

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

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WOODBRIDGE CORPORATION, )  
 )  
Defendant. )

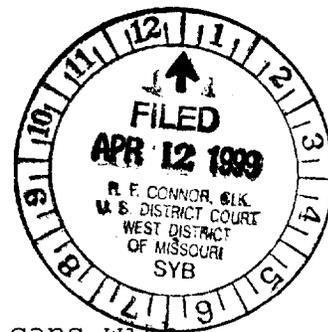
99-0370-CV-W-BD

Civil Action No.

ECF

COMPLAINT

JURY TRIAL DEMAND



NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990 to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Betty Ross, Delores Anderson and other similarly situated individuals who were adversely affected by such practices. The Commission alleges that Betty Ross, Delores Anderson and other applicants for employment were not hired by Woodbridge Corporation because of disability as more fully set forth in paragraph 8 below.

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 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. §1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Western District of Missouri, Western 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f) (1) and (3).

4. At all relevant times, Defendant, Woodbridge Corporation has continuously been a Wisconsin corporation doing business in the State of Missouri and the City of North Kansas City, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged 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 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, Betty Ross and Delores Anderson filed charges with the Commission alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least May 1, 1994, Defendant has engaged in unlawful employment practices at its North Kansas City, Missouri facility, in violation of Section 102(a) and (b)(6) of Title I of the ADA, 42 U.S.C. §12112(a) and (b)(6). Defendant failed and refused to hire Betty Ross, Delores Anderson and other applicants for employment because they had a disability or a record of a disability, carpal tunnel syndrome, or Defendant regarded them as having a disability, carpal tunnel syndrome.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Betty Ross, Delores Anderson and other applicants for employment of equal employment

opportunities and otherwise adversely affect their status as applicants for employment, because of disability.

10. The unlawful employment practices complained of in paragraph 8 above were and are intentional.

11. The unlawful employment practices complained of in paragraph 8 above were and are done with malice or with reckless indifference to the federally protected rights of Betty Ross, Delores Anderson and other similarly situated applicants for employment.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

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

C. Order Defendant to make whole Betty Ross, Delores Anderson and other similarly situated individuals 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 the rightful place hiring of Betty Ross, Delores Anderson and other similarly situated individuals.

D. Order Defendant to make whole Betty Ross, Delores Anderson and other similarly situated individuals 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.

G. Order Defendant to make whole Betty Ross, Delores Anderson and other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

H. Order Defendant to pay Betty Ross, Delores Anderson and other similarly situated individuals punitive damages for its malicious and reckless conduct, as described in paragraph 8 above, in amounts to be determined at trial.

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

J. Award the Commission its costs of this action.

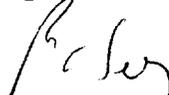
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

C. GREGORY STEWART  
General Counsel



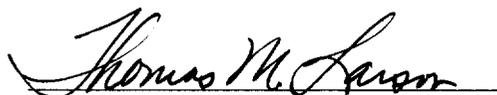
ROBERT G. JOHNSON  
Regional Attorney



BARBARA A. SEELY  
Senior Trial Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
St. Louis District Office  
Robert A. Young Bldg.  
Room 8.100  
1222 Spruce St.  
St. Louis, MO 63103  
(314) 539-7916

LOCAL COUNSEL:



THOMAS M. LARSON  
Assistant U.S. Attorney  
U.S. Courthouse  
400 E. 9th St.  
Kansas City, MO 64106  
(816) 426-3122