

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MAGNA DONNELLY CORP., INC. )  
 )  
Defendant. )  
\_\_\_\_\_ )

Hon. 5:04 CV 0168  
Civil Action No. Richard Alan Enslin  
U.S. District Judge  
**COMPLAINT**  
**AND JURY TRIAL DEMAND**

NATURE OF THE ACTION

This is an action under Title I of 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 make whole Bonnie Kronemeyer ("Kronemeyer").

The Equal Employment Opportunity Commission alleges that Defendant, Magna Donnelly Corporation, Inc. ("Magna Donnelly") violated the Americans with Disabilities Act by failing to reasonably accommodate Kronemeyer, a qualified individual with a disability (multiple sclerosis nerve entrapment and diabetes) and by terminating her employment.

The Equal Employment Opportunity Commission further alleges that Defendant uses a policy that has the effect of discriminating against individuals with disabilities by failing to reasonably accommodate them.

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

2. The employment practices hereafter alleged to be unlawful were committed in the Western 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. § 12117(a), which incorporates by reference Sections 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

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

5. At all relevant times, Defendant Magna Donnelly 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. § 2000e(g) and (h).

6. At all relevant times, Defendant Magna Donnelly 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, Kronemeyer filed a charge with the Commission alleging violations of Title I of the ADA by Defendant Magna

Donnelly. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Beginning in April 2002, Defendant Magna Donnelly 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), at its Holland, Michigan facility. The Defendant's unlawful practices include, but are not limited to, failing to reasonably accommodate Kronemeyer as an employee and by discharging her.

9. Kronemeyer is a qualified individual with a disability (multiple sclerosis, cluneal nerve entrapment and diabetic neuropathy) who was able to perform the essential functions of her position with or without reasonable accommodation.

10. The effect of the above-mentioned, unlawful employment practices has been to deprive Kronemeyer and other similarly situated individuals of equal employment opportunities because of their disabilities.

11. The above-mentioned, unlawful employment practices were intentional.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. 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;

B. 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;

C. Order the Defendant Employer to provide training to its management employees

regarding disability and the ADA's requirement to provide a reasonable accommodation to disabled employees;

D. Order the Defendant Employer to make whole Kronemeyer and other similarly situated individuals by providing them with appropriate lost earnings and benefits, with pre-judgment interest, in amounts to be proven at trial, and other affirmative relief necessary including reinstatement, if appropriate, to eradicate the effects of its unlawful employment practices;

E. Order Defendant Employer to make whole Kronemeyer and other similarly situated individuals by providing compensation for past and future nonpecuniary losses, as well as punitive damages, resulting from the unlawful practices complained of in paragraph 8 and 9 above in amounts to be proven at trial.

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

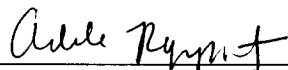
G. Grant such further relief as the Court deems necessary and proper.

Respectfully submitted,

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DATED: September 28, 2004

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