

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

**FILED**

MAY 7 2005

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

DAIMLER CHRYSLER CORPORATION )

Defendant. )

Civil Action No.

COMPLAINT

Jury Trial Demanded

4 ) 05CV00778CEI

COMPLAINT

**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 provide appropriate relief to Christopher Heman, who was adversely affected by such practices. The Commission alleges that Daimler Chrysler Corporation (“Chrysler”) failed to make reasonable accommodations and laid off Christopher Heman because of his disability, a severely and permanently injured right foot.

**JURISDICTION AND VENUE**

1. The 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 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) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981.

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

### **PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the 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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Chrysler has continuously been a Delaware Corporation doing business in the State of Missouri and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Chrysler has continuously been an employer in an industry affecting commerce under 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 Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

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

### **STATEMENT OF CLAIMS**

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

8. Since at least October 17, 2001, Defendant Chrysler engaged in unlawful employment practices at its Fenton, Missouri location, in violation of Section 102(a) and (b) of Title I of the ADA, 42 U.S.C. § 12112(a) and (b), by failing to accommodate and laying off Christopher Heman because of his disability.

9. The effect of these actions by Defendant Chrysler has been to deprive Christopher Heman of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability.

10. The unlawful employment practices engaged in by Defendant Chrysler were done with malice or reckless indifference to the federally protected rights of Christopher Heman.

WHEREFORE, the Commission respectfully requests that this Court:

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

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

C. Order Defendant Chrysler to make Christopher Heman whole by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement of Christopher Heman;

D. Order Defendant Chrysler to make Christopher Heman whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above in amounts to be determined at trial;

E. Order Defendant Chrysler to make Christopher Heman whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including compensation for emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

F. Order Defendant Chrysler to pay Christopher Heman punitive damages for its malicious and reckless conduct, in amounts to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper in the public interest;

H. Award the Commission its costs incurred in this action.

**JURY TRIAL DEMANDED**

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

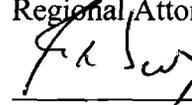
Respectfully submitted,

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