

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

WILLIAM WOOD,

Plaintiff,

-vs-

Case No. 82 C 1981

INSTITUTE IN BASIC YOUTH CONFLICTS,  
A Corporation; GUS HEMWALL,  
HAMILTON SINCLAIR, WILLIAM W.  
GOTHARD, SR., WILLIAM. W.  
GOTHARD, JR., STEVE GOTHARD,  
JOHN McLARIO, FRED WARDLE, ROY  
BLACKWOOD, and JAMES SAMMONS,  
Directors; JOHN DeBOER, LEO J.  
BRABENEC, ROBERT BULMER, JOE  
CANEY, and other unknown  
Defendants.

Defendants.

BRABENEC  
CANEY

C O M P L A I N T

I. PREFACE

Plaintiff brings this action for and on behalf of a class of employees and former employees of the corporate defendant, Institute in Basic Youth Conflicts, against the corporation and its Directors and Officers and principal operations personnel for unreported hours, unpaid overtime, for liquidated damages, for breach of contract, and attorneys fees and for such other and further relief as the Court deems just and equitable.

## II. JURISDICTION AND VENUE

1. Jurisdiction of the Court in this action is based upon Sections 15(a)(2), 15(a)(5), 16(c) and 17 of the Fair Labor Standards Act as amended, Title 29, United States Code, Section 201 et seq. and Title 28, United States Code, Sections 1331, 1352 and the pendent jurisdiction of this Court.

2. Plaintiff is a resident of the State of ~~Oregon~~<sup>Washington</sup>; Defendant, Institute in Basic Youth Conflicts, is a non-profit corporation incorporated under the laws of the State of Illinois, having its principal place of business in the State of Illinois; Defendants, Gus Hemwall, Hamilton Sinclair, William W. Gothard, Sr., William W. Gothard, Jr., Steve Gothard, Fred Wardle and Leo J. ~~Brabenee~~<sup>BRABENECE</sup>, are citizens of the State of Illinois; Defendant, John McLairo, is a citizen of the State of Wisconsin; Defendant, Roy Blackwood, is a citizen of the State of Indiana; Defendant, James Sammons, is a citizen of the State of Texas; Defendants, John DeBoer ~~and~~<sup>X</sup> Joe Caney, are citizens of the State of New Jersey. <sup>and Robert Bulmer</sup>

3. Because defendant corporation's principal place of business is located within the jurisdiction of this Court and the individual defendants, while serving as directors of the defendant corporation, did engage in conduct which is the subject of this litigation, within this jurisdiction, venue is properly placed in this Court.

### III. PLAINTIFF

1. Plaintiff represents a class of employees and former employees of defendant, Institute in Basic Youth Conflicts.

2. The class represented by the named Plaintiff constitutes a class of individuals numbering in excess of one hundred persons, thereby constituting a class so numerous that a joinder of all members is impractical.

3. There are questions of law and fact common to all members of the class.

4. The claims of the representative party named herein are typical of the claims of the entire class of employees and former employees.

5. The named plaintiff will fairly and adequately protect the interests of the class of employees and former employees.

6. The prosecution of a separate cause of action by each individual members of the class would create a risk of inconsistent and varied adjudications with respect to individual members of the class, the adjudication with respect to the individual named class representatives would, as a practical matter, be dispositive of the interests of all members of the class or may substantially impair or impede the ability of individual members of the class to protect their interests and the defendants and each of them, have acted on grounds generally applicable to all members of the class, thereby making appropriate final injunctive relief or corresponding declaratory relief appropriate.

7. The questions of law and fact common to the members of the class of employees and former employees would dominate over any questions affecting individual employees and former employees. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

8. The Court, as soon as practicable, after commencement of this action, should determine by order whether or not it should be so maintained in accordance with the provisions of Rule 23(c) of the Federal Rules of Civil Procedure, Title 28, United States Code.

#### IV. DEFENDANTS

1. The corporate defendant, Institute in Basic Youth Conflicts, is a non-profit corporation incorporated under the laws of the State of Illinois, with its principal place of business being 4 S. 055 North Adams, Oak Brook, Illinois 60521. Said defendant may be served with process by issuing summons upon its resident agent, James D. Olsen, 4 S. 055 North Adams, Oak Brook, Illinois.

2. Defendant, Gus Hemwall is a resident of the State of Illinois and may be served with summons at 227 North Grove Avenue, Oak Park, Illinois 60302.

3. Defendant, Hamilton Sinclair, is a resident of the State of Illinois, and may be served with summons at 4817 Middaugh, Downers Grove, Illinois 60515.

4. Defendant, William W. Gothard, Sr., is a resident of the State of Illinois and may be served with process at 1027 Arlington Avenue, Lagrange, Illinois 60525.

5. Defendant, William W. Gothard, Jr., is a resident of the State of Illinois and may be served with process at 1027 Arlington Avenue, Lagrange, Illinois 60525.

6. Defendant, Steve Gothard, is a resident of the State of Illinois and may be served with process at 1027 Arlington Avenue, Lagrange, Illinois 60525.

7. Defendant, John McLario, is a resident of the State of Wisconsin and may be served with process at N 88 W 16783 Main Street, Menomonee Falls, Wisconsin.

8. Defendant, Fred Wardle, is a resident of the State of Illinois and may be served with process at 24 W 050 Donwood Drive, Naperville, Illinois 60540.

9. Defendant, Roy Blackwood, is a resident of the State of Indiana, and may be served with process at 1200 Diable, Greenwood, Indiana.

10. Defendant, James A. Sammons, is a resident of the State of Texas and may be served at 3683 Encanto, Fort Worth, Texas 76109.

BRABENEE

11. Defendant, Leo J. ~~Brabenee~~ is a resident of the State of Illinois and may be served with process at 5561 Santa Cruz Drive, Hanover Park, Illinois 60103.

12. Defendant, Joe <sup>Coney</sup>~~Coney~~ is a resident of the State of New Jersey and may be served with process at 36 Demerest, Oakland, New Jersey 07431.

13. Defendant, John DeBoer, is a resident of the State of Illinois and may be served with process at 134 East Adams Street, Elmhurst, Illinois 60126.

14. Defendant, Robert Bulmer, is a resident of the State of New Jersey and may be served with process at 123 Long Hill Road, Oakland, New Jersey 07436.

15. Plaintiff on behalf of the proposed class, believe that there may be other persons who, together with the named defendants may have, acting with or on behalf of named defendants, in that conduct which is set forth herein as Plaintiff's causes of action against the defendants.

V. PLAINTIFF'S CAUSES OF ACTION AGAINST DEFENDANTS

First Cause of Action

1. Plaintiff and the members of the class which he represents are employees and former employees of the corporate defendant, Institute in Basic Youth Conflicts.

2. Defendant, Institute in Basic Youth Conflicts, is an employer within the meaning of the Fair Labor Standards Act, as amended, Title 29, United States Code, Section 201 et seq.

3. During the period of employment of Plaintiff and the class which he represents, said employees were required to work hours that were not reported and for which wages were not paid; and they were not paid overtime at their regular rate for all hours worked in a work week in excess of forty hours.

4. Defendant's failure to pay Plaintiff and the members of the class which he represents in accordance with the provisions of the law was willful and intentional, for which liquidated damages should be assessed against Defendant and its responsible directors, officers and supervisory employees.

5. Plaintiff and the members of the class which he represents should be awarded their costs and reasonable attorneys fees pursuant to the provisions of the law.

WHEREFORE, Plaintiff, for himself and on behalf of the class which he represents, prays for payment of all wages due, for liquidated damages, for their costs herein, for reasonable attorneys fees and for such other and further relief as the Court deems just and equitable in the premises.

#### Second Cause of Action

1. Plaintiff and the members of the class which he represents incorporate by reference herein, all of the above allegations.

2. Upon employment of the Plaintiff and members of the class which he represents, the corporate defendant, Institute in Basic Youth Conflicts, by and through the Director/Defendants and Non-Director/Defendants, did promise, contract and agree as a part of employment of Plaintiff and the members of the class which he represents to provide certain benefits, including wages sufficient to meet their necessary living expenses, retirement

benefits and property benefits. In reliance upon said promises, Plaintiff and the members of the class which he represents liquidated their personal assets and exhausted them to meet living expenses which were not paid by defendant, Institute in Basic Youth Conflicts. Further, Plaintiff and the members of the class which he represents, were denied all retirement and property benefits.

3. As a result of defendant corporation's breach of contract with Plaintiff and the members of the class which he represents, they as a class, have been damaged in the amount of \$1,000,000.

WHEREFORE, Plaintiff, for himself and on behalf of the members of the class which he represents, prays for judgment against the Defendants on its cause of action in the amount of \$1,000,000 and for its costs herein.

#### Third Cause of Action

1. Plaintiff and the members of the class which he represents incorporate by reference herein, all of the above allegations.

2. Defendant, Institute in Basic Youth Conflicts, by and through its officers, directors, employees and agents, named as defendants herein, have since the termination of employment of Plaintiff and the members of the class which he represents, engaged in conduct to discredit, libel, slander and malign



Plaintiff and the members of the class which he represents and the intent and motive for seeking relief for the conduct of defendants as herein alleged.

3. Defendants have publicly declared that Plaintiff's and the members of the class which he represents motives are illegal and improper, and have held the Plaintiff and the members of the class which he represents up to public hatred, contempt and ridicule.

4. By reason of said conduct by Defendants as set forth in Paragraphs 2 and 3 above, Plaintiff and the members of the class which he represents, have suffered personal injury and damages in the amount of \$500,000.

WHEREFORE, Plaintiff, for himself and on behalf of the members of the class which he represents, prays judgment against Defendants in the amount of \$500,000 and for its costs herein.

#### Fourth Cause of Action

1. Plaintiff and the members of the class which he represents incorporate by reference, all of the above allegations.

2. Defendants have or with knowledge acquiesced in the conduct of other defendants, engaged in outrageous conduct toward Plaintiff and the members of the class which he represents by imposing outrageous standards of personal conduct, by invading the privacy of Plaintiff and the members of the class which he

represents, making such private facts known to others, by engaging in sexual misconduct toward female employees, and after engaging in the conduct herein alleged, by directing that employees not disclose such conduct to others under threat of retaliation.

3. Because of Defendants' outrageous conduct, Plaintiff and the members of the class which he represents, has been damaged in the amount of \$1,000,000.

4. Defendants' conduct has been willful, wanton, malicious and intentional and Plaintiff and the members of the class which he represents should therefore be awarded punitive damages in the amount of \$1,000,000.

WHEREFORE, Plaintiff prays judgment for himself and for the members of the class which he represents, on his Fourth Cause of Action for compensatory damages in the amount of \$1,000,000 and punitive damages in the amount of \$1,000,000, for its costs herein and for such other relief as the Court deems just and equitable in the premises.

#### Fifth Cause of Action

1. Plaintiff and the members of the class which he represents, incorporates by reference, all of the above allegations.

2. Defendants have or with knowledge acquiesced in the conduct of the other Defendants by failing and refusing to make

all appropriate employer contributions in accordance with the provisions of the Internal Revenue Code, Title 26, United States Code, Section 3401, et seq.

PRAYER

WHEREFORE, Plaintiff, for himself and on behalf of the members of the class which he represents, prays for relief as follows:

1. On Plaintiff's First Cause of Action, all wages, liquidated damages, fees and expenses due from Defendant employer under the Fair Labor Standards Act, as amended.
2. On Plaintiff's Second Cause of Action, for damages for breach of the employment contract of Plaintiff and the members of the class which he represents, which damages are believed to be an amount greater than \$1,000,000.
3. On Plaintiff's Third Cause of Action, for damages for personal injuries which are believed to be in an amount greater than \$500,000.
4. On Plaintiff's Fourth Cause of Action, for compensatory damages in the amount of \$1,000,000 and punitive damages in the amount of \$1,000,000.
5. On Plaintiff's Fifth Cause of Action, Plaintiff and the members of the class which he represents, pray that Defendant employer pay all employer contributions pursuant to the

provisions of the Internal Revenue Code, Title 26, United States Code, Section 3401, et seq.

Colmery, McClure, Funk,  
Letourneau and Entz

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ATTORNEYS FOR PLAINTIFF.