

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
10 JUL 20 AM 11:37
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

LAURA J. LAMBERT)
)
 Plaintiff,)
)
 v.)
) CAUSE NO.
)
 HUSSEY-MAYFIELD MEMORIAL)
 PUBLIC LIBRARY,)
)
 Defendant.)

1 : 10 cv-0919-JMS-TAB

I. COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiff Laura J. Lambert (hereinafter "Lambert"), brings this action against Defendant Hussey-Mayfield Memorial Public Library (hereinafter "Defendant"), pursuant to the American with Disabilities Act ("ADA"), as amended, 42 U.S.C. § 12101 *et seq.*, and Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e *et seq.*, as amended, 42 U.S.C. § 1981a.

II. Parties

2. Lambert is a United States citizen who, at all times relevant herein, has resided within the geographic boundaries of the Southern District of Indiana.

3. Defendant is public library located in Boone County, Zionsville, Indiana, within the confines of the Southern District of Indiana.

III. Jurisdiction and Venue

4. This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1331, 1343, 42 U.S.C. § 12117, and 42 U.S.C. § 2000e-5(f)(3).

5. Defendant is an "employer" within the meaning of the ADA, 42 U.S.C. §

12111(5)(A), and as defined by Title VII, 42 U.S.C. §2000e(b).

6. Lambert is an “employee” within the meaning of the ADA, 42 U.S.C. § 12111(4), and as defined by Title VII, 42 U.S.C. §2000e(f).

7. Lambert satisfied his obligation to exhaust his administrative remedies by timely filing charges with the Equal Employment Opportunity Commission (“EEOC”). Lambert having received the appropriate Notices of Right to Sue brings this action within ninety (90) days of her receipt thereof.

8. Venue is proper in this Court because all events giving rise to this lawsuit occurred with the Southern District of Indiana.

IV. Factual Allegations

9. On or about October 7, 1997, Lambert, a female, began her employment with Defendant as the Assistant Department Head for Circulation. Lambert held this position until the end of 2007. In 2008, Lambert voluntarily became the Circulation Clerk.

10. Lambert is a “qualified individual with a disability” and/or has a record of a disability and/or was regarded as disabled as defined by the ADA, 42 U.S.C. §§12102(2) and 12111(8).

11. Defendant had knowledge of Lambert’s disability.

12. At all times relevant, Lambert’s work performance met or exceeded Defendant’s legitimate expectations.

13. On or about September 2008, Lambert suffered a injury which exacerbated her disability.

14. Defendant had knowledge of Lambert’s injury.

15. From on or about October 6, 2008, to on or about November 18, 2008, Lambert was on approved leave as a result of her disability.

16. Lambert's medical condition substantially limits various major life activities.

17. On or about November 6, 2008, Lambert presented Defendant with her work restrictions and requested a reasonable accommodation that would allow her to perform the essential functions of her job.

18. Lambert also attempted to engage Defendant in the interactive process.

19. Despite Lambert's requests, Defendant did not engage in the interactive process or reasonably accommodate Lambert.

20. Lambert could have performed her job with a reasonable accommodation.

21. On November 18, 2008, Defendant terminated Lambert's employment.

22. Defendant has treated similarly-situated employees who did not have a disability more favorably in the terms, conditions, and privileges of employment than Lambert.

23. Defendant has previously provided accommodations similar to the accommodations requested by Lambert to other employees.

24. Upon information and belief, Defendant also extended more favorable employment benefits to male employees. In particular, Mr. Rick Dueschle was given enhanced retirements as a condition of his employment.

25. On or about February 2003, Deuschelle was hired as a salaried exempt employee similarly-situated to Lambert. Although hired in 2003, upon information and belief, Deuschelle was given a payroll hire date of 1991. Although Deuschelle was hired six (6) years after Lambert, he was given a hire date of six (6) years prior to Lambert's.

26. Defendant has discriminated against Lambert and has treated similarly-situated males employees more favorably in the terms, conditions, and privileges of their employment than Lambert..

27. Lambert was terminated due to her disability and/or record of disability and/or perception of having a disability, and/or in retaliation for requesting a reasonable accommodation and/or requesting Defendant engage in the interactive process.

28. All reasons proffered by Defendant for adverse actions taken by it regarding Lambert's employment are pretextual.

29. Defendant acted willfully, intentionally and with reckless indifference for Lambert's legally protected rights.

30. Lambert has suffered harm as a result of Defendant's violations of law.

V. Causes of Action

Count One – ADA Violation.

31. Lambert incorporates paragraphs one (1) through thirty (30) of her Complaint as though fully restated and alleged herein.

32. Defendant unlawfully discriminated against Lambert because of her disability, and/or record of disability and/or because it regarded her as having a disability, and/or because she requested reasonable accommodations for her disability and/or requested Defendant engage in the interactive process.

33. Defendant has subjected Lambert to terms and conditions of employment that are less favorable than those enjoyed by similarly situated non-disabled employees. †

34. Defendant's actions violate the ADA, 42 U.S.C. §12101 et. seq.

35. Defendant's unlawful actions were willful, intentional, and done with reckless disregard for Lambert's federally protected civil rights.

36. Lambert has and continues to suffer harm as a result of Defendant's unlawful actions.

Count Two - Title VII Gender Discrimination.

37. Lambert hereby incorporates paragraphs one (1) through thirty-five (35) of her Complaint as though fully restated and alleged herein.

38. Defendant has discriminated against Lambert by treating similiarly-situated male employees more favorably as to the terms and conditions of their employment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended, 42 U.S.C. §1981a.

39. Defendant acted with malice or reckless indifference to Lambert's legal rights.

40. Lambert has and continues to suffer harm as a result of Defendant's unlawful actions.

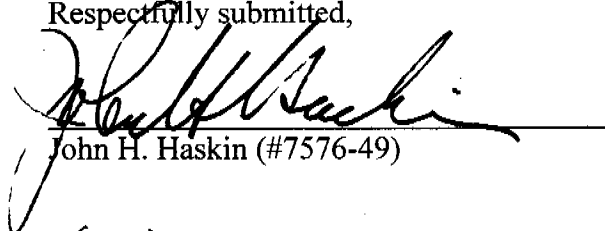
REQUESTED RELIEF

WHEREFORE, Plaintiff, Laura J. Lambert, by counsel, respectfully requests that this Court find for her and order that:

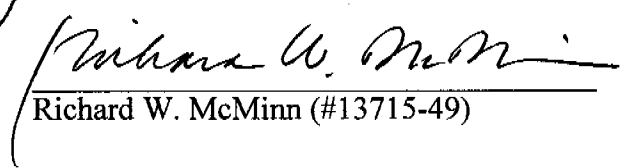
1. Defendant reinstate Lambert to the position she held but for Defendant's unlawful acts with all benefits and salary attendant to that position, or front pay in lieu thereof.
2. Defendant pay to Lambert all wages, benefits, compensation, and all monetary loss suffered as a unlawful actions in an amount that will make her whole.
3. Defendant pay to Lambert compensatory and punitive damages;
4. Defendant pay to Lambert liquidated damages;

5. Defendant pay to Lambert all pre- and post-judgment interest;
6. Defendant pay Lambert's attorneys' fees and costs incurred in litigating this action; and
7. Defendant tender to Lamberts any and all other legal and/or equitable damages that this Court determines appropriate and just to grant.

Respectfully submitted,



John H. Haskin (#7576-49)



Richard W. McMinn (#13715-49)

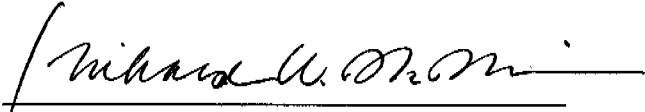
Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff, Laura Lambert, by counsel, demands a trial by jury on all issues deemed so triable.

Respectfully submitted,



John H. Haskin (#7576-49)
Richard W. McMinn (#13715-49)

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