


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

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RONALD WILSTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT MICH.

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
JOHNSON CONTROLS, INC.)
)
Defendant.)
_____)

HONORABLE *Rezel*

CASE NO. 1:03 CVU 109
COMPLAINT
AND JURY TRIAL DEMAND
Gordon J. Cust
U.S. District Judge

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 Isaac Anaya ("Anaya").

The Equal Employment Opportunity Commission alleges that Defendant, Johnson Controls, Inc. violated the Americans with Disabilities Act by failing to reasonably accommodate Anaya, a qualified individual with a disability and by terminating his employment.

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 Johnson Controls 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 Johnson Controls 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 Johnson Controls 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, Anaya filed a charge with the Commission alleging violations of Title I of the ADA by Defendant Johnson Controls. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Beginning in April 2000, Defendant Johnson Controls 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 Anaya as an employee and by discharging him.

9. Anaya is a qualified individual with a disability (kidney failure) who was able to perform the essential functions of his position with or without reasonable accommodation.

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

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 Anaya by providing him 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 Anaya by providing compensation for past and future nonpecuniary losses, as well as punitive damages, resulting from the unlawful practices complained of in paragraph 8 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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2/11/03
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