

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**

**STEVE SANTHUFF**

**CIVIL ACTION**

**VERSUS**

**NO. 17-1404-JWD-EWD**

**UNITED PARCEL SERVICE, INC., ET AL.**

**ORDER**

On October 26, 2017, plaintiff Steve Santhuff filed a Complaint and Jury Demand in this Court against United Parcel Service, Inc. (“UPS”) and Paul Witt (collectively, “Defendants”), asserting claims under Title VII of the Civil Rights Act (“Title VII”), the Americans with Disabilities Act (“ADA”), the Fair Labor Standards Act (“FLSA”), as well as state law negligence claims.<sup>1</sup> The Complaint, however, contains no information regarding whether Plaintiff exhausted his administrative remedies prior to filing this suit.

The Fifth Circuit has held that, “Employment discrimination plaintiffs must exhaust their administrative remedies before pursuing claims in federal court.” *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378–79 (5th Cir. 2002) (quoting *Miller v. Stanmore*, 636 F.2d 986, 988 (5th Cir. 1981)). “Exhaustion occurs when an individual files a timely complaint with the EEOC and receives a statutory notice of right to sue.” *Taylor*, 296 F.3d at 379 (citing *Dao v. Auchan Hypermarket*, 96 F.3d 787, 788-899 (5th Cir. 1996)). Further, “Title VII provides that claimants have ninety days to file a civil action after *receipt* of such a notice from the EEOC.” *Taylor*, 296 F.3d at 379 (citing *Nilsen v. City of Moss Point, Miss.*, 674 F.2d 379, 381 (5th Cir. 1982)) (emphasis in original). Additionally, “The ADA incorporates by reference the procedures

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<sup>1</sup> See, R. Doc. 1.

applicable to Title VII, 42 U.S.C. § 2000e, *et seq.*, for making a claim for discrimination on the basis of disability.” *O’Bear v. Glob. Indus. Contractors, LLC*, Civ. A. No. 12-0019, 2012 WL 1802432, at \*3 (M.D. La. May 16, 2012) (*citing* 42 U.S.C. § 12117(a)). “Therefore, an employee must comply with the ADA’s administrative prerequisites prior to commencing an action in federal court against his employer for violation of the ADA.” *O’Bear*, 2012 WL 1802432, at \*3 (*citing Dao*, 96 F.3d at 789).

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff shall have ten (10) days from the date of this Order to file into the record in this matter a memoranda and supporting evidence showing that Plaintiff has exhausted his administrative remedies before pursuing his claims in this Court. Such evidence should include any Notice of Right to Sue received from the Equal Employment Opportunity Commission related to the claims raised in the Complaint.<sup>2</sup>

Signed in Baton Rouge, Louisiana, on October 27, 2017.



**ERIN WILDER-DOOMES**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>2</sup> R. Doc. 1.