

FILED-EDS
03 MAR 10 AM 8:56
CLERM
U.S. DISTRICT COURT

03C 17 14
No. **DOCKETED COMPLAINT JUDGE ANDERSEN**
MAR 11 2003
JURY DEMAND
MAGISTRATE JUDGE ASHMAN

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343

and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and Section 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §2000e-6(e).

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

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) and Section 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §2000e-6(e).

4. At all relevant times, Defendant has been continuously doing business in the City of Chicago, State of Illinois, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant has been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Charging Parties filed charges with the Commission alleging violations of Title VII by Consolidated Freightways. All conditions precedent to the institution of this lawsuit against the Defendant have been fulfilled.

7. Since at least 1994, Defendant engaged in unlawful employment practices at its Bridgeview, Bedford Park, and Des Plaines, Illinois facilities, in violation of Sections 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Such unlawful employment practices include, but are not limited to:

A. Discriminating against Charging Parties and other African American employees

because of their race by subjecting them to harassment of a racial nature and creating and maintaining an abusive and hostile work environment.

- B. Creating and maintaining a racially hostile work environment by, among other things, permitting employee restrooms, to remain covered with racially offensive graffiti and by refusing to take effective action to remove such graffiti and prevent its recurrence.
- C. Creating and maintaining a racially hostile work environment by, among other things, permitting hangman nooses in its facilities and prevent its recurrence.

8. From at least 1994 Defendant engaged in a pattern or practice of failing to remedy or correct the racial harassment and the hostile and offensive work environment referenced in Paragraph 7.

9. The effect of the aforementioned practices of Defendant has been to deprive Charging Parties and a class of African American employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

10. The unlawful employment practices complained of in Paragraphs 7 and 8 above were and are intentional.

11. The unlawful employment practices complained of in Paragraphs 7 and 8 above were and are done with malice or with reckless indifference to the federally protected rights of Charging Parties and other African American employees of the Defendant.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. grant a permanent injunction enjoining Consolidated Freightways, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in

any employment practice which discriminates on the basis of race or which constitutes racial harassment;

B. order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities regardless of race and which eradicate the effects of its unlawful employment practices;

C. order Defendant to make whole Charging Parties and a class of African Ameican employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraphs 7 and 8 above, in amounts to be determined at trial;

D. order Defendant to make whole Charging Parties and a class of African American employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraphs 7 and 8 above, including emotional pain, suffering, and humiliation, in amounts to be determined at trial;

E. order Defendant to pay to Charging Parties and a class of African American employees punitive damages for its malicious and reckless conduct, as described in Paragraphs 7 and 8 above, in amounts to be determined at trial;

F. grant such further relief as the Court deems necessary and proper in the public interest; and

G. award the Commission its costs in this action.

JURY TRIAL DEMAND

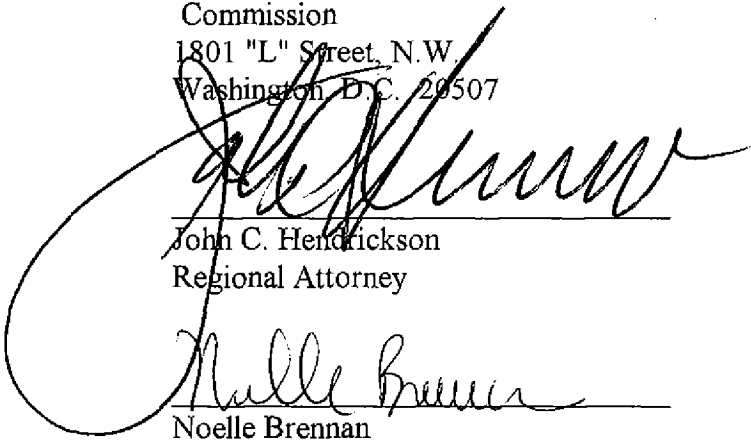
The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

Nicholas M. Inzeo
Acting Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

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



John C. Hendrickson
Regional Attorney

Noelle Brennan
Supervisory Trial Attorney

Lauren G. Dreilinger
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Chicago District Office
500 West Madison Street
Suite 2800
Chicago, Illinois 60661
(312) 353-7303

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

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

**Plaintiff(s): United States Equal Employment
Opportunity Commission**

**Defendant(s): Consolidated Freightways
Corporation of Delaware, Inc.**

County of Residence:

County of Residence:

Plaintiff's Atty: Lauren G. Dreilinger
Equal Employment
Opportunity Commission
500 W. Madison St., Suite
2800 Chicago, IL 60661
312-353-7303

Defendant's Atty: Lisa A. McGarrity
Franczeck Sullivan
300 S. Wacker Dr., Suite
3400 Chicago, IL 60606
312-986-0300

DOCKETED

MAR 11 2003

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

III. Citizenship of Principal
Parties (Diversity Cases Only)

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

IV. Origin : 1. Original Proceeding

V. Nature of Suit: 442 Employment

VI. Cause of Action: Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. Section 2000 et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. Section 1981(a), to correct unlawful employment practices based on race to provide appropriate relief.

VII. Requested in Complaint

Class Action:
Dollar Demand:
Jury Demand: Yes

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

Signature: Lauren G. Dreilinger

3/10/03

1-2

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

In the Matter of

U.S. Equal Employment Opportunity Commission

v.

Consolidated Freightways Corporation of
Delaware, Inc.

DOCKETED

MAR 11 2003

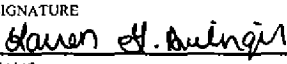
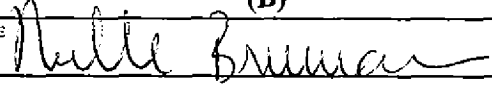
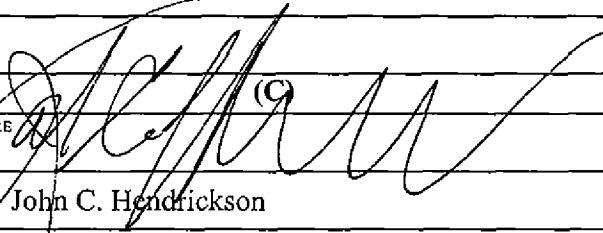
Case Number:

03C 1714
JUDGE ANDERSEN

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

U.S. Equal Employment Opportunity Commission

MAGISTRATE JUDGE ASHMAN

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Lauren Dreilinger		NAME Noelle C. Brennan	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS 500 W. Madison, Suite 2800	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661	
TELEPHONE NUMBER 312-353-7303	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-353-7582	FAX NUMBER 312-353-8555
E-MAIL ADDRESS lauren.dreilinger@eeoc.gov		E-MAIL ADDRESS noelle.brennan@eeoc.gov	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06274840		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06228901	
MEMBER OF TRIAL BAR? YES ☐ NO ☒		MEMBER OF TRIAL BAR? YES ☐ NO ☒	
TRIAL ATTORNEY? YES ☒ NO ☐		TRIAL ATTORNEY? YES ☒ NO ☐	
		DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☐	
(C)		(D)	
SIGNATURE 		SIGNATURE	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP	
TELEPHONE NUMBER 312-353-8551	FAX NUMBER 312-353-8555	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS john.hendrickson@eeoc.gov		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES ☒ NO ☐		MEMBER OF TRIAL BAR? YES ☐ NO ☐	
TRIAL ATTORNEY? YES ☒ NO ☐		TRIAL ATTORNEY? YES ☐ NO ☐	
DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☐		DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☐	