IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	Case No. 4:04CV846 TIA
)	
and)	
)	
AHMET DEMERELLI)	
Plaintiff-Intervener,)	
)	
vs.)	Jury Trial Demanded
)	
CONVERGYS CUSTOMER MANAGEMENT)	
GROUP, INC.,)	
Defendant.)	

PLAINTIFF-INTERVENER'S COMPLAINT

Plaintiff hereby brings this action against Defendant for the following reasons:

JURISDICTION AND VENUE

- 1. Plaintiff is an individual who resides in St. Louis County, Missouri.
- 2. Defendant is a corporation organized under the laws of the State of Ohio doing business within the State of Missouri and the City of Hazelwood, and has continuously had at least fifteen employees.
- 3. Plaintiff asserts these claims pursuant to Section 107(a) of the Americans with Disabilities Act (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, 42 U.S.C. § 1981a. Plaintiff invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1331, 28 U.S.C. §1332, and the Court's pendent jurisdiction.

- 4. Venue is proper because Defendant resides in the Eastern District of Missouri within the meaning of 28 U.S.C. § 1391(b) and (c) and because the discriminatory actions occurred in St. Louis County, State of Missouri in the Eastern District of Missouri.
- 5. Plaintiff filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission alleging that Defendant engaged in the discriminatory actions that are being raised in this lawsuit, or alternatively, the allegations of Plaintiff's lawsuit would have arisen from the investigation of Plaintiff's Charge of Discrimination.
- 6. Plaintiff has fulfilled all conditions precedent to the bringing of this claim and has duly exhausted all administrative procedures in accordance with the law prior to instituting this lawsuit.

<u>COUNT I</u> <u>VIOLATION OF THE AMERICANS WITH DISABILITIES ACT</u>

- 7. Plaintiff incorporates by reference the allegations contained in paragraphs 1-6 into Count I of his Complaint.
- 8. That since at least January 2001, the Defendant failed to provide reasonable accommodations for Demerelli's disability, brittle bone disease.
- 9. That on or about June 27, 2002, the Defendant terminated Demerelli because of his disability.
- 10. Because of the Defendant's discriminatory practices Demerelli has been deprived of equal employment opportunities and otherwise adversely affect his status as an employee, because of his disability.
 - 11. The unlawful employment practices Defendant committed were intentional.
- 12. The unlawful employment practices in which Defendant engaged were done with malice or reckless indifference to Plaintiff's rights

13. As a direct result of the discriminatory and unlawful practices of the Defendant,

Demerelli has been caused to suffer and sustain damages, including but not limited to loss of past

and future wages and benefits including prejudgment interest, in amounts to be determined at

trial, emotional distress, humiliation and suffering, mental anguish, a detrimental employment

record, and other non-pecuniary losses.

14. Plaintiff is entitled to recover all of his costs, expenses, expert witness fees, and

attorneys' fees incurred in this matter as well as other appropriate equitable relief.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages,

compensatory damages, and punitive damages, all costs, expenses, expert witness fees and

attorneys' fees incurred herein, reinstatement, appropriate equitable relief, for interest at the

highest lawful rate and for such other relief as this Court deems just and proper.

Respectfully submitted,

LAMPIN, KELL, FLACH & FAGRAS

/s/ Michael J. Fagras

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