

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	<u>COMPLAINT</u>
THE ST. LOUIS RAMS PARTNERSHIP,)	
THE RAMS FOOTBALL COMPANY, INC.,)	
and ITB FOOTBALL COMPANY, L.L.C.)	
d/b/a ST. LOUIS RAMS,)	
)	Jury Trial Demanded
)	
Defendants.)	
_____)	

COMPLAINT

NATURE OF THE ACTION

This is 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 Ron DuBuque, who was adversely affected by such practices. The Commission alleges that The St. Louis Rams Partnership, The Rams Football Company, Inc., and ITB Football Company, L.L.C. d/b/a the St. Louis Rams terminated the employment of Ron DuBuque because of his disability, Epilepsy.

JURISDICTION AND VENUE

1. The 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 Section 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. § 1981.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Missouri, Eastern Division.

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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, The St. Louis Rams Partnership, has continuously been a Delaware Corporation doing business in the State of Missouri and has continuously had at least fifteen (15) employees; Defendant, The Rams Football Company, Inc., has continuously been a Delaware Corporation doing business in the State of Missouri and has continuously had at least fifteen (15) employees; and Defendant ITB Football Company, L.L.C., has continuously been a Missouri Limited Liability Corporation doing business in the State of Missouri and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendants have continuously been employers 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, Defendants have been covered entities 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, Ron DuBuque filed a charge with the Commission alleging violations of Title I of the ADA by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least June 2006, Defendants have engaged in unlawful employment practices at its St. Louis, Missouri location, in violation of Section 102(a) and (b) of Title I of the ADA, 42 U.S.C. § 12112(a) and (b), by terminating the employment of Ron DuBuque because of his disability, Epilepsy.

9. The effect of these actions by Defendants has been to deprive Ron DuBuque of equal employment opportunities and otherwise adversely affect his status as an employee because of his 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 done with malice or reckless indifference to the federally protected rights of Ron DuBuque.

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice that discriminates on the basis of disability;

B. Order Defendants to institute and carry out policies, practices, and programs that provide equal employment opportunities for qualified individuals with disabilities, and that eradicate the effects of their past and present unlawful employment practices;

C. Order Defendants to make Ron DuBuque whole by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, reinstatement and all benefits and seniority associated therewith or front pay in lieu of reinstatement, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices;

D. Order Defendants to make Ron DuBuque whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 8 above in amounts to be determined at trial;

E. Order Defendants to make Ron DuBuque whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices described in Paragraph 8, above, including compensation for emotional pain, suffering, inconvenience, loss of enjoyment of life, damage to reputation, and humiliation, in amounts to be determined at trial;

F. Order Defendants to pay Ron DuBuque punitive damages for its malicious and reckless conduct, as described in paragraph 8, above, in amounts to be determined at trial;

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

H. Award the Commission its costs incurred 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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