

FILED

OCT 20 2005

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

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

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

Plaintiff,

**ELMER BETHANCOURTH, DIEGO PEREZ
and FIDENCIO ANTIMO**

Plaintiff-Intervenors,

v.

GLENVIEW CAR WASH

Defendants.

Case No. 05 C 5568

Judge Ronald Guzman

COMPLAINT IN INTERVENTION

NATURE OF THE ACTION

This is an action under Title VII Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII"), Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Elmer Bethancourth, Diego Perez and Fidencio Antimo (collectively, "Plaintiff-Intervenors"). Plaintiff-Intervenors allege that the Glenview Car Wash, Inc. ("Glenview") and Plaintiff-Intervenors to harassment on the basis of sex. Glenview also retaliated against Plaintiff-Intervenors by terminating their employment.

JURISDICTION AND VENUE

1. Plaintiff-Intervenors seek intervention as of right under Fed.R.Civ.P. 24(a) and 42 U.S.C. § 2000e-5(f)(1).

2. The employment practices hereafter alleged to be unlawful and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

PARTIES

3. Plaintiff-Intervenors were employees at Glenview and are the Charging Parties in the above captioned EEOC Action.

4. At all relevant times, Glenview has continuously been doing business in the Northern District of Illinois and has continuously had at least fifteen employees.

5. At all relevant times, Glenview 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. Sections 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Plaintiff-Intervenors filed charges with the EEOC alleging violations of Title VII by Glenview. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 1988, Glenview has engaged in unlawful employment practices at its car wash facility at 1820 Waukegan Road, Glenview, Illinois, in violation of Sections 701(k) and 703(a) of Title VII, 42 U.S.C. Sections 2000e(k) and 2(a). Such unlawful employment practices have included: (1) subjecting Plaintiff-Intervenors to harassment and a hostile work environment because of their sex; (2) retaliating against some Plaintiff-Intervenors by subjecting them to termination.

8. The effect of the practices complaint above has been to deprive Plaintiff-Intervenors of equal employment opportunities and otherwise adversely affects their status

as employees because of their sex and for opposing practices made unlawful by Title VII or for engaging in activities protected by Title VII.

9. The unlawful employment practices complained of in paragraphs 7 and 8 were intentional.

10. The practices complained of in paragraph 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Plaintiff-Intervenors because of their sex.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff-Intervenors respectfully request that this court:

1. Grant a permanent injunction enjoining Glenview, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates because of sex.
2. Grant a permanent injunction enjoining Glenview, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating against any employee for opposing practices made unlawful under Title VII or for engaging in activities protected by Title VII.
3. Order Glenview and institute and carry out policies, practices and programs which eradicate the effects of its past and present unlawful practices.
4. Order Glenview to make Plaintiff-Intervenors and the affected class by providing appropriate backpay with prejudgment interest in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including reinstatement where appropriate.

5. Order Glenview to make Plaintiff-Intervenors whole for past and future pecuniary losses resulting from unlawful employment practices described in paragraphs 7 and 8 above, amounts to be determined at trial.

6. Order Glenview to make whole Plaintiff-Intervenors by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including emotional pain, inconvenience, and humiliation, in amounts to be determined at trial.

7. Order Glenview to pay Plaintiff-Intervenors punitive damages for the malicious and reckless conduct described in paragraphs 7 and 8 above in amounts to be determined at trial.

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

9. Award the Plaintiff-Intervenors their costs in this action.

JURY TRIAL DEMANDED

Plaintiff-Intervenors request a jury trial on all questions of fact raised by their complaint.

Respectfully Submitted,

By: /s/ Marisel A. Hernandez
One of Plaintiff-Intervenors Attorneys

Marisel A. Hernandez
Jacobs, Burns, Orlove, Stanton & Hernandez
122 S. Michigan Ave., Suite 1720
Chicago, Illinois 60603-6145
(312) 372-1646