

CIVIL COVER SHEET

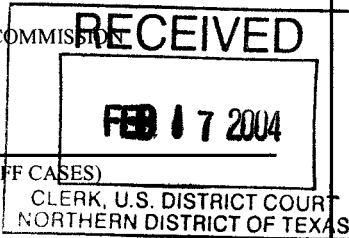
The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DEFENDANTS

JACK OF ALL TRADES PERSONNEL SERVICES, INC.



(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
RONETTA J. FRANCIS, SENIOR TRIAL ATTORNEY
EEOC-Dallas District Office
207 South Houston, 3rd Floor
Dallas, Texas 75202 (214) 253-2746

Attorneys (If Known)

304 CV - 338 - H

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 main columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

This cause of action is brought pursuant to 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 provide relief to Marc Cudmore and a class of similarly-situated aggrieved individuals, who were adversely affected by such parties. This action is authorized and instituted pursuant to Section 107(a) of the ADA of 1990, 42USC12117(a) reference Section 706(1) & (3) and Section 707 of Title VII of Civil Rights Act of 1964, as amended, 42 USC 2000e-5(f)(1), (3) 2000e-6 and Section 102 of Civil Rights 1991

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 2/17/04 SIGNATURE OF ATTORNEY OF RECORD Ronetta Francis, Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CLERK OF THE COURT
FILED
CLERK, U.S. DISTRICT COURT

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**JACK OF ALL TRADES PERSONNEL
SERVICES, INC.,**

Defendant.

304 CV - 338 - H

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This 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 Marci Cudmore and a class of similarly-situated aggrieved individuals, who were adversely affected by such practices. The Commission alleges that Defendant, Jack of All Trades Personnel Services, Inc. (hereafter "Defendant"), engaged in a pattern and practice of discriminating against Marci Cudmore and a class of similarly-situated aggrieved individuals by subjecting them to unlawful pre-employment medical inquiries and examinations and by unlawfully relying upon the results thereof as a basis to deny hire.

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

COMPLAINT

Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. § 12117(a), which incorporates by reference Section 706(1) and (3) and Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1), (3) 2000e-6 (“Title VII”), 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 being committed within the jurisdiction of the United States District Court for the Northern District of Texas.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (“Commission”), is an 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, which incorporates by reference Section 706(1) and (3) and Section 707 of Title VII.

4. At all relevant times, Defendant has continuously been and is now doing business in the state of Texas 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 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 Section 701(g) and (h) of Title VII, 42 U.S.C. § 2000e(g) and (h).

6. At all relevant times, Defendant has continuously 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, Marci Cudmore 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. Since at least July 1999, Defendant has engaged in unlawful employment practices by engaging in a regular pattern and practice of subjecting Marci Cudmore and a class of similarly-situated aggrieved individuals to unlawful pre-employment medical inquiries and examinations and by unlawfully relying upon the results thereof as a basis to deny hire. Specifically, Defendant discriminated against Ms. Cudmore and a class of similarly-situated aggrieved individuals when it sent applicants to visit a chiropractor before extending a job offer. Further, based upon the chiropractor's examination, Defendant refused to hire Ms. Cudmore and a class of similarly-situated aggrieved individuals.

9. The effect of the practices complained of above has been to deprive Ms. Cudmore and a class of similarly-situated aggrieved individuals of equal opportunities and otherwise adversely affect their status as an employee because they were disabled, regarded as disabled or because they had a record of a disability.

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

11. The unlawful employment practices complained of in paragraph 8 above were committed with malice or with reckless indifference to the federally protected rights of Ms. Cudmore and a class of similarly-situated aggrieved individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all person 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 which provide equal employment opportunities for Ms. Cudmore and a class of similarly-situated aggrieved individuals with disabilities, and eradicate the effects of its past and present unlawful unemployment practices.

C. Order the Defendant to make whole Ms. Cudmore and a class of similarly-situated aggrieved individuals 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.

D. Order the Defendant to make whole Ms. Cudmore and a class of similarly-situated aggrieved individuals 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, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to pay Ms. Cudmore and a class of similarly-situated aggrieved individuals punitive damages for its malicious conduct or reckless indifference, described in paragraph 8 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.

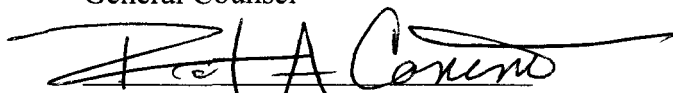
G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

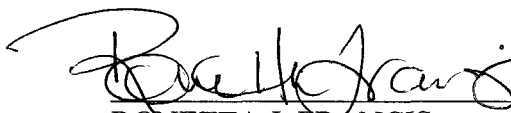
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