



5. At all relevant times, Defendant 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.
6. At all relevant times, Defendant has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).
7. More than 30 days prior to the institution of this lawsuit, Plaintiff Delores Anderson filed a charge with the EEOC alleging violation of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.
8. Since at least January 1, 1997, Defendant has engaged in unlawful employment practices at its North Kansas City, Missouri facility, in violation of the ADA. Defendant hired and promptly fired Plaintiff due to the fact she was disabled, as that term is defined by the ADA.
9. In December, 1996, Plaintiff applied for employment at Woodbridge.
10. Plaintiff was hired by Woodbridge.
11. Shortly after she started work at Woodbridge, she was asked by Woodbridge management to be examined by the company doctor—Occupational Medicine Associates.
12. Plaintiff was examined by the company doctor.
13. Woodbridge had similarly caused other employees and job applicants to be examined by the company doctor for the purpose of identifying any disabled employees and/or job applicants.
14. The company doctor communicated to Woodbridge that he believed Ms. Anderson had bilateral carpal tunnel syndrome.

15. The company doctor had determined that other individuals referred by Woodbridge before and after Ms. Anderson, had carpal tunnel syndrome.
16. Consequently, Woodbridge informed the Plaintiff that it could not allow her to continue working in production positions because “working in such positions would place you at a high risk for further injury.” (See Exhibit 1 attached)
17. Woodbridge had similarly sent letters to other individuals before and after it sent the letter to Plaintiff, wherein, Woodbridge informed other individuals that they would not be permitted to work after medical examinations.
18. Woodbridge terminated Plaintiff’s employment because of the carpal tunnel syndrome diagnosis.
19. Woodbridge has terminated and failed to hire other employees because of the diagnosis of carpal tunnel syndrome.
20. Even after the EEOC found probable cause in this case, Woodbridge continued to terminate and fail to hire other employees because of the diagnosis of carpal tunnel syndrome.
21. Woodbridge continues to terminate and/or fail to hire employees who are diagnosed with carpal tunnel syndrome.
22. Woodbridge terminated Plaintiff’s employment because of a disability, as that term is defined by the ADA.
23. The unlawful employment practice complained of was intentional.
24. The unlawful employment practices complained of were and are done with malice or with reckless indifference to the federally protected rights of Plaintiff.

25. As a direct and proximate result of defendant's unlawful acts, Plaintiff has suffered:

- a) Economic loss in the form of lost wages and lost benefits ;
- b) Vocational-Professional losses in the form of a detrimental job record, loss of employment, career damage, a diminished career potential, future pecuniary losses; and
- c) Emotional pain, suffering, inconvenience, loss of enjoyment of life and mental distress in the form of embarrassment, humiliation and anxiety.

WHEREFORE, Plaintiff respectfully prays that the judgment and finding of this Court be as follows:

- A) Declaring that defendant's actions constitute disability discrimination and retaliation in violation of the Americans with Disabilities Act.
- B) That a permanent injunction should issue prohibiting defendant from discriminating or retaliating against Plaintiff or others similarly situated; and
- C) Awarding Plaintiff's damages, including, but not limited to, backpay, interest on backpay, reinstatement or future pecuniary losses, damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life, and
- D) Awarding punitive damages in an amount sufficient to punish and deter defendant and others similarly situated from like conduct in the future; and
- E) Awarding plaintiff the costs and disbursements of this action, including reasonable attorney's fees, expert witness fees, other expenses, attorney's fees and costs; and

- F) Retaining full jurisdiction over this action to assure full compliance with the orders of this Court and with applicable law and requiring defendant to file such reports as the Court deems necessary to evaluate compliance; and
- G) Granting such additional relief as the court deems just and proper.

**JURY TRIAL DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

S/ Lee J. Hollis  
**Lee J. Hollis** 32189  
5100 W. 95<sup>th</sup> Street  
Prairie Village, KS 66207  
913-385-5400  
913-385-5402 (fax)

**ATTORNEY FOR DELORES ANDERSON**

**CERTIFICATE OF SERVICE**

This certifies that a copy of the above was sent by email on 6/16/99 to Barbara Seely at [Barbara.Seely@EEOC.gov](mailto:Barbara.Seely@EEOC.gov) to Jerry Short at [Jerry.Short@usdoj.gov](mailto:Jerry.Short@usdoj.gov) and to Rowdy Meeks at [rum@sonnenschein.com](mailto:rum@sonnenschein.com).

S/ Lee J. Hollis