

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )  
AMMEX DETROIT )

Defendant. )

HONORABLE

03-73830

CASE OF GEORGE E. WOODS

COMPLAINT  
AND JURY TRIAL DEMAND

MAGISTRATE JUDGE DONALD A. SCHEER

NATURE OF THE ACTION

This is an action under Title I of the American 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 make whole Deborah Chase ("Chase").

The Equal Employment Opportunity alleges that Defendant, AMMEX Detroit ("AMMEX"), violated the American with Disabilities Act by failing to reasonably accommodate Chase and laying her off work because of her disability (polio) and her need for an accommodation.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 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. § 12117 (a), which incorporates by reference Sections 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) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991,

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as amended, 42 U.S.C. Section 1981 (A).

2. The employment practices hereafter alleged to be unlawful were committed in the Eastern District of Michigan.

#### PARTIES

3. The Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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. § 1211 (a), which incorporates by reference Sections 706(f)(1) of Title VII, 42 U.S.C. § 20003-5(f)(1) and (3).

4. At all relevant times, Defendant was doing business in the State of Michigan and continuously had at least fifteen (15) employees/members.

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

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

#### STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, Chase filed a charge with the Commission alleging violations of Title I of the ADA by Defendant AMMEX. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Beginning in March, 2002, Defendant engaged in unlawful employment practices in violation of the ADA Sections 102(a), 102(b)(5)(A) and 102 (b)(5)(B), 42 U.S.C. §§

12112(a), 12112(b)(5)(A) and 12112(b)(5)(B). The Defendant's practices include but are not limited to, failing to reasonably accommodate Chase's disability, and laying her off work because of her disability and her need for an accommodation.

9. Chase was a qualified individual with a disability who was able to perform the essential functions of the sales associate position with or without a reasonable accommodation.

10. The effect of the above-mentioned, unlawful employment practices has been to deprive Chase of equal employment opportunities because of her disability.

11. The above-mentioned, unlawful employment practices 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 Chase.

#### PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

1. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any unlawful employment practice which discriminates on the basis of disability;

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

3. Order the Defendant Employer to provide training to its management employees regarding disability discrimination and the ADA's requirements to provide a reasonable accommodation to disabled employees;

D. Order the Defendant Employer to make whole Chase by providing her with appropriate lost earnings and benefits, with pre-judgement interest, in amounts to be proven at

trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendant Employer to make whole Chase by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8 above in amounts to be proven at trial;

F. Order Defendant Employer to pay Chase punitive damages for the malicious or reckless conduct described in paragraph 8 above, in amounts to be proven at trial;

G. Grant the Commission its costs in this action; and

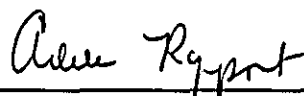
H. GRANT such further relief as the Court deems necessary and proper.

Respectfully submitted,

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9/29/03  
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