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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

EQUAL EMPLOYMENT	:	
OPPORTUNITY COMMISSION,	:	COMPLAINT AND
	:	JURY DEMAND
Plaintiffs	:	
	:	
v.	:	
	:	
C. R. ENGLAND, INC.,	:	Civil No.: 2:06CV811 BSJ
	:	
Defendant.	:	

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act (ADA) 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 Walter Watson, who was adversely affected by such

practices. The Commission alleges that C. R. England, Inc. ("England") unlawfully disclosed medical information concerning Mr. Watson and unlawfully limited, segregated and/or classified Mr. Watson on the basis of his disability.

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 "Sections 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 committed within the jurisdiction of the United States District Court for the District of Utah.

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)."

4. At all relevant times, Defendant, C.R. England, Inc., a Utah corporation, has continuously been doing business in the state of Utah and the city of Salt Lake, 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, Walter Watson filed a charge with the Commission alleging violations of Title I of the ADA by Defendant England. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Walter Watson is a qualified person with a disability and is covered by Title I of the ADA, 42 U.S.C. §§ 12101 et seq.

9. Walter Watson is an experienced commercial truck driver and worked as a driver and driver trainer for England.

10. Since at least January 2003, Defendant has engaged in unlawful employment practices at its Salt Lake City, Utah location, in violation of Title I of the ADA, 42 U.S.C. §§ 12101 et seq. These practices include

- a. Disclosing and requiring Mr. Watson to disclose medical information concerning his disability, in writing, to driver trainees before they could be trained by Mr. Watson; and,
- b. Unlawfully limiting, segregating and/or classifying Mr. Watson on the basis of his disability.

11. The effect of the practice complained of in paragraph 10 above has been to deprive Walter Watson of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability.

12. The unlawful employment practice complained of in paragraph 10 was intentional.

13. The unlawful employment practice complained of in paragraph 10 above was done with malice or with reckless indifference to the federally protected rights of Walter Watson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant England, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in those actions alleged in paragraph 10 and any other employment practice which discriminates on the basis of disability.

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

C. Order Defendant England to make whole Walter Watson by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 10 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

D. Order Defendant England to pay Walter Watson punitive damages for its malicious and reckless conduct, as described in paragraph 10 above, in amounts to be determined at trial.

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

G. Award the Commission its costs.

JURY TRIAL DEMAND

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

RESPECTFULLY SUBMITTED, this 25th day of September, 2006.

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