

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

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, ET AL.

Plaintiffs,

v.

INTERNATIONAL PROFIT ASSOCIATES,  
INC.,

Defendant.

CIVIL ACTION NO. 01 C 442

Judge Joan B. Gottschall

Magistrate Judge Morton Denlow

FILED  
MAR - 1 PM 4:10  
CLERK  
U.S. DISTRICT COURT

DOCKETED  
MAR 02 2004

NOTICE OF FILING

To: ALL ATTORNEYS ON ATTACHED SERVICE LIST

Please take notice that on March 1, 2004, EEOC filed the attached EEOC's First Amended Complaint with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division at 219 South Dearborn, Chicago, Illinois, 60604.

*Jeanne B. Szromba*  
Jeanne B. Szromba  
Trial Attorney

United States Equal Employment  
Opportunity Commission  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

U.S. DISTRICT COURT  
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**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION** )

**Plaintiff,** )

v. )

**INTERNATIONAL PROFIT ASSOCIATES,  
INC.,** )

**Defendant.** )

**CIVIL ACTION NO. 01 C 4427**

**Judge Joan B. Gottschall  
Magistrate Judge Morton Denlow**

**FIRST AMENDED COMPLAINT**

**JURY TRIAL DEMAND**

**DUCKETED**

**MAR 02 2004**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Wendy Denio (nee Commander) ("Commander") and Marion Townson ("Townson"), employees of International Profit Associates, Inc. ("IPA"), and to a class of female employees who were employed by IPA or who worked on the premises of IPA but were employed by other employers ("class of female employees") who were adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission (the "Commission"), contends Defendant, IPA, has engaged in a pattern and practice of discrimination against Commander, Townson, and a class of other female employees because of their sex, by subjecting them to a hostile and abusive work environment, by threatening them with or offering them tangible employment actions contingent on their responses to requests for sex, and by failing to take prompt remedial action intended to eliminate the harassment after the Defendant became aware of such behavior, in violation of Title

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VII.

JURISDICTION AND VENUE

1. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and -6, and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were 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, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been and is now doing business in the State of Illinois and the city of Buffalo Grove and has continuously had at least fifteen (15) employees.

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

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Commander and Townson filed charges with the Commission alleging violations of Title VII by Defendant. All

conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 1991, Defendant has engaged in a pattern and practice of unlawful employment practices at its facilities, in violation of Section 703(a)(1) and Section 707 of Title VII, 42 U.S.C. § 2000e-2(a)(1) and -6. These practices include, but are not limited to, engaging in intentional discrimination against Commander, Townson, and against a class of female employees by subjecting them to sexual and sex-based harassment, threatening them with or offering them tangible employment actions contingent on their responses to requests for sex, and failing to take prompt remedial action intended to eliminate the harassment after the Defendant became aware of the illegal behavior, all in continuing violation of Section 703(a) and Section 707 of Title VII, 42 U.S.C. § 2000e-2(a) and -6.

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Commander, Townson, and a class of female employees of equal employment opportunities and otherwise adversely affect their status as an employee because of their sex.

9. The unlawful employment practices complained of in paragraph seven (7) above were and are intentional.

10. The unlawful employment practices complained of in paragraph seven (7) above were and are done with malice or with reckless indifference to the federally protected rights of Commander, Townson, and a class of female employees.

#### PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, IPA, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex;

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make whole Commander, Townson, and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above;

D. Order Defendant to make whole Commander, Townson, and a class of female employees by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;

E. Order Defendant to pay Commander, Townson, and a class of female employees punitive damages for its malicious and/or reckless conduct described, in amounts to be determined at trial;

F. Order Defendant and its successors to provide training to its officers, managers and employees regarding sexual harassment in the workplace;

G. Order Defendant and its successors to provide individual training to John Burgess regarding sexual harassment in the workplace;

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

I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

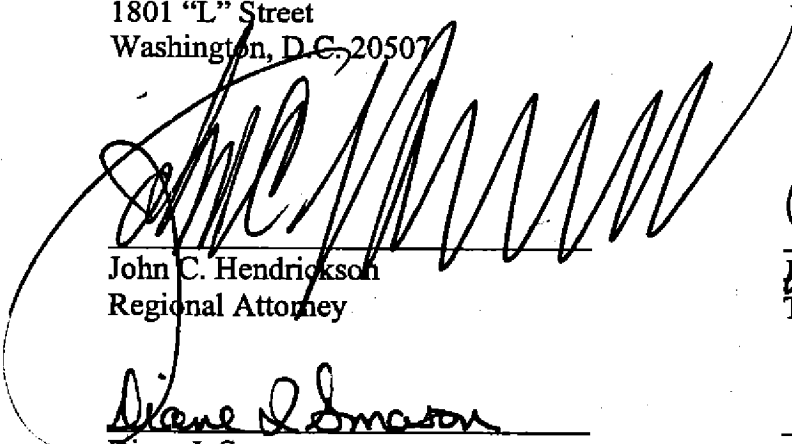
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

Eric Dreiband  
General Counsel

Gwendolyn Young Reams  
Associate General Counsel

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

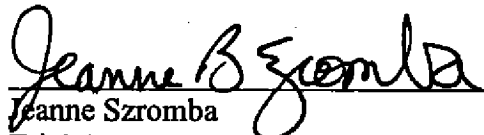


John C. Hendrickson  
Regional Attorney

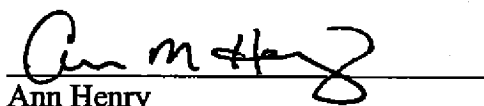
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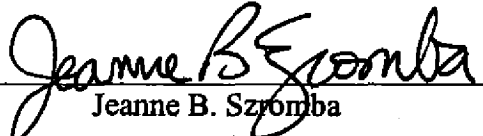
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
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Chicago, Illinois 60661  
(312) 353-8551

**CERTIFICATE OF SERVICE**

Jeanne B. Szromba, an attorney, hereby certifies that she caused a copy of the foregoing **NOTICE OF FILING AND EEOC'S FIRST AMENDED COMPLAINT** to be served by facsimile on March 1, 2004, to counsel of record at the following addresses:

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Jeanne B. Szromba