

U.S.C. § 1981A.

2. The employment policies and practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Oklahoma. Charging Party applied for employment at Defendant's Oklahoma City store.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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 § 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference §§ 706(f)(1),(3) and 707(a) of Title VII, 42 U.S.C. § 2000e-5(f)(1),(3) and 2000e-6(a).

4. At all relevant times, Defendant, Akins, has continuously been and is now doing business in the State of Oklahoma and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under § 101(5) of the ADA, 42 U.S.C. § 12111(5), and § 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference §§ 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 § 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

7. More than 30 days prior to the institution of this lawsuit, Barnett filed a charge of discrimination with the Commission alleging violations of Title I of the ADA by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. The Defendant has engaged in unlawful employment practices, in violation of § 102 of Title I of the ADA, 42 U.S.C. § 12112, by refusing to hire Barnett because of Barnett's impairment, an intellectual disability as a result of Down Syndrome and by failing to reasonably accommodate Barnett.

9. The effect of the practices complained of in paragraph 8, above, has been to deprive Barnett of equal employment opportunities, and has otherwise adversely affected her status as an employee.

10. The unlawful policies and practices complained of in paragraph 8, above, were committed intentionally.

11. The unlawful policies and practices complained of in paragraph 8, above, were committed with malice or with reckless indifference to the federally protected rights of Barnett.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

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

C. Order the Defendant to make whole Barnett by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary

to eradicate the effects of the Defendant's unlawful employment practices, including but not limited to rightful place reinstatement or front pay in lieu thereof.

D. Order the Defendant to make whole Barnett by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including but not limited to emotional pain, suffering, inconvenience, humiliation, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to pay Barnett punitive damages for its malicious conduct or reckless indifference described in paragraph 8, 10, and 11 above, in an amount to be determined at trial.

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

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

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