

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

FILED
AUG 12 2003
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT
BUCKETED
AUG 13 2003

ANDERSON HAWKINS,
LAWRENCE WOODFORK, ENRIQUE
HERNANDEZ, and JAVIER GUERRERO
on behalf of themselves and all others
similarly situated,
Plaintiffs,

v.

GROOT INDUSTRIES, INC. and
GROOT RECYCLING AND WASTE
SERVICES, INC.,
Defendants.

JURY DEMANDED

CASE #: 01 C 1731

Judge: Joan Gottschall
Magistrate: Martin C. Ashman

SECOND AMENDED CLASS ACTION COMPLAINT

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

PARTIES

1. Plaintiff, ANDERSON HAWKINS ("HAWKINS"), is African-American and a resident of the state of Illinois.

2. Plaintiff, HAWKINS, became employed by Defendants on July 5, 1994 as a driver.

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3. Plaintiff, LAWRENCE WOODFORK ("WOODFORK"), is African-American and a resident of the state of Illinois.

4. Plaintiff, WOODFORK, became employed by Defendants on September 2, 1998.

5. Plaintiff, ENRIQUE HERNANDEZ ("HERNANDEZ"), is Hispanic and a resident of the state of Illinois.

6. Plaintiff, HERNANDEZ, became employed by Defendants in May of 1998.

7. Plaintiff, JAVIER GUERRERO ("GUERRERO"), is Hispanic and a resident of the state of Illinois.

8. Plaintiff, GUERRERO, became employed by Defendants in July of 1998.

9. Defendant, GROOT INDUSTRIES, INC. ("GROOT"), is qualified to do business in the state of Illinois and conducts business in Illinois.

10. Defendant, GROOT RECYCLING AND WASTE SERVICES, INC. ("GROOT RECYCLING"), is qualified to do business in the state of Illinois and conducts business in Illinois.

NATURE OF CASE

11. The cause of action for Plaintiffs, HAWKINS and WOODFORK, and all other black persons similarly situated arises under Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e, as amended and 42 U.S.C. Section 1981, as amended.

12. The cause of action for Plaintiffs, GUERRERO and HERNANDEZ, and all other Hispanic persons similarly situated arises under 42 U.S.C. Section 1981.

13. Plaintiffs allege a pattern and practice of racial harassment and national origin harassment against African-Americans and persons of Hispanic origin.

14. Plaintiffs allege a pattern and practice of race discrimination against African-Americans and persons of Hispanic origin in connection with work assignments, compensation, transfers, promotions and discipline.

15. Plaintiffs bring this case on behalf of themselves and all others similarly situated, pursuant to Rules 23(b)(2) and (b)(3) of the Federal Rules of Civil Procedure. The class consists of all African-American and Hispanic persons who have been employed by Defendants in their Chicago area facilities on or after July 5, 1994 and who are subject to Defendants' employment and human resources policies and practices, 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 Defendants' racially discriminatory policies and practices ("the class"). 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 Defendants have 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.

16. Defendants employ a system of decision-making in connection promotions, work assignments, compensation, and transfers which has a disparate impact on African-Americans and Hispanics and is not job-related.

17. Plaintiffs, HAWKINS and WOODFORK further allege that they were terminated as a result of their race and in retaliation for opposing discrimination or for associating with those who opposed discrimination.

18. Plaintiff, GUERRERO and HERNANDEZ, further allege that they were terminated as a result of their race and national origin.

JURISDICTION AND VENUE

19. This Court has jurisdiction over this matter based upon 42 U.S.C. 2000e, as amended, and 42 U.S.C. Section 1981, 28 U.S.C. 1343(4), 28 U.S.C. 1331.

20. Venue in the Northern District of Illinois is proper. The claim for relief arose in this state as required by 28 U.S.C. 1391(b) and (c).

21. At all times relevant herein, Plaintiffs were in a contractual relationship with Defendants within the meaning of 42 U.S.C. Section 1981.

22. At all times pertinent hereto, Defendants were 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.

23. On or about May 7, 1999, Plaintiff, HAWKINS, filed a charge of discrimination with the United States Equal Employment Opportunity Commission ("EEOC"), alleging race discrimination, racial harassment and retaliation. Said charge is incorporated herein. **(Attached as Exhibit 1).**

24. On or about November 5, 1999, Plaintiff, WOODFORK, filed a charge of discrimination with the EEOC, alleging race discrimination by Defendants in the various terms and conditions of employment. Said charge is incorporated herein. **(Attached as Exhibit 2).**

25. After investigating the EEOC charge of Plaintiff, HAWKINS, the EEOC concluded and issued a finding, as follows:

Charging Party alleged that Respondent discriminated against him on the basis of his race, Black, in violation of Title VII, in that he was subjected to harassment and discipline, was paid different wages, and was discharged. Charging Party further alleged that the Respondent retaliated against him in that it discharged him.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party, and a class of individuals, in that it harassed them and subjected them to a hostile work environment based on their race and national origin, in violation of Title VII. (Emphasis supplied) (Attached As Exhibit 3).

25. After investigating the EEOC charge of Plaintiff, WOODFORK, the EEOC concluded and issued a report, as follows:

Charging Party alleged that Respondent discriminated against him on the basis of his race, Black, in violation of Title VII, in that he was paid different wages, harassed, and subjected to different terms and conditions of employment and disciplined.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party, and a class of individuals, in that it harassed them and subjected them to a hostile work environment based on their race and national origin, in violation of Title VII. (Emphasis supplied) (Attached As Exhibit 4).

26. In spite of EEOC's finding of class-wide discrimination and harassment and invitation to voluntary compliance and resolution by Defendants, Defendants have failed to enter into an acceptable and reasonable voluntary compliance and resolution. That as such, Plaintiffs, HAWKINS and WOODFORK, have each obtained the right to sue in this district court.

27. All conditions precedent have been fulfilled by Plaintiffs, HAWKINS and WOODFORK, including the filing of a charge of discrimination with the EEOC of the United States Government, and a request and receipt of a Right-to-sue letter from the Equal Employment Opportunity Commission. (Said Right to Sue Letters Are Attached Hereto as Exhibit 5).

COUNT I
PATTERN AND PRACTICE ALLEGATIONS OF
HARASSMENT DUE TO RACE, NATIONAL ORIGIN AND INFERIOR
TERMS AND CONDITIONS OF EMPLOYMENT

28. That the preceding paragraphs are incorporated by reference here. Plaintiffs bring this count on their own behalf and on behalf of the class.

29. That Defendants engage in a pattern and practice of harassment due to race and national origin and subjected African-Americans and Hispanics to inferior terms and conditions of employment due to their race and national origin. For example:

30. That during his employment with Defendants, Plaintiff, HAWKINS, was referred to as "monkey" on a daily basis, sometimes up to five times per day by co-workers. These co-workers would refer to HAWKINS and other African-Americans in this manner on a daily basis with impunity in the presence of Defendants' officers, supervisors and managers alike. Said co-workers would not be reprimanded or asked to stop by Defendants' agents and supervisors.

31. That during his employment with Defendants, Plaintiff, HAWKINS, and other African-American employees were called "porch monkeys", "fucking monkeys", "fucking black monkeys", and "chango" (Spanish for monkey). This name-calling, directed against African-Americans, occurred on a daily basis with impunity in the presence of Defendants' officers, supervisors and managers alike.

32. That on a daily basis, Defendants' employees and agents would further harass, taunt and ridicule HAWKINS and other African-American employees by making derogatory statements to them such as: "hey monkey! Do you want a banana?", or "let's go to the zoo to see your family."

33. That on a daily basis, HAWKINS was also referred to by such other derogatory names as "Buckwheat" and "Kobe Bryant."

34. That on a daily basis, employees of Hispanic origin were similarly referred to as "spics" and "wetbacks."

35. That on a daily basis, employees whose national origin is Mexico, were called "dumb Mexicans" and "stupid Mexican."

36. That Defendants' supervisors and agents also participate in the ridicule of African-Americans and other minorities. For example, Jim Dowling, supervisor, once told Plaintiff, HAWKINS, to watch his tan because he [Plaintiff] was getting darker.

37. That during his employment with Defendants, Plaintiff, HAWKINS, observed that Defendants' employees refer to African-Americans as "niggers."

38. That Plaintiff, WOODFORK, was subjected to similar derogatory and harassing treatment as HAWKINS on a daily basis as described above.

39. That furthermore, and in addition to the racial slurs described above, on a daily basis, Plaintiff, WOODFORK, was referred to as "big black bear" by coworkers.

40. That on one occasion, Plaintiff, WOODFORK was insulted by Defendants' supervisor who referred to his hands as "filthy paws."

41. That Plaintiff, WOODFORK, was once told along with other African-Americans to "swing back to your home - monkeys".

42. That Defendants' supervisors, C.J. Sturwold referred to Plaintiff, WOODFORK, as a "lazy nigger" in the presence of coworkers.

43. That Defendants, their agents would routinely make racially offensive comments such as "them were the good old days," referring to the period of black slavery.

44. That Plaintiff, HERNANDEZ, was subjected to similar derogatory and harassing treatment as HAWKINS on a daily basis as described above.

45. That Plaintiff, GUERRERO, was subjected to similar derogatory and harassing treatment as HAWKINS on a daily basis as described above.

46. That said race discrimination and racial hostility is openly displayed and ongoing in nature to the present, and Defendants and their agents condone such conduct and refuse to take necessary action to prevent or correct the discrimination and harassment directed at African-Americans and Hispanics and those who associate with them.

47. That all of these and similar incidents have created a hostile and offensive work environment for African-American and Hispanic employees, including Plaintiffs.

48. That WOODFORK, HAWKINS, and HERNANDEZ and others have complained to Defendants' management about discrimination, harassment and inferior terms and conditions of employment. Plaintiff, WOODFORK, also filed grievances with his Union and management regarding these issues. Nonetheless, Defendants failed to take effective remedial action.

49. That Defendants' illegal conduct was motivated by evil motive and intent and was in reckless and callous indifference to the federally protected rights of Plaintiffs and other minority workers.

50. That Defendants' treatment of Plaintiffs and other minorities was motivated by racial animus and Defendants and its agents acted with racial animus directed toward African-Americans and Hispanics in violation of the law.

51. That the race and national origin discrimination and harassment that Plaintiffs and other minorities were subjected to in the hands of Defendants, their agents, representatives and employees is persistent in nature, unwelcome, extremely offensive, humiliating, and had the effect of creating a hostile and intimidating work environment for Plaintiffs and other minorities.

52. That said continuous and persistent race national origin discrimination and harassment adversely affected the terms and conditions of Plaintiffs' employment with Defendants.

53. That as a direct and proximate result of said unlawful employment practices and disregard for Plaintiffs' rights and sensibilities, Plaintiffs 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.

54. That as a further direct and proximate result of said unlawful employment practices Plaintiffs have suffered the indignity of discrimination, invasion of their right to be free from discrimination and great humiliation which is manifest in physical illnesses and emotional stress on the relationships between Plaintiffs and their friends and family.

55. That as a further direct and proximate result of said unlawful employment practices, Plaintiffs have suffered extreme mental anguish, outrage, severe anxiety about their future and ability to support themselves, harm to their employability and earning capacity, painful embarrassment among friends and co-workers, damage to their reputation, disruption of their personal lives, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray 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 Defendants' acts and practices as set forth herein are in violation of the laws of United States;
- d. Enter preliminary and permanent relief enjoining the discriminatory conduct necessary to end Defendants' discriminatory practices and prevent current and future harm;
- e. Award Plaintiffs and the class lost wages, including back pay, front pay and lost fringe benefits, and including, without limitation, any lost benefits that would otherwise have been included in the 401(k) pension plans of Plaintiffs and the class which resulted from the discrimination with applicable prejudgment and statutory interest;
- f. Order Defendants to offer Plaintiffs and the class positions that they would have had absent discrimination with retroactive raises and seniority and benefits.
- g. Award Plaintiffs and the class costs of litigation, including reasonable

attorney's fees and expert fees, expenses and costs;

- h. Award Plaintiffs and the class compensatory and punitive damages.
- i. Grant such other and further relief as this court deems just and proper.

COUNT II
PATTERN AND PRACTICE COMPLAINT
OF RACE DISCRIMINATION IN PROMOTIONS, WORK ASSIGNMENTS,
COMPENSATION, TRANSFERS, DISCIPLINE AND THE TERMS
AND CONDITIONS OF EMPLOYMENT

56. That the preceding paragraphs are incorporated by reference here. Plaintiffs bring this count on their own behalf and on behalf of the class.

57. That Defendants engaged in a pattern and practice of race discrimination in connection with promotions, work assignments, compensation, transfers, discipline and terms and conditions of employment. For example:

58. That Defendants' supervisors would routinely subject African-Americans and Hispanics to unequal discipline. In other words, Defendants would discipline African-Americans and Hispanics more harshly for the same infractions for which white employees would not be disciplined or given less severe discipline. For example, an African American employee would arrive to work late at the same time as white co-worker. Defendants' supervisors would observe both employees arrive late but would only discipline the African-American employee. On one occasion, Plaintiff arrived late work along with a white employee, DAVID MEYERS. Plaintiff was issued a written warning while MEYERS was not.

Defendants engage in this practice to discriminatorily populate the personnel files of African Americans with write-ups in a bid to subject them to inferior terms and conditions of employment and to terminate them in retaliation for complaining.

59. That similarly, Plaintiff, GUERRERO, was terminated for mixing garbage while similarly-situated white employees routinely engaged in similar conduct and were neither disciplined or terminated by Defendants.

60. That in connection with the several write-ups that he was being issued by Defendants through his supervisor, Plaintiff, HAWKINS, was once told by his disciplining supervisor, TOM MAYER, "it is not me [MAYER] , they [Defendants] are harassing me to write you up."

61. That Defendants' supervisor, Craig Phillips, once told Plaintiff, WOODFORK, that he [Phillips] could terminate WOODFORK's employment for any reason, including not liking the color of his eyes. Phillips made this statement while his gaze was fixed on WOODFORK's arm with his skin exposed, thus suggesting that he could terminate WOODFORK for the color of his skin.

62. That on one occasion, Plaintiff, WOODFORK was forced to go home for the day because he was late by one minute in contrast to the treatment given by Defendants to similarly-situated white employees who are typically not disciplined for such infractions.

63. That Defendants discriminate against African-Americans and Hispanics in work assignments in that whites drivers are assigned newer trucks while African-American and Hispanics drivers with more seniority are assigned to use older, less efficient trucks; white drivers are assigned better and more lucrative truck routes than African-American and Hispanic drivers with more seniority.

64. That Defendants discriminate against African-Americans and Hispanics with respect to compensation in that African-Americans and Hispanics are paid less than their white counterparts in the same position. Defendants systematically discriminate against African-Americans and Hispanics in compensation by delaying the effective dates of their pay increases and benefits.

65. That Defendants have four different job classifications namely, Recycling, Residential, Commercial, Roll-off, with each classification commanding different compensation. African-Americans and Hispanics are disproportionately assigned to the lower paying classifications, sometimes in complete disregard of their seniority rights. That conversely, white employees are hired directly into or transferred to the higher paying classifications with less seniority. Roll-off is the most sought-after classification and none of the Plaintiffs were offered a position in Roll-off while similarly-situated whites, some with less seniority, were hired directly or transferred into Roll-off by Defendants.

66. That Defendants discriminatorily promote white employees to the position of supervisor while not permitting African-Americans and Hispanics into supervisory positions.

67. That Defendants discriminate against African-Americans and Hispanics who have temporary medical work restrictions. Defendants would routinely refuse to assign restricted African-American employees light duty work thus causing them to lose pay. This is in contrast to the treatment of medically restricted white employees who are routinely assigned light-duty work by Defendants.

68. That Plaintiffs were subjected to different wages and inferior benefits at various times during their employment with Defendants along with other African-American and Hispanic employees.

69. That Plaintiffs, WOODFORK and HAWKINS, and others complained to Defendants' management about discrimination, harassment and inferior terms and conditions of employment. Plaintiff, WOODFORK, also filed grievances with his Union and management regarding these issues. Nonetheless, Defendants failed to take effective remedial action.

70. That instead of taking effective corrective action directed at eliminating race discrimination, Defendants' practice is to retaliate against Plaintiffs and others for complaining about discrimination by disciplining, suspending and ultimately terminating them.

71. That Defendants terminated HAWKINS' employment on April 5, 1999, WOODFORK's employment on December 21, 1999, HERNANDEZ's employment on January 06, 2000, and GUERRERO's employment on May 26, 2000.

72. That Defendants' treatment of Plaintiffs was motivated by evil motive and intent and was in reckless and callous indifference to Plaintiffs' federally protected rights.

73. That Defendants' conduct was motivated by racial animus and Defendants and their agents acted with racial animus directed toward African-Americans and Hispanics in violation of the law.

74. That said continuous and persistent race discrimination and harassment adversely affected the terms and conditions of Plaintiffs' employment with Defendants.

75. That as a direct and proximate result of said unlawful employment practices and disregard for Plaintiffs' rights and sensibilities, Plaintiffs 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.

76. That as a further direct and proximate result of said unlawful employment practices Plaintiffs have suffered the indignity of discrimination, invasion of their right to be free from discrimination and great humiliation which is manifest in physical illnesses and emotional stress on the relationships between Plaintiffs and their friends and family.

77. That as a further direct and proximate result of said unlawful employment practices, Plaintiffs have suffered extreme mental anguish, outrage, severe anxiety about their future and ability to support themselves, harm to their employability and earning capacity, painful embarrassment among friends and co-worker, damage to their reputation, disruption of their personal lives, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray 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 Defendants' acts and practices as set forth herein are in violation of the laws of United States;
- d. Enter preliminary and permanent relief enjoining the discriminatory conduct necessary to end Defendants' discriminatory practices and prevent current and future harm;
- e. Award Plaintiffs and the class lost wages, including back pay, front pay and lost fringe benefits, and including, without limitation, any lost benefits that would otherwise have been included in the 401(k) pension plans of Plaintiffs and the class which resulted from the discrimination with applicable prejudgment and statutory interest;
- f. Order Defendants to offer Plaintiffs and the class positions that they would have had absent discrimination with retroactive raises and seniority, pay raises and benefits.
- g. Award Plaintiffs and the class costs of litigation, including reasonable attorney's fees and expert fees, expenses and costs;

- h. Award Plaintiffs and the class compensatory and punitive damages.
- i. Grant such other and further relief as this court deems just and proper.

COUNT III
COMPLAINT OF ANDERSON HAWKINS OF HARASSMENT
DUE TO RACE AND INFERIOR
TERMS AND CONDITIONS OF EMPLOYMENT

78. That Plaintiff, HAWKINS, incorporates the preceding paragraphs. Plaintiff brings this count individually.

79. That Defendants' conduct subjected Plaintiff, HAWKINS, to harassment due to his race.

80. That Defendants further subjected Plaintiff, HAWKINS, to illegal, inferior and miserable terms and conditions of employment due to his race in violation of Title VII and 42 U.S.C. 1981.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, HAWKINS, respectfully prays 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. Award Plaintiff, HAWKINS, appropriate back-pay, future earnings and reimbursement for income and fringe benefits lost to the present with

applicable prejudgment and statutory interest.

- c. Award Plaintiff, HAWKINS, costs of litigation, including reasonable attorney's fees and expert fees and expenses.
- d. Award Plaintiff, HAWKINS, a judgment against Defendants for compensatory damages.
- e. Grant judgment against Defendants for punitive damages for willful and wanton conduct.
- f. Enter an order requiring Defendants to implement effective steps to eliminate race discrimination from Defendants' organizations.
- g. Grant such other and further relief as this court deems just and proper.

COUNT IV
COMPLAINT OF LAWRENCE WOODFORK
FOR HARASSMENT DUE TO RACE AND INFERIOR
TERMS AND CONDITIONS OF EMPLOYMENT

81. That Plaintiff, WOODFORK, incorporates the preceding paragraphs. Plaintiff brings this count individually.

82. That Defendants' conduct subjected Plaintiff, WOODFORK, to harassment due to his race.

83. That Defendants' conduct subjected Plaintiff, WOODFORK, to illegal, inferior and miserable terms and conditions of employment in violation of Title VII and 42 U.S.C. 1981.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, WOODFORK, respectfully prays 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. Award Plaintiff, WOODFORK, appropriate back-pay, future earnings and reimbursement for income and fringe benefits lost to the present with applicable prejudgment and statutory interest.
- c. Award Plaintiff, WOODFORK, costs of litigation, including reasonable attorney's fees and expert fees and expenses.
- d. Award Plaintiff, WOODFORK, a judgment against Defendants for compensatory damages.
- e. Grant judgment against Defendants for punitive damages for willful and wanton conduct.
- f. Enter an order requiring Defendants to implement effective steps to eliminate race discrimination from Defendants' organizations.
- g. Grant such other and further relief as this court deems just and proper.

COUNT V
COMPLAINT OF ENRIQUE HERNANDEZ
FOR HARASSMENT DUE TO RACE, NATIONAL ORIGIN AND INFERIOR
TERMS AND CONDITIONS OF EMPLOYMENT

84. That Plaintiff, HERNANDEZ, incorporates the preceding paragraphs. Plaintiff brings this count individually.

85. That Defendants' conduct subjected Plaintiff, HERNANDEZ, to harassment due to his race and national origin.

86. That Defendants' conduct subjected Plaintiff, HERNANDEZ, to illegal, inferior and miserable terms and conditions of employment in violation of 42 U.S.C. 1981.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, HERNANDEZ, respectfully prays 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. Award Plaintiff, HERNANDEZ, appropriate back-pay, future earnings and reimbursement for income and fringe benefits lost to the present with applicable prejudgment and statutory interest.
- c. Award Plaintiff, HERNANDEZ, costs of litigation, including reasonable attorney's fees and expert fees and expenses.
- d. Award Plaintiff, HERNANDEZ, a judgment against Defendants for compensatory damages.
- e. Grant judgment against Defendants for punitive damages for willful and wanton conduct.
- f. Enter an order requiring Defendants to implement effective steps to eliminate race discrimination from Defendants' organizations.
- g. Grant such other and further relief as this court deems just and proper.

COUNT VI
COMPLAINT OF JAVIER GUERRERO
FOR HARASSMENT DUE TO RACE, NATIONAL ORIGIN AND INFERIOR
TERMS AND CONDITIONS OF EMPLOYMENT

87. That Plaintiff, GUERRERO, incorporates the preceding paragraphs. Plaintiff brings this count individually.

88. That Defendants' conduct subjected Plaintiff, GUERRERO, to harassment due to his race and national origin.

89. That Defendants' conduct subjected Plaintiff, GUERRERO, to illegal, inferior and miserable terms and conditions of employment in violation of 42 U.S.C. 1981.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, GUERRERO, respectfully prays 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. Award Plaintiff, GUERRERO, appropriate back-pay, future earnings and reimbursement for income and fringe benefits lost to the present with applicable prejudgment and statutory interest.
- c. Award Plaintiff, GUERRERO, costs of litigation, including reasonable attorney's fees and expert fees and expenses.
- d. Award Plaintiff, GUERRERO, a judgment against Defendants for compensatory damages.
- e. Grant judgment against Defendants for punitive damages for willful and wanton conduct.

- f. Enter an order requiring Defendants to implement effective steps to eliminate race discrimination from Defendants' organizations.
- g. Grant such other and further relief as this court deems just and proper.

COUNT VII
COMPLAINT OF ANDERSON HAWKINS
FOR RETALIATION

90. That Plaintiff, HAWKINS, incorporates the preceding paragraphs. Plaintiff brings this count individually.

91. That Defendants' conduct in disciplining Plaintiff, harassing him, subjecting him to illegal and inferior terms and conditions of employment and ultimately terminating him amounts to retaliation in violation of Title VII and Section 1981.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, HAWKINS, respectfully prays 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. Award Plaintiff, HAWKINS, appropriate back-pay, future earnings and reimbursement for income and fringe benefits lost to the present with applicable prejudgment and statutory interest.
- c. Award Plaintiff, HAWKINS, costs of litigation, including reasonable attorney's fees and expert fees and expenses.
- d. Award Plaintiff, HAWKINS, a judgment against Defendants for compensatory damages.

- e. Grant judgment against Defendants for punitive damages for willful and wanton conduct.
- f. Enter an order requiring Defendants to implement effective steps to eliminate race discrimination from Defendants' organizations.
- g. Grant such other and further relief as this court deems just and proper.

COUNT VIII
COMPLAINT OF LAWRENCE WOODFORK
FOR RETALIATION

92. That Plaintiff, WOODFORK, incorporates the preceding paragraphs. Plaintiff brings this count individually.

93. That Defendants' conduct in disciplining Plaintiff, harassing him, subjecting him to illegal and inferior terms and conditions of employment and ultimately terminating him amounts to retaliation in violation of Title VII and Section 1981.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, WOODFORK, respectfully prays 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. Award Plaintiff, WOODFORK, appropriate back-pay, future earnings and reimbursement for income and fringe benefits lost to the present with applicable prejudgment and statutory interest.
- c. Award Plaintiff, WOODFORK, costs of litigation, including reasonable attorney's fees and expert fees and expenses.

- d. Award Plaintiff, WOODFORK, a judgment against Defendants for compensatory damages.
- e. Grant judgment against Defendants for punitive damages for willful and wanton conduct.
- f. Enter an order requiring Defendants to implement effective steps to eliminate race discrimination from Defendants' organizations.
- g. Grant such other and further relief as this court deems just and proper.

RESPECTFULLY SUBMITTED,
ANDERSON HAWKINS,
LAWRENCE WOODFORK,
ENRIQUE HERNANDEZ, and
JAVIER GUERRERO,

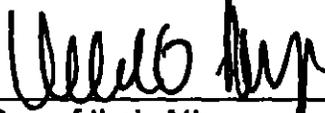
BY 
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JURY DEMAND

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

RESPECTFULLY SUBMITTED,
ANDERSON HAWKINS,
LAWRENCE WOODFORK,
ENRIQUE HERNANDEZ, and
JAVIER GUERRERO,

By: 
One of their Attorneys

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**SEE CASE
FILE FOR
EXHIBITS**