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JAN 16 2007

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

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

AMY (BECHTEL) WILKES

Plaintiff,

CASE NO.:
JURY TRIAL REQUESTED

vs.

CHISOX CORP. d/b/a CHICAGO
WHITE SOX; CHICAGO WHITE
SOX, LTD and CWS MAINTENANCE CO.

07CV249
JUDGE LEINENWEBER
MAGISTRATE JUDGE BROWN

Defendants,
_____ /

COMPLAINT

Comes now the Plaintiff, AMY (BECHTEL) WILKES, by and through her undersigned counsel, and files this Complaint against the Defendants, CHISOX CORP. d/b/a CHICAGO WHITE SOX; CHICAGO WHITE SOX, LTD and CWS MAINTENANCE CO., and states as follows:

Jurisdiction and Venue

1. This is an action for injunctive and monetary relief seeking in excess of \$75,000, pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000 et seq., and Illinois Statute § 775 ILCS 5/1-102 et seq. (Illinois Human Rights Act)

2. This Court has jurisdiction of the claim herein pursuant to 28 USC 1331 and 1343 (4). This Court action arises under the constitution and the laws of the United States. Plaintiff is alleging, inter alia, a violation of her rights under Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000 et seq., and Illinois Statute § 775 ILCS 5/1-102 et seq.

3. Venue herein is proper under 28 USC 1391 (b) and 42 USC 2000 (e) - 5 (f).

PARTIES

4. Defendants are corporations duly licensed to do business in Illinois and actually doing business in Illinois; the alleged employment practices were committed within the State of Illinois, and the act of discrimination occurred on April 15, 2003 in Cook County, Illinois, within the Northern District; (Plaintiff was terminated in Cook County, Illinois)

5. Plaintiff, AMY (BECHTEL) WILKES, is a citizen of the United States, and at all times material, a resident of the State of Illinois.

6. Defendant's CHISOX CORP. D/B/A CHICAGO WHITE SOX; CHICAGOWHITE SOX, LTD and CWS MAINTENANCE CO. are corporations authorized to do business in the State of Illinois. At all times pertinent hereto, Defendants have been engaged in an industry affecting commerce and have had fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, as required by Title VII and Illinois Statute.

Procedural Requirements

7. Plaintiff re-alleges and restates paragraphs 1 - 6 above as if fully set forth herein.

8. All conditions precedent to the filing of this action have been fulfilled.

9. On or about October 9, 2003, Plaintiff filed charges of sex discrimination with the Equal Employment Opportunity Commission satisfying the requirements of 42 USC 2000 e - 5 (b) and (e). Such charges were filed within three hundred days after the alleged unlawful employment practice occurred. (See copies of Charges of Discrimination, attached hereto and incorporated herein as Exhibits "A-1 and A-2.")

10. The Charges of Discrimination filed by Plaintiff with the Equal Employment Opportunity Commission were filed simultaneously with the Illinois Department of Human Rights. Accordingly, Plaintiff has satisfied the procedural requirements of Illinois Statute § 775 ILCS 5/1-102 et seq

11. On October 19, 2006, the EEOC issued to Plaintiffs a Notice of Right to Sue with respect to their charges of discrimination. (See copies of Notice of Right to Sue attached hereto and incorporated herein as Exhibits "B-1 and B-2.") This Complaint was filed within ninety (90) days of the receipt of the right to sue letter.

FACTS

12. Plaintiff re-alleges and restates paragraphs 1 - 11 above as if fully set forth herein.

13. Plaintiff AMY (BECHTEL) WILKES is female, and was employed by the Chicago White Sox as a "ball girl", a position she held for 7 years prior to her termination on April 15, 2003.

14. Plaintiff AMY (BECHTEL) WILKES was terminated on April 15, 2003, due to what Senior Vice President and General Manager, Ken Williams described as a

security related concern that unruly fans were more likely to enter the field when a female “ball girl” was present.

15. Plaintiff, AMY (BECHTEL) WILKES was well qualified for her work, and performed in a competent and responsible manner.

16. During Plaintiffs’ employment with the Chicago White Sox and CWS Maintenance, all “ball girls” were, in fact, female and were the only females permitted on the field of play during games.

17. During Plaintiffs’ employment with the Chicago White Sox and CWS Maintenance, she was never disciplined or criticized regarding the performance of her job.

18. During Plaintiffs employment with the Chicago White Sox and CWS Maintenance, prior to her termination, she was never transferred to any other position, and no other position was ever offer.

19. Plaintiff questioned her supervisor, Senior Vice President and General Manager, Ken Williams, as to why her position was being eliminated and was advised that recent well-publicized incidents involving unruly fans entering the field was the reason for the termination.

20. Plaintiffs’ job responsibility as a “ball girl” had nothing to do with security on the field or preventing fans from entering the field.

21. Plaintiff and all other ball girls were replaced by males.

COUNT I

**VIOLATION OF TITLE VII AND ILLINOIS STATUTE § 775 5/1-102 ET SEQ
DISPARATE TREATMENT BASED ON GENDER**

22. Plaintiffs re-alleges and restates paragraphs 1-21 as if fully set forth herein.

23. At all times material, Plaintiff AMY (BECHTEL) WILKES was qualified to and did perform her job as “ball girl”.

24. Although Plaintiff consistently performed well in her job, she and the other females in the position were terminated and replaced with males.

25. The position of ball girl is separate and distinct from that of security and requires that the attention of the ball girl be focused on the field of play while the attention of security is focused on the crowd.

26. Plaintiff AMY (BECHTEL) WILKES would not have suffered the unlawful discrimination described above but for her sex, female.

27. As a result of the above-described unlawful behavior, Plaintiff has suffered emotional distress, humiliation, damage to reputation, and monetary damages, and continues to suffer these damages.

WHEREFORE, Plaintiff, AMY (BECHTEL) WILKES prays that this Court will:

a. declare that the acts and practices complained of herein are in violation of Title VII and Illinois Statute § 775 ILCS 5/1-102;

b. enjoin Defendants from continuing or maintaining any policy, practice, or custom of denying, abridging, withholding, or conditioning the rights of employees on the basis of their sex, which rights are secured by Title VII and Illinois Statute §775 ILCS 5/1-102;

c. direct the Defendants to pay Plaintiff compensatory damages;

d. direct the Defendants to pay Plaintiff's lost wages, back pay, front pay,

and all other sums of money which may have been lost, together with set amounts for the injuries suffered as a result of Defendant's violation of Title VII and Illinois Statute § 775 ILCS 5/1-102;

e. direct Defendant to pay punitive damages to the maximum extent allowable for a violation of Title VII and Illinois Statute § 775 ILCS 5/1-102;

f. grant Plaintiffs her costs and a reasonable award of attorney's fees; and

g. grant such other and further relief as this Court deems just.

COUNT II

WRONGFUL TERMINATION IN VIOLATION OF TITLE VII AND THE ILLINOIS HUMAN RIGHTS ACT

28. Plaintiffs re-allege and restate paragraphs 1-27 as if fully set forth herein.

29. During Plaintiff's term of employment with the Defendant's, at all times material, Plaintiff AMY (BECHTEL) WILKES was qualified to and did perform her job in a competent and responsible manner.

30. At the time of termination of Plaintiff's employment with the defendant, she was never offered the possibility of remaining in the position, despite the fact that she was qualified to perform additional security functions if that was what the position required.

31. Plaintiff was eventually replaced with male employees.

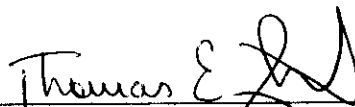
WHEREFORE, Plaintiff, AMY (BECHTEL) WILKES prays that this Court will:

- a. declare that the acts and practices complained of herein are in violation of Title VII and Illinois Statute § 775 5/1-102;
- b. enjoin Defendants from continuing or maintaining any policy, practice, or custom of denying, abridging, withholding, or conditioning the rights of employees on the basis of their sex, which rights are secured by Title VII and Illinois Statute §775 5/1-102;
- c. direct the Defendants to pay Plaintiff's compensatory damages;
- d. direct the Defendants to pay Plaintiff's lost wages, back pay, front pay, and all other sums of money which may have been lost, together with set amounts for the injuries suffered as a result of Defendant's violation of Title VII and Illinois Statute § 775 5/1-102;
- e. direct Defendants to pay punitive damages to the maximum extent allowable for a violation of Title VII and Illinois Statute § 773 5/1-102;
- f. grant Plaintiff her costs and a reasonable award of attorney's fees, and
- g. grant such other and further relief as this Court deems just.

JURY DEMAND

32. Plaintiff AMY (BECHTEL) WILKES hereby demands a trial by jury on all issues contained in this Complaint.

Dated this 16th day of January, 2007.

A handwritten signature in black ink, appearing to read "Thomas M. Enright". The signature is written in a cursive style with a large, stylized initial "T" and "E".

Thomas M. Enright, (Esq.)
PARRILLO, WEISS & O'HALLORAN
77 W. Wacker Dr.; 50th Floor
Chicago, IL 60601
(312) 701-1111
Fax: (312)553-1111
IL Bar #:3126077

Illinois Department of Human Rights and EEOC
State or local Agency, if any

NAME (Please Print Mr. Ms. Mrs.) AMY (BECHTEL) WILKES
HOME TELEPHONE (Include Area Code) (708) 670-6204

STREET ADDRESS CITY, STATE AND ZIP CODE
16734 Lakewood Drive, Tinley Park, Illinois 60477
DATE OF BIRTH

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below)

NAME CHICAGO WHITE SOX: CHICAGO WHITE SOX, LTD - CHISOX CORP.
NUMBER OF EMPLOYEES MEMBERS 15+
TELEPHONE (Include Area Code) (312) 674-1000
CITY, STATE AND ZIP CODE COUNTY Cook

STREET ADDRESS CITY, STATE AND ZIP CODE
333 West 35th Street, Chicago, Illinois 60618
TELEPHONE (Include Area Code)

NAME
STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
 RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER
DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA) LATEST (L) 04/15/
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))
I. A. ISSUE/BASIS
DISCHARGE - APRIL 15, 2003, DUE TO MY GENDER, FEMALE. *false*
B. PRIMA FACIE ALLEGATIONS
1. My gender is female. *→ true →*
2. My performance as a "ball girl" for the Chicago White Sox major league baseball franchise was within Respondent's legitimate expectations and had been performed for 7 years without any complaint or performance related issues. *explain*
3. On April 15, 2003, I was discharged by Ken Williams Senior Vice President and General Manager/ The reason given by Williams for the discharge was a *false*

CONTINUED ON BACK

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone Number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.
"OFFICIAL SEAL"
Renee Becker
Notary Public, State of Illinois
My Commission Expires 3/17/04

NOTARY - (when necessary for State and Local Requirements)
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief
SIGNATURE OF COMPLAINANT
DATE
x *[Signature]* 10/9/03
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, year)

EXHIBIT A-1
RECEIVED
OCT 09 2003
IN TAKE UNIT
DEPT. OF HUMAN RIGHTS

security related concern that an unruly fan was more likely to enter the field when a "ball girl" was present than if a male police officer was present. *false*

4. My performance of my job was unrelated to the well published incidents involving unruly fans who entered the field during games. I and the other "ball girls" were replaced by males whose job responsibility is identical to mine. *true*

false

This form is affected by the Privacy Act of 1974; See Privacy act statement before
Completing this form.

FEPA

EEOC

2004CF1058

04W1000-01

Illinois Department of Human Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) AMY (BECHTEL) WILKES HOME TELEPHONE (Include Area Code) (708) 670-6204

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH
16734 Lakewood Drive, Tinley Park, Illinois 60477

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE
STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)
CWS. MAINTENANCE COMPANY 15+

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
601 Skokie Boulevard, Northbrook, Illinois 60062 Cook

NAME TELEPHONE (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
 RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER
DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA) LATEST (ALL)
04/15/03
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

- I. A. ISSUE/BASIS
DISCHARGE - APRIL 15, 2003, DUE TO MY GENDER, FEMALE
- B. PRIMA FACIE ALLEGATIONS
 1. My gender is female.
 2. My performance as a "ball girl" for the Chicago White Sox major league baseball franchise was within Respondent's legitimate expectations and had been performed for 7 years without any complaint or performance related issues.
 3. On April 15, 2003, I was discharged by Ken Williams Senior Vice President and General Manager. The reason given by Williams for the discharge was a

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RECEIVED
OCT 09 2003
DEPT. OF HUMAN RIGHTS
INTAKE UNIT

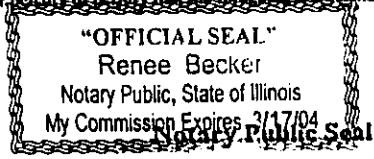
TK
TK

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone Number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (when necessary for State and Local Requirements)

I declare under penalty of perjury that the foregoing is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief



SIGNATURE OF COMPLAINANT DATE

X [Signature] 10/09/03
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (M., month, and Y., year)

security related concern that an unruly fan was more likely to enter the field when a "ball girl" was present than if a male police officer was present.

4. My performance of my job was unrelated to the well published incidents involving unruly fans who entered the field during games. I and the other "ball girls" were replaced by males whose job responsibility is identical to mine.

Full

DISMISSAL AND NOTICE OF RIGHTS

To: **Ms. Amy (Bechtel) Wilkes**
c/o Mr. Thomas M. Enright, Esq.
Attorney at Law
77 West Wacker Drive, 50th Floor
Chicago, IL 60601

From: **EEOC**
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661-2511

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
21BA400189	Nola Smith, State and Local	(312) 886-5973

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

[Signature]
John P. Rowe, District Director

001 14 2008

Enclosure(s)

(Date Mailed)

cc: **Chicago White Sox, Ltd.**

2008 01 14 09:53

EXHIBIT B-1

pull

DISMISSAL AND NOTICE OF RIGHTS

To: **Ms. Amy (Bechtel) Wilkes**
c/o Mr. Thomas M. Enright, Esq.
Attorney at Law
77 West Wacker Drive, 50th Floor
Chicago, IL 60601

From: **EEOC**
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661-2511

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
21BA400164	Nola Smith, State and Local	(312) 886-5973

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

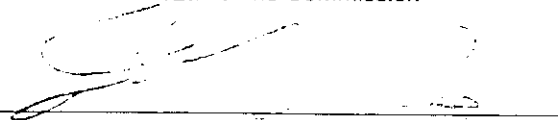
- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
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- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

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On behalf of the Commission



John P. Rowe, District Director

06/19/07

(Date Mailed)

Enclosure(s)

cc: **CWS Maintenance Company**

06/19/07 03:14:57

EXHIBIT B-2