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U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

MAY 03 1999

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

MAY 03 1999

ROBERT H. SHEMMELE, CLERK
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ROBERT H. SHEMMELE, CLERK
BY SM DEPUTY

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

AMPACE FREIGHTLINES, INC., f/d/b/a
MERCHANTS DUTCH EXPRESS

Defendant.

CIVIL ACTION NO. **CV99-0790 M**

JUDGE JAMES

COMPLAINT

MAGISTRATE JUDGE HAYES
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Americans with Disabilities Act of 1990 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Leon E. Glosson who was adversely affected by such practices. The Commission alleges that Leon E. Glosson, a qualified individual with a disability, was fired by Ampace Frieghtlines, Inc.("Defendant"or "Employer"), because it regarded him as having a disability. As alleged with greater particularity in paragraph 8 below, Leon E. Glosson was fired from his position as a truck driver because Defendant believed that he was disabled because of an eye condition.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sec. 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. Sec. 12117(a), which incorporates by reference Sections

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706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. Sec. 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Sec. 1981A.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Western District of Louisiana, Monroe Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. Sec. 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. Sec. 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Ampace Freightlines, Inc. (the "Employer"), has continuously been a Louisiana corporation doing business in the State of Louisiana and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. Sec. 12111(5), and Section 101(7) of the ADA, 42 U.S.C. Sec. 12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. Secs. 2000e (g) and (h).

6. At all relevant times, Defendant Employer has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. Sec. 12111(2).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Leon E. Glosson filed a charge with the Commission alleging violations of Title I of the ADA by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least June 24, 1996, Defendant Employer has engaged in unlawful employment practices at its Louisiana facilities, in violation of Sections 102(a) and (d)(1), (2)(A) and (3)(B) of Title I of the ADA, 42 U.S.C. Sections 12112(a) and (d)(1), (2)(A) and (3)(B), in that it fired Leon E. Glosson from his job as a truck driver because Defendant Employer regarded him as disabled because of an eye condition referred to as "lazy eye".

9. The effect of the practices complained of in paragraph 8 above has been to deprive Leon E. Glosson of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability.

10. The unlawful employment practices complained of in paragraph 8 above were intentional.

11. The unlawful employment practices complained of in paragraph 8 above were done with malice or reckless indifference to the federally protected rights of Leon E. Glosson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in disability discrimination in its employment practices.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Leon E. Glosson, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement of Leon E. Glosson to the position of truck driver or front pay for an indefinite period of time.

D. Order Defendant Employer to make whole Leon E. Glosson by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including, but not limited to, job search expenses, medical insurance premiums and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Leon E. Glosson by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, reduction in his standard of living, and humiliation, in amounts to be determined at trial.

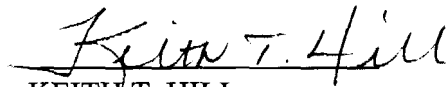
F. Order Defendant Employer to pay Leon E. Glosson punitive damages for its malicious and reckless conduct, as described in paragraph 8 above, in amounts to be determined at trial.

- G. Grant such further relief as the Court deems necessary and proper in the public interest.
- H. Award the Commission its cost of this action.

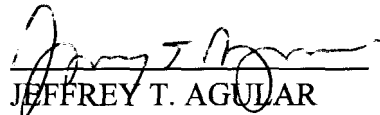
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

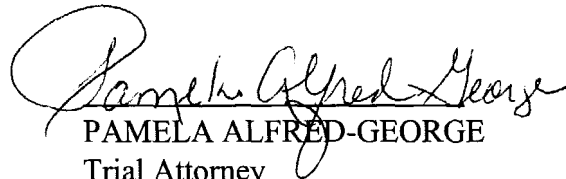
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