to go for a ride with him. MARRERO then complained to SCHLISMANN that CASILDO was not doing her job.
88. That Defendant and their supervisors routinely make job assignments harder on female sub-ordinates who reject their sexual advances. Females who submit to these sexual advances are given easier, lighter workloads.
89. That as a result of her refusal to submit to these sexual advances, CASILDO was assigned jobs that were extremely difficult and as a result CASILDO was injured and taken to hospital.
90. That when CASILDO told SCHLISMANN that she would speak with the owner, SCHLISMANN responded that CASILDO could not as he was the one who took care of the problems.
91. That about April or May, 2000, MARTIN (LNU) insinuated that he wanted to be with CASILDO.
92. That on that same day, MARTIN told her he needed to show her what tools she would need for her work.

93. That on that same occasion, CASILDO accompanied MARTIN downstairs where he kissed her and placed her hand on his penis.
94. That CASILDO reported this to SCHLISMANN, however no action was taken as a result of her complaints.
95. That on an ongoing basis since 1996, Defendant's agents and supervisors have subjected Plaintiffs and other female employees to inferior working conditions and a hostile, offensive, denigrating and oppressive work environment. For example:
- A. ANZURES would on a daily basis touch and grab female subordinates' buttocks, breasts, intimate apparel and other articles of clothing such as blouses.
 - B. On an on-going basis, ANZURES would touch and grab numerous subordinate female employees in a sexual manner, including: Zaida Espana, Bertha Santana, Ofelia Orea, Olga Rodriguez, Gaby (LNU), Rosa's sister (LNU), Martha Juarez, Brenda (LNU), Gabriella (LNU), Estella Garcia, Noemi Moreno, Margarita Ramos, Yolanda Zamora and Oralia Hernandez.
 - C. That on an on-going basis, ANZURES would grab, feel and touch said subordinate females' thighs, vagina areas, breasts, buttocks, underwear, and private parts as he saw fit.
 - D. That ANZURES would touch and grab these females openly on a daily basis sometimes up to three times per day.
 - E. That similarly, SCHLISMANN has touched the following women in a sexual manner: Vitalia Mero and Bonita Reese.
 - F. ANZURES would routinely sexually assault various female subordinates on an ongoing basis.

- G. ANZURES further demeaned female subordinates by making sexually offensive and sexually degrading comments such as: " You look so good"; "No fucking women has not let herself be touched. There are no exceptions. I do what I want with them (referring to women). They had to let themselves be touched" ; and "Let's go out?"
- H. ANZURES makes these and such other statements to female subordinates in the presence of co-workers.
- I. That Barrientos would touch and kiss female subordinates in a sexual manner on an on-going basis at least five (5) times per day. He would kiss their lips and touch and grab them as he saw fit.
- J. Barrientos on some occasions disappeared with subordinate female employees to closed areas of the company.
- K. Barrientos touched Marina Marin and Evelyn (LNU) in a sexual manner.
- L. Further, Barrientos routinely dates new female subordinates.

97. That from at least 1996 to the present, Defendant has engaged in a discriminatory pattern and practice against females in that Defendant would condition various terms and conditions of employment on the submission or non-submission to the sexual advances of its supervisors. In other words, Defendant would give better employment benefits to those females who either submit or acquiesce to its supervisors' sexual advances and touching while denying similar benefits to those females who openly resist such advances.

98. That Defendant, through ANZURES, BARRIENTOS, SCHLISMANN and others, would condition female employees' enjoyment of normal employment benefits on

their submission to sexual advances. For example:

- a. Defendant assigns more overtime hours to female subordinates who do not openly resist Defendant's supervisors' sexual advances and touching. Those females who refuse to "play" with Defendant's supervisors would be assigned less or no overtime until they agree to "play" with Defendant's supervisors.
- b. Similarly, female subordinates who do not openly resist Defendant's supervisors' sexual advances and touching are assigned lighter and better tasks. Those females who openly resist are assigned heavier work and dirty machines.
- c. Defendant engages in a similar practice with respect to the distribution of normal bonuses, favoring those females who do not openly resist the sexual advances and touching by Defendant's supervisors.
- d. Defendant would give better, higher wage and easier job assignments to those female subordinates who do not openly resist sexual advances or permit Defendant's supervisors to touch them; Defendant would demote those female subordinates who openly reject sexual advances of its supervisors.
- e. With respect to temporary employees, Defendant would favor and retain those temporary female employees who submit to its supervisors' sexual advances while terminating or refusing to retain those who reject such advances or touching.

99. That female employees that refuse to submit to Defendant's sexual advances or speak against sexual harassment were retaliated against through unjustified disciplinary actions, inferior job tasks and/or termination.

100. That Defendant practiced a pattern of discriminatorily hiring temporary workers to full time positions and/or not calling back or terminating those temporary workers who refuse to submit to the sexual advances of Defendant's supervisors, especially

ANZURES.

101. That Defendant condoned sexual harassment and failed to maintain a harassment-free work environment by failing to provide adequate training, counseling, and instructions to its employees, officers, and supervisors with respect to sexual harassment of female employees.
102. That Defendant condoned sexual harassment and failed to maintain a harassment free work environment by failing to employ an effective anti-sexual harassment policy with respect to its employees, agents and supervisors.
103. That Defendant failed to maintain a harassment free work environment by failing to take effective corrective action against its supervisors after it became aware that they were making unwelcome sexual advances toward female subordinates who worked for them and were sexually harassing and assaulting them on an ongoing basis.
104. That Defendant's treatment of Plaintiffs and those similarly situated was motivated by evil motive and intent and was in reckless and callous indifference to the federally protected rights of Plaintiffs and those similarly situated.
105. That the sexual harassment that Plaintiffs and those similarly situated were

subjected to in the hands of the Defendant, its agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating and had the effect of creating a hostile and intimidating work environment for Plaintiffs and the class.

106. That as a result of these failures by Defendant, its supervisors continued to use their authority to force unwelcome sexual advances, offensive conduct and assault on Plaintiffs and numerous other subordinate females on an ongoing basis.
107. That as a direct and proximate result of said unlawful employment practices and disregard for rights of Plaintiffs and those similarly situated, they have lost and will continue to lose substantial income, including but not limited to wages, fringes, pension, seniority benefits, and other employment benefits that are due them.
108. That as a further direct and proximate result of said unlawful employment practices, Plaintiffs and those similarly situated have suffered the indignity of discrimination, the invasion of their rights to be free from discrimination and great humiliation which is manifest in physical illnesses and emotional stress on the relationships between the victims and their friends and family.
109. That as a further direct and proximate result of said unlawful employment practices, Plaintiffs and others similarly situated have suffered extreme mental anguish,

outrage, severe anxiety about their future and their ability to support themselves, harm to their employability and earning capacity, painful embarrassment among friends and co-workers, damage to their reputations, disruption of their personal lives, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and the class respectfully request that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Certify this case as a class action;
- C. Enter judgment that Defendant's acts and practices as set forth herein are in violation of the laws of the United States;
- D. Enter a preliminary and permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- E. Award Plaintiffs and the class appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- F. Award Plaintiffs and the class costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- G. Award Plaintiffs and the class a judgment against Defendant for compensatory damages;
- H. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- I. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination

from Defendant's organization;

- J. Grant such other and further relief as this court deems just and proper.

COUNT II
PATTERN AND PRACTICE ALLEGATIONS OF
QUID PRO QUO SEXUAL HARASSMENT AND
SEX DISCRIMINATION

- 110. That the preceding paragraphs are incorporated by reference here. Plaintiffs bring this count on their own behalf and on behalf of those similarly situated.
- 111. That Defendant's conduct in harassing and mistreating Plaintiffs and those similarly situated amounts to quid pro quo sexual harassment in violation of the law.
- 112. That Defendant's inferior treatment of Plaintiffs and those similarly situated with respect to overtime, bonuses, job assignments, assignment of heavier work loads and termination amount to illegal discrimination based on sex discrimination.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and those they represent respectfully request that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Certify this case as a class action;
- C. Enter judgment that Defendant's acts and practices as set forth herein are in violation of the laws of the United States;

- D. Enter a preliminary and permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- E. Award Plaintiffs and the class appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- F. Award Plaintiffs and the class costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- G. Award Plaintiffs and the class a judgment against Defendant for compensatory damages;
- H. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- I. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- J. Grant such other and further relief as this court deems just and proper.

COUNT III
PATTERN AND PRACTICE ALLEGATIONS
OF RETALIATION

113. That the preceding paragraphs are incorporated by reference here. ESPANA and CASILDO bring this count on their own behalf and on behalf of those similarly situated.

114. That Defendant's conduct in harassing and mistreating Plaintiffs, ESPANA, CASILDO and those similarly situated was a result of the assertion of their civil rights and opposition of discriminatory conduct.

115. That Defendant's inferior treatment of females for rejecting it's supervisors sexual advances amounts to retaliation in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, ESPANA, CASILDO and those they represent respectfully request that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Certify this case as a class action;
- C. Enter judgment that Defendant's acts and practices as set forth herein are in violation of the laws of the United States;
- D. Enter a preliminary and permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- E. Award ESPANA, CASILDO and the class appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- F. Award ESPANA, CASILDO and the class costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- G. Award ESPANA, CASILDO and the class a judgment against Defendant for compensatory damages;
- H. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- I. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organizations;

- J. Grant such other and further relief as this court deems just and proper.

**COUNT IV - ZAIDA ESPANA'S HOSTILE ENVIRONMENT
SEXUAL HARASSMENT CLAIM**

116. That Plaintiff, ESPANA, incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.
117. That Defendant's conduct amounts to hostile environment sexual harassment of ESPANA in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, ESPANA respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- C. Award ESPANA appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award ESPANA costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award ESPANA a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination

from Defendant's organizations;

- H. Grant such other and further relief as this court deems just and proper.

COUNT V
COMPLAINT OF ZAIDA ESPANA FOR
QUID PRO QUO SEXUAL HARASSMENT
AND SEX DISCRIMINATION

118. ESPANA incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.

119. That Defendant's conduct in harassing and mistreating Plaintiff, ESPANA, amounts to quid pro quo sexual harassment in violation of the law.

120. That Defendant's conduct in harassing and mistreating Plaintiff, ESPANA, further amounts to sex discrimination in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, ESPANA respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- C. Award ESPANA appropriate back-pay, reinstatement, future earnings,

loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;

- D. Award ESPANA costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award ESPANA a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

COUNT VI
COMPLAINT OF ZAIDA ESPANA FOR RETALIATION

121. ESPANA incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.
122. That Defendant's conduct in harassing and mistreating Plaintiff, ESPANA, was a result of Plaintiff's assertion of her civil rights and her opposition of conduct which ESPANA in good faith believed to be sex discrimination and sexual harassment.
123. That Defendant's treatment of Plaintiff amounts to retaliation in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, ESPANA respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.;
- C. Award ESPANA appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award ESPANA costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award ESPANA a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

**COUNT VII - VITALIA MERO'S CLAIM FOR HOSTILE
ENVIRONMENT SEXUAL HARASSMENT**

124. MERO incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.

125. That Defendant's conduct amounts to hostile environment sexual harassment of MERO in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, MERO, respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in very possible way;
- B. Order a permanent injunction prohibiting Defendant, MIDWEST, from further acts of sex discrimination and sexual harassment;
- C. Award MERO appropriate back-pay, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award MERO costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award MERO a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant, MIDWEST, for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organizations;
- H. Grant such other and further relief as this court deems just and proper.

COUNT VIII **COMPLAINT OF VITALIA MERO FOR QUID PRO QUO SEXUAL HARASSMENT** **AND SEX DISCRIMINATION**

126. MERO incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.

127. That Defendant's conduct in harassing and mistreating Plaintiff, MERO, amounts to quid pro quo sexual harassment in violation of the law.

128. That Defendant's conduct in harassing and mistreating Plaintiff, MERO, further amounts to sex discrimination in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, MERO respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- C. Award MERO appropriate back pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award MERO costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award MERO a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

COUNT IX
COMPLAINT OF VITALIA MERO FOR RELATIATION

129. MERO incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.
130. That Defendant's conduct in harassing and mistreating Plaintiff, MERO, was a result of Plaintiff's assertion of her civil rights and her opposition of conduct which MERO in good faith believed to be sex discrimination and sexual harassment.
131. That Defendant denied Plaintiff appropriate bonuses in retaliation for opposing discrimination.
132. That Defendant's treatment of Plaintiff amounts to retaliation in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, MERO respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.;
- C. Award MERO appropriate back-pay, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;

- D. Award MERO costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award MERO a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

COUNT X - ROSELIA CASILDO'S CLAIM FOR HOSTILE ENVIRONMENT SEXUAL HARASSMENT

133. CASILDO incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.
134. That Defendant's conduct amounts to hostile environment sexual harassment of CASILDO in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, CASILDO, respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in very possible way;
- B. Order a permanent injunction prohibiting Defendant, MIDWEST, from further acts of sex discrimination and sexual harassment;
- C. Award CASILDO appropriate back-pay, future earnings, loss of

earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;

- D. Award CASILDO costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award CASILDO a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant, MIDWEST, for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organizations;
- H. Grant such other and further relief as this court deems just and proper.

COUNT XI
COMPLAINT OF ROSELIA CASILDO FOR QUID PRO QUO SEXUAL HARASSMENT AND SEX DISCRIMINATION

135. CASILDO incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.
136. That Defendant's conduct in harassing and mistreating Plaintiff, CASILDO, amounts to quid pro quo sexual harassment in violation of the law.
137. That Defendant's conduct in harassing and mistreating Plaintiff, CASILDO, further amounts to sex discrimination in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, CASILDO respectfully requests that the Court provide the following

equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- C. Award CASILDO appropriate back pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award CASILDO costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award CASILDO a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for wilfull and wanton conduct.
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

COUNT XII
COMPLAINT OF ROSELIA CASILDO FOR RETALIATION

138. CASILDO incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.

139. That Defendant's conduct in harassing and mistreating Plaintiff, CASILDO, was a result of Plaintiff's assertion of her civil rights and her opposition of conduct which CASILDO in good faith believed to be sex discrimination and sexual harassment.

140. That on January 21, 2002, CASILDO submitted an affidavit in support of the sexual harassment class complaint of Espana v. Midwest Wire Specialties, Inc., case number 01 C 0210. **(Affidavit of support attached as Exhibit F)**
141. That CASILDO was given heavier and harder work assignments as a result of submitting said affidavit of support.
142. That on January 29, 2002, CASILDO was directed to speak with Marina Marin; however CASILDO refused to speak with Marina as she was suspicious of Marina's reasons for wanting to speak with her.
143. That Marina then came over to CASILDO's work station and grabbed CASILDO's neck and hair and pulled her down to the ground in the presence of her supervisor, EDUARDO (LNU) and LYDIA (LNU).
144. That Esperanza called the police.
145. That CASILDO was arrested based on the false statements of EDUARDO, LYDIA, DAVID MARRERO, DIOGENES MARRERO and other co-workers who were present.

146. That the above mentioned employees conspired to assault CASILDO and make a false police report against her.
147. That as CASILDO was escorted from the premises by the police, LYDIA (LNU) yelled "Now you can go talk to your attorney" while laughing at CASILDO.
148. That on February 8, 2002 CASILDO was terminated for the stated reason that she attacked another co-worker.
149. That Defendant failed to provide CASILDO with the name of the witness who could verify that she was not the aggressor.
150. That similarly situated co-workers, Olga Rodriguez and Roberto Anzures who also attacked co-workers were not terminated by Defendant.
151. That CASILDO was subjected to physical abuse, false police reports, arrest and false criminal charges.
152. That Defendant's inferior treatment of females for rejecting it's supervisors sexual advances amounts to retaliation in violation of the law.
153. That Defendant denied Plaintiff appropriate bonuses and overtime in retaliation for

opposing discrimination.

154. That Defendant's treatment of Plaintiff amounts to retaliation in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, CASILDO respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- C. Award CASILDO appropriate back-pay, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award CASILDO costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award CASILDO a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

**COUNT XIII -VIRGINIA MUNOZ'S HOSTILE ENVIRONMENT
SEXUAL HARASSMENT CLAIM**

155. That Plaintiff, MUNOZ, incorporates the preceding paragraphs by reference here.

Plaintiff brings this count individually.

156. That Defendant's conduct amounts to hostile environment sexual harassment of MUNOZ in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, MUNOZ respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- C. Award MUNOZ appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award MUNOZ costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award MUNOZ a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organizations;
- H. Grant such other and further relief as this court deems just and proper.

COUNT XIV
COMPLAINT OF VIRGINIA MUNOZ FOR
QUID PRO QUO SEXUAL HARASSMENT
AND SEX DISCRIMINATION

157. MUNOZ incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.
158. That Defendant's conduct in harassing and mistreating Plaintiff, MUNOZ, amounts to quid pro quo sexual harassment in violation of the law.
159. That Defendant's conduct in harassing and mistreating Plaintiff, MUNOZ, further amounts to sex discrimination in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, MUNOZ respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment;
- C. Award MUNOZ appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award MUNOZ costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award MUNOZ a judgment against Defendant for compensatory damages;

- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

COUNT XV
COMPLAINT OF VIRGINIA MUNOZ FOR RETALIATION

160. MUNOZ incorporates the preceding paragraphs by reference here. Plaintiff brings this count individually.

161. That Defendant's conduct in harassing and mistreating Plaintiff, MUNOZ was a result of Plaintiff's assertion of her civil rights and her opposition of conduct which MUNOZ in good faith believed to be sex discrimination and sexual harassment.

162. That Defendant's treatment of Plaintiff amounts to retaliation in violation of the law.

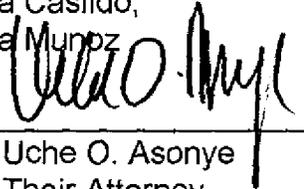
PRAYER FOR RELIEF

WHEREFORE, MUNOZ respectfully requests that the Court provide the following equitable and legal relief:

- A. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way;
- B. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.;

- C. Award MUNOZ appropriate back-pay, reinstatement, future earnings, loss of earning capacity and reimbursement for income and fringe benefits lost to the present with applicable statutory interest;
- D. Award MUNOZ costs of litigation, including reasonable attorneys' fees and expert fees and expenses;
- E. Award MUNOZ a judgment against Defendant for compensatory damages;
- F. Grant judgment against Defendant for punitive damages for willful and wanton conduct;
- G. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment discrimination from Defendant's organization;
- H. Grant such other and further relief as this court deems just and proper.

RESPECTFULLY SUBMITTED,
Zaida Espana,
Vitalia Mero,
Roselia Casildo,
Virginia Munoz

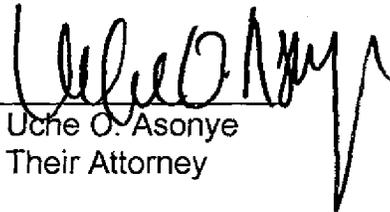
By: 
Uche O. Asonye
Their Attorney

06209522
ASONYE & ASSOCIATES
11 South LaSalle Street, Suite 2140
Chicago, Illinois 60603
(312) 795-9110

JURY DEMAND

NOW COME Plaintiffs, by counsel, and hereby demand a trial by jury in the above entitled cause of action.

RESPECTFULLY SUBMITTED,
ZAIDA ESPANA,
VITALIA MERO,
ROSELIA CASILDO,
VIRGINIA MUNOZ

By: 
Uche O. Asonye
Their Attorney

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See Case File for Exhibits