

FEDERAL COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

JANETTE LYNN KING,

Plaintiff,

Case No.

v.

Hon.

AT&T INC., and AT&T CORP.

Defendant.

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KENNETH J. HARDIN, II (P44681)  
HARDIN THOMPSON, P.C.  
Attorneys for Plaintiff  
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(248) 593-1400

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**COMPLAINT IN CIVIL ACTION**

NOW COMES, Plaintiff, Janette Lynn King, by and through her attorneys, Hardin Thompson, P.C., and for her Complaint and Civil Action, states as follows:

1. Plaintiff is an adult individual with her principal place of residence in the County of Oakland, State of Michigan.
2. Defendants, AT&T Inc. and AT&T Corp., are a corporation doing business in the County of Wayne, State of Michigan.
3. That the events given rise to this cause of action occurred in Wayne County, State of Michigan.
4. This court has jurisdiction pursuant to 29 U.S.C. §2601, 28 U.S.C. §1 and 28 U.S.C. 13 43(a)(3).

**BACKGROUND FACTS**

4. Plaintiff began her employment with Defendant in October, 2001, as a position manager.

5. At all material times, Plaintiff performed her job duties in a manner that was satisfactory or better.

6. Plaintiff has a history of schizophrenia and bipolar disorder which Defendant was aware.

7. Plaintiff also developed heart issues such as low blood pressure which caused Plaintiff to pass out.

8. Plaintiff sought treatment from various doctors and healthcare providers.

9. Plaintiff was off work for approximately one month when ordered back to work by Defendant.

10. Plaintiff's doctors allowed for Plaintiff to work, but only from home. Plaintiff's doctor advised that he would release her to work in a short period of time without restriction.

11. Plaintiff advised Defendant of the doctor's orders that she be allowed to work only from home for a short period of time and then be allowed to return to work.

12. Nonetheless, Defendant terminated Plaintiff's employment due to her disability in May of 2008.

**COUNT 1**  
**VIOLATION OF PERSONS WITH DISABILITY CIVIL RIGHTS ACT**

13. Plaintiff hereby incorporates paragraphs 1 through 12 as though fully stated herein.

14. At all material times, Plaintiff was an employee and Defendant corporation was her employer, covered by and within the meaning of the Persons with Disability Civil Rights Act (PDCRA), MCL 37.1201 et. seq.

15. Plaintiff's blood pressure disorder and bipolar disorder and schizophrenia constituted disability, as that term is defined by and within the meaning of the PDCRA, MCL 37.1103(a).

16. At the times of Plaintiff's termination, her disability would have allowed her to work from home.

17. At the time of Plaintiff's termination, she would have been able to return to work after a short period of convalescing.

18. Plaintiff was discriminated against, because of her condition or, alternatively, because Defendant failed to provide the reasonable accommodation of her working from home for a short period of time, within the meaning of the PDCRA, when Defendant terminated her because of the aforementioned disabilities.

19. Plaintiff was discriminated against, because of her condition or, alternatively, because Defendant failed to provide the reasonable accommodation of her working from home for a short period of time, within the meaning of the PDCRA, when Defendant regarded Plaintiff as disabled and terminated her.

20. That Plaintiff's disabilities, as described above, or, alternatively, Defendant's regard for Plaintiff as being disabled as described above, was a determining factor in Defendant's decision to terminate Plaintiff and preclude her from returning to work.

21. The actions of Defendant and its agents, representatives, and employees were intentional in disregard for the rights and sensibilities of Plaintiff.

22. As a direct and proximate result of Defendant's unlawful discrimination, Plaintiff has sustained injuries and damages, including the loss of earnings and earning capacities; loss of fringe and pension benefits, mental and emotional distress, humiliation and embarrassment; loss

of career opportunities; and loss of the ordinary pleasures of everyday life, including the right to seek and pursue gainful occupation of choice.

**COUNT II**  
**VIOLATION OF THE BULLARD-PLAWECKI EMPLOYEE RIGHT TO KNOW ACT**

23. Plaintiff hereby incorporates paragraphs 1 through 22 as though fully stated herein.

24. That on or about September 22, 2010 Plaintiff forwarded an authorization to Defendant requesting Plaintiff's personnel file pursuant to the Bullard-Plawecki Employee Right to Know Act MCL 423.501 et. seq. (See **Exhibit A**).

25. On October 26, 2010 a letter was sent to Defendant advising Defendant that on September 22, 2010 an authorization was forwarded requesting Plaintiff's personnel file and advising that Defendant was in violation of the Bullard-Plawecki Employee Right to Know Act, MCL 423.501 et. seq. (See **Exhibit B**).

26. On January 6, 2011 another authorization was forwarded requesting Plaintiff's personnel file pursuant to MCL 423.501 et. seq. (See **Exhibit C**).

27. That at some point prior to March 7, 2011, Plaintiff's counsel spoke with Melissa Suster, an attorney employed by Defendant. Plaintiff's counsel advised Defendant's counsel that they were in violation of MCL 423.501 et. seq. and requested that they forward the personnel file.

28. On March 7, 2011, a letter was sent via facsimile to Defendant acknowledging Defendant's agreement to forward Plaintiff's personnel file. (See **Exhibit D**).

29. To date, Plaintiff's personnel file has never been forwarded by Defendant in violation of MCL 423.501 et. seq.

30. Defendant has woefully refused to provide Plaintiff's personnel file in violation of the Bullard-Plawecki Employee Right to Know Act. Therefore, pursuant to MCL 423.511, Plaintiff requests damages plus costs and reasonable attorney fees.

**COUNT III**  
**VIOLATIONS OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993**

31. Plaintiff hereby incorporates paragraphs 1 through 30 as though fully stated herein.

32. Plaintiff notified Defendant of her need to take time off for treatment.

33. Plaintiff was convalescing from an illness, however, Plaintiff was told that her former position was no longer available and that she would not be returning to work.

34. In failing to restore Plaintiff to her previous position, or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment, Defendant violated Plaintiff's rights under FMLA 29 USC §2601 et. seq.

35. As a direct and proximate result of Defendant's actions, Plaintiff has sustained injuries and damages, including the loss of earnings and earning capacities; loss of fringe and pension benefits, mental and emotional distress, humiliation and embarrassment; loss of career opportunities; and loss of the ordinary pleasures of everyday life, including the right to seek and pursue gainful occupation of choice.

Plaintiff requests that this Court enter judgment against Defendant as follows:

1. **Legal Relief**

- a. Compensatory damages in whatever amount over \$25,000.00 Plaintiff is found to be entitled;
- b. An award of back pay and the value of lost fringe benefits and pension benefits, past and future;

c. Exemplary damages in whatever amount over \$25,000.00 Plaintiff is found to be entitled;

d. An award of interest, costs and reasonable attorney fees;

2. **Equitable Relief**

a. An order placing Plaintiff in the position she would have been had there been no violation of her rights;

b. An award of interest, costs, and reasonable attorney fees;

c. An order enjoining Defendant from further acts of discrimination retaliation;

d. Whatever other relief appears appropriate at the time of final judgment.

**DEMAND FOR JURY TRIAL**

Plaintiff, by and through her attorney, has paid the statutory jury fee and demands a trial by jury in the above-captioned matter.

Respectfully Submitted,

/s/ Kenneth J. Hardin, II  
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Dated: April 25, 2011