

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
Baltimore District Office)
10 S. Howard Street, 3rd Floor)
Baltimore, Maryland 21201)

Plaintiff,)

v.)

Civil Action No.)

FEDERAL EXPRESS CORPORATION)
d/b/a FEDEX EXPRESS)
3660 Hacks Cross Road)
Building A)
Memphis, Tennessee 38132)

C O M P L A I N T

JURY TRIAL DEMAND)

and)

Baltimore-Washington)
International Airport)
Cargo Building E)
Baltimore, Maryland 21240)

Defendant.)

_____)

NATURE OF THE ACTION

This is an action under Title I and Title V of the Americans with Disabilities Act ("The ADA") of 1990 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief to Ronald Lockhart, who was adversely affected by such practices. The United States Equal Employment Opportunity Commission ("the EEOC" or the "Commission") alleges that Mr. Lockhart was unlawfully terminated because he opposed acts made unlawful by the ADA, and because he

filed a charge with the EEOC and participated in EEOC proceedings related to his charge. The Commission further alleges that Defendant also discriminated against Mr. Lockhart by failing to reasonably accommodate his disability, profound deafness. As a result of Defendant's failure to reasonably accommodate Mr. Lockhart's disability, Mr. Lockhart was denied equal benefits and privileges of employment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the ADA, 42 U.S.C. Section 12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-5(f)(1), (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland.

PARTIES

3. Plaintiff, the United States Equal Employment Opportunity Commission, is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title I and Title V of the ADA and is expressly

authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f) (1) of Title VII, 42 U.S.C. § 2000e-5(f) (1).

4. At all relevant times, Defendant, Federal Express Corporation, has continuously been a Delaware corporation, doing business in the State of Maryland and the City of Baltimore and has continuously had at least fifteen employees.

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

6. At all relevant times, Defendant has been a covered entity within the meaning of Section 101(2) of the ADA, 42 U.S.C. § 1211(2).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Ronald Lockhart filed two charges with the Commission alleging violations of Title I and Title V of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Beginning on approximately March 14, 2000, and continuing until Mr. Lockhart's termination on January 17, 2003, Defendant has engaged in unlawful employment practices at its

facility at the Baltimore-Washington International Airport, in violation of Sections 102(a) and 102(b)(5)(A) of Title I of the ADA, 42 U.S.C. §§ 12112(a), 12112(b)(5)(A), and in violation of Title V of the ADA, Section 503(a), 42 U.S.C. § 12203(a). The practices include the following:

a. repeatedly refusing to provide reasonable accommodations necessary for Mr. Lockhart, who is profoundly deaf, to enjoy equal benefits and privileges of employment, such as inclusion in shift meetings and other meetings and training events, and receipt from management of information it disseminated at these meetings and training events; and

b. terminating Mr. Lockhart's employment because he opposed acts and practices made unlawful by the ADA and because he filed a charge with the EEOC and participated in proceedings related to his charge.

9. The effect of the practices complained of above has been to deprive Ronald Lockhart, a qualified individual with a disability, of equal employment opportunities and otherwise adversely affect his status as an employee, because of his disability and because of his participation in statutorily protected activities.

10. As a direct and proximate result of these violations of his rights under the ADA, Ronald Lockhart has suffered damages in the form of past pecuniary losses. In addition he has suffered

emotional pain, suffering, inconvenience, mental anguish, embarrassment, frustration, humiliation, and loss of enjoyment of life.

11. The unlawful employment practices complained of above were intentional.

12. The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Ronald Lockhart.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of a disability, and from engaging in retaliation against persons who oppose practices made unlawful by the ADA, or who have filed charges with the EEOC or participated in EEOC investigations or other proceedings;

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, prevent retaliation against persons who have participated in

statutorily protected activities, and eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make whole Ronald Lockhart by providing appropriate backpay with prejudgment interest, in amounts to be proven at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

D. Order Defendant to implement non-discriminatory, objective, written policies and practices regarding the terms and conditions of employment and sign and conspicuously post, for a designated period of time, a notice to all employees that sets forth the remedial action required by the Court and inform all employees that it will not discriminate against any employee because of a disability, including that it will comply with all aspects of the ADA, and that it will not take any action against employees because they have exercised their rights under that statute;

E. Order Defendant to make whole Ronald Lockhart by providing compensation for past pecuniary losses, in amounts to be proven at trial;

F. Order Defendant to make whole Ronald Lockhart by providing compensation for non-pecuniary losses including emotional pain, suffering, inconvenience, mental anguish, loss of

enjoyment of life, embarrassment, frustration, and humiliation, in an amount to be proven at trial;

G. Order Defendant to pay to Ronald Lockhart punitive damages for its callous indifference to his federally protected right to be free from discrimination based on disability in the workplace;

H. Grant such further relief as the Court deems necessary and proper; and

I. Award the Commission its costs in this action.

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

Respectfully submitted,

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