

***In the United States District Court
for the Northern District of Illinois
Eastern Division***

Marie Marrero,

plaintiff,

– v –

Fraternal Order of Police, Chicago Lodge 7,

defendant.

Jury Trial Demanded

Complaint

Nature of Action

1. This lawsuit alleges sexual harassment, sex discrimination, retaliation, and Family and Medical Leave Act interference.

Parties

2. Plaintiff is Marie Marrero.
3. Defendant is the Fraternal Order of Police, Chicago Lodge 7.

Ms. Marrero is sexually harassed by her supervisor

4. Ms. Marrero's employment with defendant began in April 2007.
5. From then until defendant's firing of Ms. Marrero, Ms. Marrero was a secretary for defendant and was supervised by Paul Geiger, an attorney who worked for defendant.
6. Attorney Geiger began sexually harassing Ms. Marrero from the time she began working for defendant.
7. Continually and almost constantly when Attorney Geiger was Ms. Marrero's supervisor, Attorney Geiger would:

- a. Remark about “tits” and “pussy” in front of Ms. Marrero;
- b. Show Ms. Marrero pictures of females he claimed to have “fucked” or whom he said he wanted to “fuck”;
- c. Invite Ms. Marrero into his office and ask her to look at pornography;
- d. Ask Ms. Marrero to give him a nude or a topless photograph of herself for him to put on his cellphone and then take photographs of Ms. Marrero after having asked her for such a nude or topless photograph;
- e. Tell Ms. Marrero that he had paid a past secretary of his to perform fellatio on him and then tell Ms. Marrero that she had “ways of making money”;
- f. Tell Ms. Marrero that women were too stupid to understand their power and say to her “If I had a pussy, I would rule the world”;
- g. Tell Ms. Marrero about a female neighbor of his who “wanted” him and who would masturbate in front of him;
- h. Invite Ms. Marrero to go with him during lunch to stores that sold pornography;
- i. Tell Ms. Marrero that he would pay to see the penis of a female police officer whom he insisted had had a sex change;
- j. Talk to Ms. Marrero about his sister’s breast implants;
- k. Offer Ms. Marrero money to tattoo his name on her arm;
- l. Ask Ms. Marrero “How do you like this” while showing her a Facebook picture of him shirtless and flexing; and

- m. Invite Ms. Marrero to his house.
8. In addition, from time-to-time when Attorney Geiger was Ms. Marrero's supervisor, Attorney Geiger would:
- a. Show Ms. Marrero pictures of nude females on his computer screen and make lewd remarks as he did so;
 - b. Ask Ms. Marrero to ride with him in a limousine wearing only a trench coat and to flash a friend at a birthday party;
 - c. Tell Ms. Marrero that she used to be a stripper;
 - d. Comment on the firmness of Ms. Marrero's thighs;
 - e. Ask Ms. Marrero if she ever slept with anyone on Viagra or Cialis;
 - f. Touch Ms. Marrero in ways that made her uncomfortable.
9. Sometime in late 2008, Attorney Geiger defaced the nameplate hanging on Ms. Marrero's desk by writing the words "Super Skank #1" on a piece of paper and affixing it on the back side of Ms. Marrero's nameplate. After Attorney Geiger defaced Ms. Marrero's nameplate, Attorney Geiger would frequently turn over the nameplate so that it read "Super Skank #1" instead of Ms. Marrero's name.
10. Attorney Geiger once asked Ms. Marrero whether her pubic hair was a "hairy bush" or a "landing strip".
11. Attorney Geiger also said to Ms. Marrero "I'd fuck her" about a woman whose photograph was in an advertisement with Ms. Marrero's four-year-old son.
12. Attorney Geiger also showed Ms. Marrero a website of a pole-dancing and stripping business.

13. Around May 2009, Attorney Geiger showed Ms. Marrero a video of a waitress expressing breast milk into her customers' coffee.
14. Beginning in approximately January 2010, Attorney Geiger frequently commented on Ms. Marrero's pregnant body, including her belly and her belly-button, and would say to Ms. Marrero "get that away from me!" and "that's sick!".
15. Then in approximately early December 2010, Attorney Geiger left a work dictation tape for Ms. Marrero that was cued up such that the listener would hear a recording of Attorney Geiger saying "And how much would it cost to see those big titties? Seriously. You think of a number."
16. Attorney Geiger continually made other sexual remarks to and in front of Ms. Marrero and other female employees while Ms. Marrero was working for defendant in the presence and full knowledge of defendant's management and other employees.
17. Other examples of the behaviors that occurred on defendant's premises and during work hours by defendant's management and employees include but are not limited to:
 - a. Conversations, comments, and jokes about female employees' bodies, including their breasts and nipples;
 - b. E-mail circulation of pornography;
 - c. Viewing of pornography on defendant's computers; and
 - d. Offensive comments about women and sex.

Ms. Marrero's complaint of sexual harassment and defendant's investigation

18. On December 15, 2010, Ms. Marrero internally complained in writing to defendant of Attorney Geiger's sexual harassment of her.
19. Defendant hired Asher, Gittler, & D'Alba, Ltd. to investigate Ms. Marrero's complaint of sexual harassment.
20. An employee of Asher, Gittler, & D'Alba, Ltd., interviewed Ms. Marrero for this investigation.
21. One or more employees of Asher, Gittler, & D'Alba, Ltd., also interviewed Attorney Geiger for this investigation, but Attorney Geiger walked out of the interview before it was concluded. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.
22. Asher, Gittler, & D'Alba, Ltd. also interviewed others of defendant's employees, who reported that they had directly witnessed or overheard Attorney Geiger's lewd and sexually-harassing treatment of Ms. Marrero. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.
23. This investigation found that Attorney Geiger had sexually harassed Ms. Marrero or that there was reasonable cause to believe that Attorney Geiger had sexually harassed Ms. Marrero. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.

24. This investigation also found that Attorney Geiger had lied about some evidence of Ms. Marrero's allegations of sexual harassment against him. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.
25. Asher, Gittler, & D'Alba, Ltd. shared the results of this investigation with defendant.
26. Defendant has shown to or has otherwise shared with Attorney Geiger the results of this investigation. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.
27. Defendant has shown to or has otherwise shared with other of its employees the results of this investigation. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.
28. Defendant has refused to share the results of this investigation with Ms. Marrero.
29. Defendant's refusal to disclose the results of this investigation has obstructed outside investigations into Ms. Marrero's allegations of sexual harassment, including obstructing the investigations of the Equal Employment Opportunity Commission, of the Illinois Department of Human Rights, of other government agencies, and of Ms. Marrero herself.

Defendant retaliates against Ms. Marrero

30. Shortly after Ms. Marrero's internal complaint of sexual harassment, Attorney Geiger began to closely scrutinize and criticize Ms. Marrero's work, redistribute work assignments and responsibility from Ms. Marrero to other employees, and defendant threatened to transfer Ms. Marrero to a less desirable job assignment.
31. Also after she filed her complaint against Attorney Geiger, Ms. Marrero was instructed to get permission for her requests for personal or vacation days from Attorney Geiger. No other employees had to get permission from Attorney Geiger to use personal/vacation time but instead communicated their requests to the person who was in charge of time-keeping, just as Ms. Marrero had done prior to her complaint against Attorney Geiger.
32. Defendant was aware of Attorney Geiger's retaliation, but did nothing to stop it.
33. Defendant did not take any remedial action in response to Ms. Marrero's complaint.
34. Though defendant ultimately decided to fire Ms. Marrero, defendant has not disciplined Attorney Geiger for Ms. Marrero's allegations against him or as a result of its investigator's report.
35. Defendant has chosen not to discipline Attorney Geiger even though he was caught in a lie about evidence of sexual harassment.
36. Instead of disciplining Attorney Geiger, defendant promoted him after Ms. Marrero complained to defendant of his sexual harassment of her.

37. On April 7, 2011, Ms. Marrero filed with the Equal Employment Opportunity Commission Charge of Discrimination #440-2011-3053, which is attached to this Complaint as Exhibit A. That Charge of Discrimination accused defendant of sexual harassment and retaliation.

38. On April 27, 2011, Ms. Marrero filed with the Illinois Department of Human Rights a Charge of sexual harassment and retaliation against Attorney Paul Geiger. The Department of Human Rights investigation of that sexual-harassment Charge found substantial evidence.

Defendant's pattern and practice of retaliation

39. Defendant has a pattern and practice of retaliating against employees who complain of sexual harassment and/or who provide evidence of in support of such complaints.

40. For example, defendant has fired at least one other employee, Mary Pat McCullough, in connection to her participation in the investigation of Ms. Marrero's allegations of sexual harassment against Attorney Geiger and Ms. McCullough's report of sexual harassment against herself. After defendant fired Ms. McCullough, Ms. McCullough filed a Charge of Discrimination against defendant, and defendant responded by filing a lawsuit against Ms. McCullough and by giving her a bad reference.

Other ways defendant discriminates against women and violates the FMLA

41. Apart from the sexual harassment and retaliation detailed above, defendant treated Ms. Marrero and her female co-workers different with regard to leaves of absence for pregnancy and related medical conditions than it treated

its male employees with regards to their leaves of absence for conditions similar to pregnancy in their effect on the male employees' ability or inability to work.

42. For example, during her first pregnancy while employed with defendant, defendant refused to pay for Ms. Marrero's health insurance while she was on her pregnancy-related medical leave of absence from defendant. Only after Ms. Marrero retained an attorney to negotiate her employment terms and conditions during her second pregnancy did defendant agree to pay for Ms. Marrero's health insurance during her leave of absence for this second pregnancy.

43. Though defendant has refused to pay for its female employees's health insurance during their leaves of absence for pregnancy and related medical conditions, it has not similarly refused to pay for its male employees' health insurance during their leaves of absence for conditions similar to pregnancy in their effect on the male employees' ability or inability to work.

44. Defendant also has fired at least one other employee, Julie Diemer, while she was pregnant and/or after she complained of pregnancy discrimination. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.

Count I – Sex Discrimination

45. Ms. Marrero realleges paragraphs 1 through 44 of this Complaint.

Title VII coverage

46. At all times when defendant employed Ms. Marrero, among other times, defendant was an “employer” within the definition of §701(b) of Title VII of the Civil Rights Act of 1964 [42 U.S.C. §2000e(b)].

47. At all times when Ms. Marrero was employed by defendant, Ms. Marrero was an “employee” within the definition of §701(f) of Title VII of the Civil Rights Act of 1964 [42 U.S.C. §2000e(f)].

Jurisdiction and Venue

48. This Court has jurisdiction of this Count under §706(f)(3) of Title VII of the Civil Rights Act of 1964, as amended [42 U.S.C. §2000e-5(f)(3)] and under §§1331 and 1343 of the Judicial Code [28 U.S.C. §§1331 and 1343].

49. The acts and/or omissions complained of in this Count occurred in the Northern District of Illinois, Eastern Division. Venue is proper by §1391(b) of the Judicial Code [28 U.S.C. §1391(b)].

Fulfillment of conditions precedent

50. All conditions precedent to the filing of this Title VII claim have occurred or have been performed. Ms. Marrero’s Charge of Discrimination #440-2011-3053 (filed April 7, 2011) is attached as Exhibit A to this Complaint. Ms. Marrero has requested Notices of Right to Sue for this and other Charges of Discrimination.

Sex Discrimination

51. Defendant, by the acts and/or omissions alleged, discriminated against Ms. Marrero on the basis of her sex in the terms and conditions of her employment.

Damages

52. As a proximate result of this discrimination, Ms. Marrero suffered pain and other damages.

53. Defendants discriminated against Ms. Marrero with malice or reckless indifference to her federally protected rights.

54. To deter future malice or reckless indifference to the federally protected rights of employees by defendant and other employers and to punish defendant for their malice or reckless indifference to the federally protected rights of Ms. Marrero, exemplary damages should be awarded.

Wherefore, plaintiff Marie Marrero prays for:

- a. A settlement conference pursuant to Federal Rule of Civil Procedure 16 to assist her and defendant to settle this case;
- b. An Order requiring defendant to post notices concerning its duty to refrain from discriminating against its employees on the basis of sex;
- c. An Order enjoining defendant from discriminating against its employees on the basis of sex;
- d. Compensatory damages for the harm she suffered as a result of defendant discriminating against her on the basis of her sex;
- e. Exemplary damages;

- f. Reasonable attorney's fees, expert witness fees, expenses, and costs of this action and of prior administrative actions; and
- g. Such other relief as this Court deems just and appropriate.

Count II – Title VII Retaliation

55. Ms. Marrero realleges paragraphs 45 through 50 of this Complaint.

Retaliation

56. Defendant, by the acts and/or omissions alleged, retaliated against Ms. Marrero for opposing sexual harassment and/or for participating in an internal investigation of her complaint of sexual harassment and/or for participating in Charges of Discrimination before the EEOC and/or the Illinois Department of Human Rights.

Damages

57. As a proximate result of this retaliation, Ms. Marrero suffered pain and other damages.

58. Defendants retaliated against Ms. Marrero with malice or reckless indifference to her federally protected rights.

59. To deter future malice or reckless indifference to the federally protected rights of employees by defendant and other employers and to punish defendant for their malice or reckless indifference to the federally protected rights of Ms. Marrero, exemplary damages should be awarded.

Wherefore, plaintiff Marie Marrero prays for:

- a. A settlement conference pursuant to Federal Rule of Civil Procedure 16 to assist her and defendant to settle this case;

- b. An Order requiring defendant to post notices concerning its duty to refrain from retaliating against its employees in violation of Title VII of the Civil Rights Act of 1964;
- c. An Order enjoining defendant from retaliating against its employees in violation of Title VII of the Civil Rights Act of 1964;
- d. Compensatory damages for the harm she suffered as a result of defendant retaliating against her in violation of Title VII of the Civil Rights Act of 1964;
- e. Exemplary damages;
- f. Reasonable attorney's fees, expert witness fees, expenses, and costs of this action and of prior administrative actions; and
- g. Such other relief as this Court deems just and appropriate.

Count III – Illinois Human Rights Act Discrimination

60. Ms. Marrero realleges paragraphs 1 through 44 of this Complaint.

Illinois Human Rights Act coverage, jurisdiction, and conditions precedent

61. At the time of the incidents complained of in this Complaint, defendant was an “employer” as defined by §2-101(B)(1)(b) of the Human Rights Act [775 ILCS 5/2-101(B)(1)(b)], and was subject to the Human Rights Act.

62. At the time of the incidents complained of in this Complaint, Ms. Marrero was an “employee” as defined by §2-101(A) of the Human Rights Act [775 ILCS 5/2-101(A)].

63. This Court has supplemental jurisdiction of this Count under §1367 of the Judicial Code [28 U.S.C. §1367] and has jurisdiction of this Count under §7A-102(D)(4) of the Human Rights Act [775 ILCS 5/7A-102(D)(4)].

64. All conditions precedent to the filing of this Illinois Human Rights Act claim have occurred or have been performed. Ms. Marrero's Charge of Discrimination #440-2011-3053 (filed April 7, 2011), which was cross-filed with the Illinois Department of Human Rights, is attached as Exhibit A to this Complaint.

Discrimination

65. Defendant, by the acts and/or omissions alleged, discriminated against Ms. Marrero on the basis of her sex in the terms and conditions of her employment and/or sexually harassed Ms. Marrero in violation of the Illinois Human Rights Act.

Damages

66. As a proximate result of this discrimination, Ms. Marrero suffered pain and other actual damages.

Wherefore, plaintiff Marie Marrero prays that this Court enter judgment in her favor and against defendant for:

- a. A settlement conference pursuant to Federal Rule of Civil Procedure 16 to assist her and defendant to settle this case;
- b. Actual damages she suffered as a result of defendant's sexual harassment of her;

- c. Reasonable attorneys' fees, costs and expenses of this action and of prior administrative actions; and
- d. Such other relief as is deemed just and appropriate by this Court and permitted by the Illinois Human Rights Act.

Count IV – Illinois Human Rights Act retaliation

67. Ms. Marrero realleges paragraphs 60 through 64 of this Complaint.

Retaliation

68. By the acts and/or omissions alleged, defendant retaliated against Ms. Marrero in violation of the Illinois Human Rights Act.

Damages

69. As a proximate result of this retaliation, Ms. Marrero suffered pain and other actual damages.

Wherefore, plaintiff Marie Marrero prays that this Court enter judgment in her favor and against defendant for:

- a. A settlement conference pursuant to Federal Rule of Civil Procedure 16 to assist her and defendant to settle this case;
- b. Actual damages she suffered as a result of defendant's retaliation against her;
- c. Reasonable attorneys' fees, costs and expenses of this action and of prior administrative actions; and
- d. Such other relief as is deemed just and appropriate by this Court and permitted by the Illinois Human Rights Act.

Count V – FMLA Interference

70. Ms. Marrero realleges paragraphs 1 through 44 of this Complaint.

Jurisdiction

71. This Court has jurisdiction of this Count under §107(a)(2) of the Family and Medical Leave Act of 1993, as amended, [29 U.S.C. §2617(a)(2)] and under §1331 of the Judicial Code [28 U.S.C. §1331].

FMLA coverage

72. During Ms. Marrero's employment with defendant, among other times, defendant was an "employer" within the definition of §101(4)(A) of the Family and Medical Leave Act of 1993 [29 U.S.C. §2611(4)(A)]. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.

73. When Ms. Marrero went on her leaves of absences from defendant in early 2010 and again starting in May 2011, she was an "eligible employee" within the definition of §101(2) of the Family and Medical Leave Act of 1993 [29 U.S.C. §2611(2)].

74. Defendant either knowingly violated the Family and Medical Leave Act of 1993 or recklessly disregarded its legal obligations under that Act. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.

75. Defendant willfully violated the Family and Medical Leave Act of 1993. The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation and/or discovery.

FMLA interference

76. When defendant failed to pay for Ms. Marrero's health insurance, it interfered, in violation of the anti-interference provisions of §105(a) of the Family and Medical Leave Act of 1993 [29 U.S.C. §2615(a)] and/or of the Department of Labor's anti-retaliation and anti-discrimination regulation [29 C.F.R. §825.220], with her exercise of her Family and Medical Leave Act rights.

Damages

77. As a proximate result of this interference, Ms. Marrero had to pay her own health-insurance premiums rather than receiving the benefit of having those premiums paid by defendant.

Wherefore, plaintiff Marie Marrero prays for:

- a. A settlement conference pursuant to Federal Rule of Civil Procedure 16 to assist her and defendant to settle this case;
- b. Damages for the employment benefits she lost as a result of defendant's interference with her rights under the Family and Medical Leave Act of 1993;
- c. Prejudgment interest at the prevailing rate from the date she was retaliated against to the date of judgment on the award of employment benefits lost to her as a result of defendant's interference with her rights under the Family and Medical Leave Act of 1993;
- d. Liquidated damages doubling the award of interest and employment benefits lost to her as a result of defendant's interference with her rights under the Family and Medical Leave Act of 1993;

- e. Reasonable attorney's fees and the costs and expenses of this action;
- and
- f. Such other relief as this Court deems just and appropriate.

Marie Marrero,
plaintiff,

By: s/David L. Lee
David L. Lee, one of her attorneys

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Exhibit A

Charge of Discrimination #440-2011-03053

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): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 440-2011-03053
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Illinois Department Of Human Rights and EEOC
State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.) Marie Marrero	Home Phone (Incl. Area Code) (773) 457-5012	Date of Birth 03-28-1979
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Street Address City, State and ZIP Code
3502 Spyglass Circle, Palos Heights, IL 60463

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 FRATERNAL ORDER OF POLICE LODGE	No. Employees, Members 15 - 100	Phone No. (Include Area Code) (312) 733-7776
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Street Address City, State and ZIP Code
Chicago Lodge 7, 1412 W. Washington Blvd, Chicago, IL 60607

Name CHICAGO DISTRICT OFFICE	No. Employees, Members	Phone No. (Include Area Code)
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Street Address City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)	DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04-07-2011 <input checked="" type="checkbox"/> CONTINUING ACTION
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began employment with Respondent in April, 2007. My position is Secretary. During my employment, I have been subjected to sexual harassment and ethnic harassment. I reported my pregnancy to Respondent and subsequently was subjected to scrutiny and criticism. I complained to Respondent to no avail. Subsequently, I have been subjected to loss of work assignments, reduced responsibility, and threat of transfer to less desirable job assignment.

I believe that I have been discriminated against because of my sex, female, (pregnancy), and my national origin, Polish, and in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

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.

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

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

Apr 07, 2011 _____
 Date Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)