

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

CHRISTOPHER HENSON,)	
)	
Plaintiff,)	Case: 1:24-cv-07916
)	
v.)	
)	
PILOT TRAVEL CENTERS, LLC d/b/a)	
PILOT FLYING J,)	Jury Trial Demanded
)	
Defendant.)	

COMPLAINT

Plaintiff, Christopher Henson, (“Plaintiff”), by and through the undersigned counsel, hereby files this Complaint against Pilot Travel Centers, LLC d/b/a Pilot Flying J, (“Defendant”), and in support states as follows:

NATURE OF PLAINTIFF’S CLAIMS

1. This lawsuit arises under the Civil Rights Act of 1964, as amended, 42 U.S.C. §1981 (“Section 1981”), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* (“Title VII”), seeking redress for Defendant’s race-based discrimination, race-based harassment, and retaliation under Title VII.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331.
3. Venue of this action properly lies in the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §1391(b) insofar as Defendant operates and transacts business in this judicial district and the events giving rise to Plaintiff’s claims occurred within this District.

ADMINISTRATIVE PREREQUISITES

4. All conditions precedent have been fulfilled or been complied with.
5. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) (attached hereto as Exhibit “A”).
6. Plaintiff received a Notice of Right to Sue from the EEOC (attached hereto as Exhibit “B”).
7. This Complaint has been filed within ninety (90) days of his receipt of the EEOC’s Dismissal and Notice of Right to Sue.

THE PARTIES

8. At all times material to the allegations of this Complaint, Plaintiff, Christopher Henson, resides in Will County, Illinois.
9. At all times material to the allegations in this Complaint, Defendant, Pilot Travel Centers, LLC d/b/a Pilot Flying J is a limited liability company doing business in and for Cook County, Illinois, whose address is 7501 South Harlem Avenue 1042 Bridgeview, IL 60455.
10. Plaintiff was employed by Defendant as an “employee” within the meaning of 42 U.S.C §2000e(f).
11. During the applicable limitations period, Defendant has had at least fifteen employees, has been an “employer” as defined by Title VII, and has been engaged in an industry affecting commerce within the meaning of Title VII, 42 U.S.C. § 2000e(b).

BACKGROUND FACTS

12. Plaintiff worked for Defendant as a Maintenance Laborer from November 7, 2023, until his unlawful termination on or about March 27, 2024.
13. Since at least December 2023, through March 27, 2024, Defendant has subjected

Plaintiff to different terms and conditions of employment than others not within Plaintiff's protected class and has been subjected to a hostile work environment on the basis of race, violating Title VII and Section 1981.

14. Plaintiff is African American and is a member of a protected class because of his race.

15. Plaintiff was subjected to continuous race-based discrimination and harassment by Defendant's Supply Chain Manager, Mr. Nico Hardcastle (Caucasian) and Defendant's employee, Bruce (LNU) (Caucasian).

16. In or around December 2023, a manager began to exhibit escalating instances of racial discrimination.

17. By January 5, 2024, Plaintiff found himself being subjected to near constant derogatory racial slurs, such as the "nigger," in the presence of managers who failed to intervene.

18. On or about January 15, 2024, Plaintiff addressed the issue of racial discrimination with his manager over the phone.

19. This protected activity of opposing discriminatory practices occurred after Plaintiff was scheduled for work without adequate rest—a practice not applied to Caucasian colleagues.

20. On or about February 3, 2024, false accusations were made against Plaintiff, including the claim that he possessed a firearm on the premises, which was thoroughly investigated and proven baseless.

21. Throughout this period, Plaintiff endured unfair treatment from certain team members.

22. This disparate treatment targeting Plaintiff's race included being subjected to racial slurs and unjust disciplinary actions.

23. On or about March 10, 2024, Plaintiff faced further unfounded allegations of involvement in drug-related activities.

24. This pattern of fabricated accusations aimed at terminating Plaintiff's employment specifically played on racial tropes of African Americans being dangerous criminals.

25. Seeking refuge from the discrimination, Plaintiff requested a transfer.

26. Plaintiff submitted Paid Time Off (PTO) on or about March 21, 2024, with the understanding that the transfer process would take approximately three weeks.

27. However, to his dismay, on or about March 27, 2024, Plaintiff was terminated without being granted the requested transfer, leaving him without recourse to address the ongoing racial discrimination.

28. Defendant's reason for Plaintiff's termination was pre-textual for Plaintiff opposing race discrimination and engaging in a protected activity.

29. Plaintiff met or exceed Defendant's performance expectations during the entire duration of Plaintiff's employment.

30. Plaintiff was unlawfully terminated because of Plaintiff's race (African American) on March 27, 2024.

31. Plaintiff was retaliated against, and his employment was ultimately terminated for opposing unlawful discrimination and for exercising his protected rights.

32. Plaintiff reported the race-based harassment to Defendant.

33. Plaintiff was targeted for termination because of his race.

34. Plaintiff suffered multiple adverse employment actions including, but not limited

to being terminated.

35. There is a basis for employer liability for the race-based harassment that Plaintiff was subjected to.

36. Plaintiff can show that he engaged in statutorily protected activity –a necessary component of Plaintiff’s retaliation claim- because Plaintiff lodged complaints directly to Plaintiff’s manager about the harassment.

COUNT I
Violation of 42 U.S.C. § 1981
(Race-Based Discrimination)

37. Plaintiff repeats and re-alleges paragraphs 1-36 as if fully stated herein.

38. Section 1977 of the Revised Statutes, 42 U.S.C. § 1981, as amended, guarantees persons of all races, colors, and national origin the same right to make and enforce contracts, regardless of race, color, or national origin. The term “make and enforce” contracts includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

39. Defendant’s conduct against Plaintiff’s race amounts to a pattern or practice of systemic race discrimination that constitutes illegal intentional race discrimination in violation of 42 U.S.C. Section 1981.

40. Plaintiff was subjected to and harmed by Defendant’s systemic and individual discrimination.

41. Defendant’s unlawful conduct resulted in considerable harm and adverse employment actions to Plaintiff and is entitled to all legal and equitable remedies under Section 1981.

42. As a direct and proximate result of the race-based discrimination described above,

Plaintiff has suffered and continues to suffer loss of employment, loss of income, loss of other employment benefits and has suffered and continues to suffer mental anguish, distress, humiliation, and loss of enjoyment of life.

COUNT II
Violation of Title VII of the Civil Rights Act of 1964
(Race-Based Discrimination)

43. Plaintiff repeats and re-alleges paragraphs 1-36 as if fully stated herein.

44. By virtue of the conduct alleged herein, Defendant intentionally discriminated against Plaintiff based on Plaintiff's race, in violation of the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

45. Plaintiff met or exceeded performance expectations.

46. Plaintiff was treated less favorably than similarly situated employees outside of Plaintiff's protected class.

47. Defendant terminated Plaintiff's employment on the basis of Plaintiff's race.

48. Plaintiff is a member of a protected class under the Title VII, due to Plaintiff's race.

49. Defendant acted in willful and reckless disregard of Plaintiff's protected rights.

50. As a direct and proximate result of the discrimination described above, Plaintiff has suffered and continues to suffer loss of employment, loss of income, loss of employment benefits and has suffered and continues to suffer mental anguish, distress, humiliation, and loss of enjoyment of life.

COUNT III
Violation of Title VII of The Civil Rights Act of 1964
(Race-Based Harassment)

51. Plaintiff repeats and re-alleges paragraphs 1-36 as if fully stated herein.

52. By virtue of the conduct alleged herein, Defendant engaged in unlawful employment practices and subjected Plaintiff to race-based harassment, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

53. Defendant knew or should have known of the harassment.

54. The race-based harassment was severe or pervasive.

55. The race-based harassment was offensive subjectively and objectively.

56. The race-based harassment was unwelcomed.

57. Plaintiff is a member of a protected class under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, due to Plaintiff's race, African American.

58. Defendant acted in willful and reckless disregard of Plaintiff's protected rights.

59. As a direct and proximate result of the race-based harassment described above, Plaintiff has suffered and continues to suffer loss of employment, loss of income, loss of other employment benefits and has suffered and continues to suffer mental anguish, distress, humiliation, and loss of enjoyment of life.

COUNT IV
Violation of Title VII of The Civil Rights Act of 1964
(Retaliation)

60. Plaintiff repeats and re-alleges paragraphs 1-36 as if fully stated herein.

61. Plaintiff is a member of a protected class under 42 U.S.C. § 2000e, *et seq.*

62. During Plaintiff's employment with Defendant, Plaintiff reasonably complained to Defendant about conduct that constituted race discrimination or race-based harassment.

63. As such, Plaintiff engaged in protected conduct and was protected against unlawful retaliation by Defendant under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

64. In response to Plaintiff's complaint, Defendant failed to conduct a prompt, thorough and objective investigation of Plaintiff's complaint of race discrimination or harassment.

65. Defendant also failed to take necessary precautions to prevent further recurrences of the discriminatory and harassing conduct complained of by Plaintiff.

66. Plaintiff suffered an adverse employment action in retaliation for engaging in protected activity.

67. By virtue of the foregoing, Defendant retaliated against Plaintiff based on Plaintiff's reporting the race-based discrimination or harassment, thereby violating Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.*

68. Defendant's retaliatory conduct toward Plaintiff illustrated a willful and/or reckless violation of Title VII.

69. As a direct and proximate result of the above-alleged willful and/or reckless acts of Defendant, Plaintiff has suffered damages of a pecuniary and non-pecuniary nature, humiliation, and degradation.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court find in Plaintiff's favor and against Defendant as follows:

- a. Back pay with interest;
- b. Payment of interest on all back pay recoverable;
- c. Compensatory and punitive damages;
- d. Reasonable attorneys' fees and costs;
- e. Award pre-judgment interest if applicable; and
- f. Award Plaintiff any and all other such relief as the Court deems just and

proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests that all issues be submitted to and determined by a jury.

Dated this 30th day of August 2024.

/s/ Nathan C. Volheim

NATHAN C. VOLHEIM, ESQ.

IL Bar No.: 6302103

SULAIMAN LAW GROUP LTD.

2500 S. Highland Avenue, Suite 200

Lombard, Illinois 60148

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Fax (630) 575 - 8188

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Attorney for Plaintiff

Exhibit A

EEOC RECEIVED. 04-16-2024

<p style="text-align: center;">CHARGE OF DISCRIMINATION</p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </p> <p style="text-align: right; font-size: large;">440-2024-07043</p>
<p>Illinois Department of Human Rights and EEOC</p> <p style="font-size: x-small;">State or local Agency, if any</p>	

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

On or about February 3, 2024, false accusations were made against me, including the claim that I possessed a firearm on the premises, which was thoroughly investigated and proven baseless. Throughout this period, I endured unfair treatment from certain team members, including being subjected to racial slurs and unjust disciplinary actions.

On or about March 10, 2024, I faced further unfounded allegations of involvement in drug-related activities, indicating a pattern of fabricated accusations aimed at terminating my employment.

Seeking refuge from the discrimination, I requested a transfer to escape the racial discrimination I was being subjected to and submitted Paid Time Off (PTO) on or about March 21, 2024, with the understanding that the transfer process would take approximately three weeks. However, to my dismay, on or about March 27, 2024, I was terminated without being granted the requested transfer, leaving me without recourse to address the ongoing racial discrimination.

Thus, I have been discriminated against and harassed because of my race and retaliated against for engaging in protected activity in violation of the Title VII of the Civil Rights Act of 1964, as amended and (775ILCS 5/) Illinois Human Rights Act.

<p>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.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p>	<p>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.</p>
<p>04 / 15 / 2024</p> <p style="text-align: center;"><i>Christopher Henson</i></p> <hr style="width: 100%;"/> <p style="font-size: x-small;">Date Charging Party Signature</p>	<p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i></p>

Exhibit B



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street
Chicago, IL 60604
(800) 669-4000
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 08/26/2024

To: Christopher Henson
c/o Nathan C Volheim
2500 South Highland Ave Suite 200
Lombard, IL 60148

Charge No: 440-2024-07043

EEOC Representative and email: DANIELLE BROWN
Investigator
danielle.brown@eeoc.gov

DISMISSAL OF CHARGE

The EEOC has granted your request for a Notice of Right to Sue, and more than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

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

On behalf of the Commission,

Digitally Signed By:Amrith Kaur Aakre
08/26/2024

Amrith Kaur Aakre
District Director

Cc:

Christine B Townsend
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
1243 N 10TH ST STE 200
Milwaukee, WI 53205

Patrick Swiatek
7501 South Harlem Avenue
Bridgeview, IL 60455

Nathan C Volheim
Sulaiman Law Group, Ltd.
2500 South Highland Ave Suite 200
Lombard, IL 60148

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PFWA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PFWA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a "Section 83" request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

To make a FOIA request for your charge file, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a FOIA request for your charge file by U.S. Mail by submitting a signed, written request identifying your request as a "FOIA Request" for Charge Number 440-2024-07043 to the

Enclosure with EEOC Notice of Closure and Rights (01/22)

District Director at Amrith Kaur Aakre, 230 S Dearborn Street , Chicago, IL 60604.

To make a Section 83 request for your charge file, submit a signed written request stating it is a "Section 83 Request" for Charge Number 440-2024-07043 to the District Director at Amrith Kaur Aakre, 230 S Dearborn Street , Chicago, IL 60604.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA requests, go to <https://www.eeoc.gov/eeoc/foia/index.cfm>.

For more information on submitted Section 83 requests, go to <https://www.eeoc.gov/foia/section-83-disclosure-information-charge-files>.