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CENTRAL DISTRICT OF CALIFORNIA  
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Attorneys for Plaintiff/Intervenor  
FRED ROBISON

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Case No.: 01-08351-WMB (RNBx)

Plaintiff,

COMPLAINT IN INTERVENTION  
-CIVIL RIGHTS ACTION

And

DEMAND FOR TRIAL BY JURY

FRED ROBISON,

Plaintiff/Intervenor

vs.

TEMCOR, INC.,

Defendant.

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**I. INTRODUCTION**

1. Fred Robison, plaintiff/intervenor, brings this action to enforce his rights as a disabled person under the American with Disabilities Act (hereinafter "ADA") and under the California Fair Housing and Employment Act (hereinafter "FEHA"). Mr. Robison is deaf, and was deaf during the term of his employment with defendant, Temcor, Inc. (hereinafter "TEMCOR"). Despite first-hand knowledge that Mr. Robison had been deaf for a number of years, in 1997

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1 TEMCOR forced Mr. Robison to undergo invasive surgery for a cochlear implant  
2 in order to secure his job with TEMCOR. Infections and other physical  
3 complications caused the implant to fail, and it was subsequently removed through  
4 medical necessity. Thereafter, TEMCOR refused to provide reasonable  
5 accommodation in his work, refused to provide retraining for another position with  
6 the company, refused to provide retraining and/or career counseling for another  
7 line of work, and terminated Mr. Robison without regard for other abilities he may  
8 have been able to offer.  
9

## 10 II. JURISDICTION

11 2. Robison invokes this court's jurisdiction pursuant to Rule 18(a) of the  
12 Federal Rules of Civil Procedure, 42 U.S.C. §12117(a), and 28 U.S.C. §1367 to  
13 hear and adjudicate claims arising out of the transactions that violate rights and  
14 duties established by the law of the State of California.  
15

16 3. The unlawful employment practices alleged here were committed  
17 within the jurisdiction of the Central District of California.  
18

## 19 III. PARTIES

20 4. Plaintiff, Equal Employment Opportunity Commission, ("EEOC") is  
21 the agency of the United States of America charged with the administration,  
22 interpretation and enforcement of Title VII of the Civil Rights Act of 1964, and is  
23 expressly authorized to bring this action under the Americans with Disabilities Act  
24 ("ADA"), 42 U.S.C. §2000e-5(f)(1) and (3).  
25

26 5. At all times relevant to this action, intervenor/plaintiff Fred Robison  
27 was a disabled employee of TEMCOR. Robison is a citizen of the United States  
28 residing in Los Angeles County, California, and is expressly authorized to

1 intervene in this action pursuant to FRCP 24(a)(1), 42 U.S.C. §12117(a), and 42  
2 U.S.C. §2000e-5(f)(1).

3 6. At all relevant times, TEMCOR has been doing business in the State  
4 of California, City of Carson, County of Los Angeles, and has continuously  
5 employed at least fifteen (15) individuals.

7 7. At all relevant times, defendant TEMCOR has been an employer  
8 engaged in an industry affecting commerce within the meaning of Section 101(7)  
9 of the ADA, 42 U.S.C. §1211(7).

10 8. At all relevant times, TEMCOR has been a covered entity under 42  
11 U.S.C. §12111(2) of the ADA.

12 **I. STATEMENT OF FEHA CLAIM**

13  
14 9. More than 180 days prior to the institution of this action, Robison  
15 filed a charge with the EEOC alleging discrimination based on his disability. The  
16 EEOC issued a Letter of Determination finding that Robison was subjected to  
17 unlawful discrimination in violation of the ADA. All conditions and requirements  
18 precedent to the institution of this action have been fulfilled.

19 10. Robison is an individual with a "disability" within the meaning of  
20 Section 3(2) of the ADA, 42 U.S.C. §12102(2). More particularly, Robison is  
21 clinically deaf, and is regarded by TEMCOR as having such disability.

22 11. TEMCOR terminated Robison because of his disability.

23 12. TEMCOR failed to reasonably accommodate plaintiff intervenor's  
24 disability. TEMCOR failed to undertake any good faith efforts to reasonably  
25 accommodate Robison.  
26

27 13. TEMCOR's actions constitute a violation of §102(b) of the ADA, 42  
28 U.S.C. §12112(b).

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1 14. In committing the illegal actions stated in paragraphs 11 and 12,  
2 TEMCOR acted with malice and/or reckless indifference to the statutorily  
3 protected rights of Robison.

4 15. Defendant's termination of Robison's employment violated FEHA,  
5 Cal. Gov. Code §12940(a), which prohibits employment discrimination based on  
6 an employee's physical disability.  
7

8 16. Defendant's failure to reasonably accommodate Robison and his  
9 disability violated FEHA, Cal. Gov. Code §12940(m), which prohibits  
10 employment discrimination based on an employee's disability.

11 17. Defendant's actions reflected a conscious disregard for Robison's  
12 rights. Defendant's discriminatory acts have caused Robison to suffer lost wages  
13 and benefits, and deprived him of equal employment opportunities.  
14

15 18. TEMCOR's discriminatory acts have in the past, will in the future,  
16 and continue on a daily basis to cause Robison to suffer substantial damages for  
17 pecuniary losses, mental anguish, loss of enjoyment of life, and other nonpecuniary  
18 losses.  
19

20 **V. DEMAND FOR JURY TRIAL**

21 19. Robison demands a jury by trial on each and every claim to which he  
22 is so entitled.

23 **VI. PRAYER FOR RELIEF**

24 Wherefore, Robison respectfully requests that this Court grant:

- 25 A. Back pay, front pay, with related monetary benefits and interest
- 26 thereon, and other monetary relief according to proof;
- 27 B. Compensatory damages according to proof;
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- C. Punitive damages in an amount appropriate to punish defendant for its wrongful conduct and set an example for others;
- D. Injunctive relief against TEMCOR to reinstate Robison to his job;
- D. Prejudgment interest;
- E. Reasonable attorney's fees, including litigation expenses, and the costs of this action; and
- G. Such other and further relief as the court deems proper.

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DATED: October 19, 2001

Respectfully Submitted,

LITT & ASSOCIATES  
A LAW CORPORATION

By:   
 Barrett S. Litt  
 Paul J. Estuar  
 Attorneys for Plaintiff-intervenor  
 FRED ROBISON