

# EXHIBIT A

# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA  
 EEOC

440-2007-01452

## Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Rolando Padron**

Home Phone (Incl. Area Code)

**(630) 234-1053**

Date of Birth

**08-14-1962**

Street Address

City, State and ZIP Code

**253 Joliet Street, West Chicago, IL 60185**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**WALMART**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(630) 513-9559**

Street Address

City, State and ZIP Code

**150 Smith Road, Saint Charles, IL 60174**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest                      Latest  
**01-01-2006                      11-12-2006**

CONTINUING ACTION

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

I began my employment with Respondent in August 2001 and my last position was Receiving. Beginning on or about January 1, 2006 and continuing, I have been subjected to different terms and conditions than my non-Cuban co-workers such as a variable schedule, denial of make-up days, and lower wages. On various occasions, most recently in November 2006, I complained internally regarding national origin discrimination. On November 12, 2006, I was discharged.

I believe that I have been discriminated against because of my national origin, Cuban, and have been retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

NOV 30 2006

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone 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 Agency Requirements

I declare under penalty of perjury that the above 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

Nov 30 2006

Date



Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

# CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):

FEPA

EEOC

**440-2007-01458**

## Illinois Department Of Human Rights

and EEOC

*State or local Agency, if any*

Name *(indicate Mr., Ms., Mrs.)*

**Mr. Bobirt R. Miranda**

Home Phone *(Incl. Area Code)*

**(630) 567-2711**

Date of Birth

**09-30-1975**

Street Address

City, State and ZIP Code

**253 Joliet Street, West Chicago, IL 60185**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name

**WALMART**

No. Employees, Members

**500 or More**

Phone No. *(Include Area Code)*

**(630) 513-9559**

Street Address

City, State and ZIP Code

**150 Smith Road, Saint Charles, IL 60174**

Name

No. Employees, Members

Phone No. *(Include Area Code)*

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

- RACE   
  COLOR   
  SEX   
  RELIGION   
  NATIONAL ORIGIN  
 RETALIATION   
  AGE   
  DISABILITY   
  OTHER *(Specify below.)*

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**01-01-2006**

**11-20-2006**

CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s)).*

I began my employment with Respondent in July 2000 and my last position was Receiving. Beginning on or about January 1, 2006 and continuing, I have been subjected to different terms and conditions than my non-Cuban co-workers such as a variable schedule, denial of make-up days, and lower wages. On various occasions, most recently in November 2006, I complained internally regarding national origin discrimination. On November 20, 2006, I was discharged.

I believe that I have been discriminated against because of my national origin, Cuban, and have been retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

**NOV 30 2006**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone 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 Agency Requirements*

I declare under penalty of perjury that the above 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

**Nov 30 2006**

Date

*[Signature]*

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

# CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):

FEPA

EEOC

440-2007-01448

## Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Eusebio R. Calzada**

Home Phone (Incl. Area Code)

**(630) 562-2217**

Date of Birth

**12-15-1964**

Street Address

City, State and ZIP Code

**600 West Forest Avenue, Apartment 312, West Chicago, IL 60185**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**WALMART**

No Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(630) 513-9559**

Street Address

City, State and ZIP Code

**150 Smith Road, Saint Charles, IL 60174**

Name

No Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es))

- RACE   
  COLOR   
  SEX   
  RELIGION   
  NATIONAL ORIGIN  
 RETALIATION   
  AGE   
  DISABILITY   
  OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**01-01-2006**

**11-08-2006**

CONTINUING ACTION

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

I began my employment with Respondent in July 1998 and my last position was Receiving. Beginning on or about January 1, 2006 and continuing, I have been subjected to different terms and conditions than my non-Cuban co-workers such as a variable schedule, denial of make-up days, and lower wages. On various occasions, most recently in November 2006, I complained internally regarding national origin discrimination. On November 08, 2006, I was discharged.

I believe that I have been discriminated against because of my national origin, Cuban, and have been retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

NOV 30 2006

I want this charge filed with both the EEOC and the State or local Agency, if any. I advise the agencies if I change my address or phone number and I will cooperate with them in the processing of my charge in accordance with their procedures.

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



Nov 20 2006

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency 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

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

# EXHIBIT B

**NOTICE OF RIGHT TO SUE**  
(CONCILIATION FAILURE)

To: **Rolando Padron**  
253 Joliet Street  
West Chicago, IL 60185

From: **Chicago District Office**  
500 West Madison St  
Suite 2000  
Chicago, IL 60661

**CERTIFIED MAIL 7099 3400 0018 8816 4082**



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

EEOC Charge No.	EEOC Representative	Telephone No.
<b>440-2007-01452</b>	<b>Michael J. Honkanen, Investigator</b>	<b>(312) 353-7312</b>

**TO THE PERSON AGGRIEVED:**

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, 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 claim under state law 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.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

  
\_\_\_\_\_  
John P. Rowe,  
District Director

  
\_\_\_\_\_  
(Date Mailed)

cc: **WALMART**

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE**  
(CONCILIATION FAILURE)

To: **Bobirt R. Miranda**  
660 Bell Rd, Apt 307  
Antioch, TN 37013

From: **Chicago District Office**  
500 West Madison St  
Suite 2000  
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8816 4075

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

EEOC Charge No.

EEOC Representative

Telephone No.

440-2007-01458

**Michael J. Honkanen,**  
Investigator

(312) 353-7312

**TO THE PERSON AGGRIEVED:**

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

**- NOTICE OF SUIT RIGHTS -**

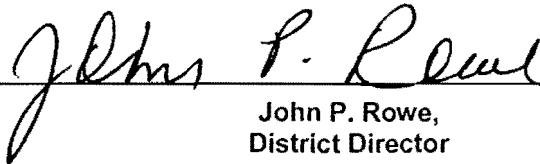
(See the additional information attached to this form.)

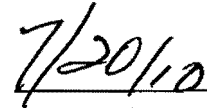
**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law 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 claim under state law may be different.)

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
\_\_\_\_\_  
John P. Rowe,  
District Director

  
\_\_\_\_\_  
(Date Mailed)

Enclosures(s)

cc: WALMART

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE**  
(CONCILIATION FAILURE)

To: **Eusebio R. Calzada**  
600 West Forest Avenue, Apt. 312  
West Chicago, IL 60185

From: **Chicago District Office**  
500 West Madison St  
Suite 2000  
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8816 4099



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

EEOC Charge No.	EEOC Representative	Telephone No.
<b>440-2007-01448</b>	<b>Michael J. Honkanen,</b> Investigator	<b>(312) 353-7312</b>

**TO THE PERSON AGGRIEVED:**

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

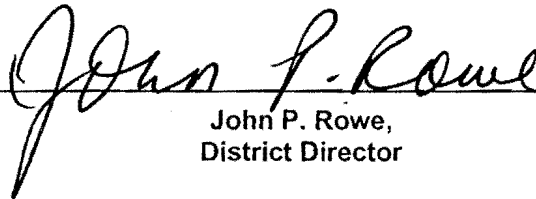
**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law 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 claim under state law may be different.)

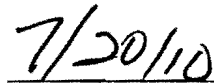
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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

  
\_\_\_\_\_  
John P. Rowe,  
District Director

  
\_\_\_\_\_  
(Date Mailed)

cc: **WALMART**





U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Chicago District Office

500 West Madison Street, Suite 2000  
Chicago, IL 60661  
(312) 353-2713  
TTY (312) 353-2421  
FAX (312) 353-4041

EEOC Charge Number: 440-2007-01452

Rolando Padron  
253 Joliet Street  
West Chicago, IL 60185

Charging Party

v.

Wal-Mart  
150 Smith Road  
Saint Charles, IL 60174

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

The Respondent is an employer within the meaning of Title VII and all requirements for coverage have been met.

Charging Party alleged that the Respondent discriminated against him, because of his national origin, Cuban, in that he was subjected to different terms and condition of employment than non-Cuban coworkers, such as a variable schedule, denial of make-up days, and lower wages, in violation of Title VII. Charging Party also alleged that he complained internally regarding national origin discrimination and was subsequently discharged, in violation of Title VII.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that the Respondent discriminated against Charging Party and a class of employees because of their national origin, Cuban, by paying them a lesser wage, in violation of Title VII.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent not to engage in unlawful employment practices, placement of

identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent within 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On Behalf of the Commission,

4/12/10  
Date

John P. Rowe  
John P. Rowe  
District Director



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Chicago District Office

500 West Madison Street, Suite 2000  
Chicago, IL 60661  
(312) 353-2713  
TTY (312) 353-2421  
FAX (312) 353-4041

EEOC Charge Number: 440-2007-01458

Bobirt Miranda  
253 Joliet Street  
West Chicago, IL 60185

Charging Party

v.

Wal-Mart  
150 Smith Road  
Saint Charles, IL 60174

Respondent

**DETERMINATION**

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The Respondent is an employer within the meaning of Title VII and all requirements for coverage have been met.

Charging Party alleged that the Respondent discriminated against him, because of his national origin, Cuban, in that he was subjected to different terms and condition of employment than non-Cuban coworkers, such as a variable schedule, denial of make-up days, and lower wages, in violation of Title VII. Charging Party also alleged that he complained internally regarding national origin discrimination and was subsequently discharged, in violation of Title VII.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that the Respondent discriminated against Charging Party and a class of employees because of their national origin, Cuban, by paying them a lesser wage, in violation of Title VII.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

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On Behalf of the Commission,

4/12/10  
Date

John P. Rowe  
John P. Rowe  
District Director



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Chicago District Office

500 West Madison Street, Suite 2000  
Chicago, IL 60661  
(312) 353-2713  
TTY (312) 353-2421  
FAX (312) 353-4041

EEOC Charge Number: 440-2007-01448

Eusebio Calzada  
600 Forest Ave #312  
West Chicago, IL 60185

Charging Party

v.

Wal-Mart  
150 Smith Road  
Saint Charles, IL 60174

Respondent

**DETERMINATION**

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I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that the Respondent discriminated against Charging Party and a class of employees because of their national origin, Cuban, by paying them a lesser wage, in violation of Title VII.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

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On Behalf of the Commission,

4/12/10  
Date

John P. Rowe  
John P. Rowe  
District Director