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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

FILED  
USDC, WESTERN DISTRICT OF LA  
ROBERT H. SHERWELL, CLERK  
DATE 2-28-01  
BY TW

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

CIVIL ACTION NO. 00-2186

VERSUS

JUDGE ROBERT G. JAMES

CONAGRA POULTRY COMPANY

MAGISTRATE JUDGE:  
JAMES D. KIRK

COMPLAINT OF INTERVENTION

The complaint of Intervener, DONNA EBARB, a person of the full age of majority and a resident of Union Parish, respectfully represents as follows:

1.

Intervenor is the person aggrieved in this action and is the party whose charge with the Equal Employment Opportunity Commission has prompted this action.

2.

Intervenor has an unconditional right to intervene in this action under 42 U.S.C. 2000e-5(f)(1).

3.

Intervenor forwarded a charge letter against CONAGRA POULTRY COMPANY , to the Equal Employment Opportunity Commission on or about July 3, 1997.

4.

Intervenor was diagnosed with cancer in November of 1995 which required the amputation of her lower left leg.

(11)

5.

Intervenor returned to work with Defendant, CONAGRA, in late February, 1996 in her position of order entry clerk in the accounting department.

6.

Following her return, management employees of Defendant, CONAGRA, re-arranged the office setting in such a manner that Intervenor was unable to perform her job due to her disability.

7.

Intervenor maintained open communication with upper management concerning her difficulties she was encountering and ways to accommodate her disability.

8.

Her requests were ignored.

9.

After her complaints, Defendant, CONAGRA, began to assign additional jobs of invoicing and accounting.

10.

The assignment of the extra job duties was a veiled, but deliberate attempt to force Intervenor to resign.

11.

The additional job duties further hindered Intervenor from being able to perform her actual job duties and also led to a greater back of accommodation.

12.

Intervenor subsequently resigned because of the actions of Defendant, CONAGRA.

13.

By participating in the above described events and/or permitting said events to occur, Defendant either desired to inflict mental and emotional distress upon Intervenor, or knew that such distress was substantially certain to occur as a result of said conduct, and acted intentionally and/or with a reckless disregard of the probability of causing such distress to Intervenor.

14.

Intervenor exhausted all administrative remedies through the EEOC.

15.

The EEOC filed a lawsuit against Defendant, CONAGRA, for the purpose of addressing Defendant's failure to comply with the American's With Disabilities Act.

16.

Considering the foregoing, Intervenor is entitled to:

- A. Back pay;
- B. Mental anguish, suffering and humiliation, and loss of self-esteem arising out of Defendant's failure to accommodate;
- C. Mental anguish, suffering and humiliation, and loss of self-esteem arising out of retaliation against the Intervener by Defendant;
- D. Mental anguish, suffering and humiliation, and loss of self-esteem arising out of intentional infliction of emotional distress;
- E. Lost wages, past and future;
- F. Increase in costs of insurance premiums based on increase in premiums under COBRA.
- G. Increase in insurance premiums after expiration of COBRA;

- H. Pre-judgment interest from date of judicial demand until paid;
- I. Tuition costs to pursue alternate career;
- J. All costs of this action, as well as a trial by jury for all issues in this case.
- K. Punitive Damages.

WHEREFORE, Intervener prays:

- A. Leave of court to file this petition of intervention; and
- B. That this Intervention be maintained, that there be judgment herein against the Defendant for damages, and for attorney's fees, interest, injunctive relief, all costs of this action, and that this matter be tried by a jury for all issues in this case.

Respectfully submitted,

THE NEWMAN LAW FIRM  
1900 North 18th Street  
Suite 302  
Post Office Box 2838  
Monroe, Louisiana 71207-2838  
(318) 322-6005

  
BY: TODD G. NEWMAN #20310

PLEASE SERVE:

THE PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,  
Through their attorney or record:  
Pamela Alford-George  
Equal Employment Opportunity Commission  
New Orleans District Office  
701 Loyola Avenue, Suite 600  
New Orleans, Louisiana 70113

DEFENDANT, CONAGRA POULTRY COMPANY

Through its attorney of record

William P. Crews

616 Front Street

Natchitoches, LA 71457