

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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JOHN MUNRO,

Plaintiff,

- against -

HAUPPAUGUE FIRE DEPARTMENT and  
HAUPPAUGUE FIRE DISTRICT,

Defendants.

-----X

Case No.

**COMPLAINT**

**PLAINTIFF DEMANDS  
A TRIAL BY JURY**

Plaintiff, John Munro, by his attorney, The Law Office of Joshua P. Frank, PLLC, hereby complains of the Defendants, Hauppauge Fire Department and Hauppauge Fire District, as follows:

**NATURE OF THE CASE**

1. Plaintiff, John Munro, complains pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.* (hereinafter the “ADA”) and the New York State Human Rights Law, New York State Executive Law § 296 *et seq.* (hereinafter the “NYSHRL”), and seeks damages to redress the injuries he has suffered for being subjected to discrimination by the Defendants because of his disability (morbid obesity).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court is proper under 42 U.S.C. § 12101 *et seq.*, and 28 U.S.C. §§ 1331 and 1343.
3. The Court has supplemental jurisdiction over Plaintiff’s NYSHRL claims pursuant to 28 U.S.C. § 1367.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) in that Defendants' principal place of business is located within the Eastern District.

**PROCEDURAL PREREQUISITES**

5. The Plaintiff filed a charge of discrimination upon which this Complaint is based with the Equal Employment Opportunity Commission ("EEOC").
6. The Plaintiff received a notice of his right to file suit from the EEOC, dated July 31, 2019, with respect to the aforementioned charge of discrimination. A copy of said notice is annexed hereto.
7. This action has been commenced within 90 days of receipt of the aforementioned notice.

**PARTIES**

8. Plaintiff John Munro is a resident of the State of New York and Suffolk County.
9. Defendant Hauppauge Fire Department, comprised of various fire rescue Companies and auxiliary emergency rescue teams, maintains its headquarters at 855 Wheeler Road, Hauppauge, New York 11788.
10. Defendant Hauppauge Fire District, a district corporation of New York State, oversees the Hauppauge Fire Department and maintains its headquarters at 855 Wheeler Road, Hauppauge, New York 11788.
11. The aforementioned Defendants are referred to herein collectively as the "Defendants."
12. At all times relevant herein, the Defendants were joint employers of the Plaintiff.
13. At all times relevant herein, the Defendants were empowered to, and did, hire and supervise the Plaintiff.
14. At all times relevant herein, the Defendants were empowered to, and did, set the terms and conditions of Plaintiff's employment and promulgate work rules and assignments governing

Plaintiff's employment.

15. The Defendants are covered employers under both the ADA and NYSHRL.
16. At all times relevant herein, Plaintiff John Munro was employed by Defendant Hauppauge Fire District as a Maintenance Worker. Furthermore, at all times relevant herein, the Plaintiff was employed by Defendant Hauppauge Fire Department as a paid volunteer Firefighter.

### **MATERIAL FACTS**

17. On or about October 2, 2017, the Plaintiff was sworn in and began his employment with the Defendants as a Maintenance Worker and Firefighter.
18. At all times relevant herein, the Plaintiff was assigned to "Truck Company No. 1," based out of a fire station located at 855 Wheeler Road, Hauppauge, New York 11788. The same fire station housed personnel of "Engine Company No. 4."
19. Soon after Plaintiff's employment began, in November, 2017, he began suffering from a hostile work environment in which he faced brutal and persistent ridicule and harassment regarding his disability (morbid obesity).
20. At all times relevant herein, in light of Plaintiff's weight (above 347 pounds), he was morbidly obese (as a matter of medical fact).
21. The following constitutes a portion of the discriminatory harassment, mockery, and ridicule that has been directed towards Plaintiff John Munro.
22. In November, 2017, while the Plaintiff was on a fire truck, Lieutenant Jonathan Kriklava and Firefighter Bryan Bagdziunas remarked that Plaintiff took up two seats and that the seatbelt did not fit him. Firefighter Michael Bosi then called the Plaintiff a "fat fuck." Supervisor Andy Bagdziunas (father of Bryan Bagsziunas) heard the above-mentioned comments but

chose to laugh at the Plaintiff rather than reprimand his subordinates for their harassment of the Plaintiff.

23. In November, 2017, Mr. Bagdziunas told the Plaintiff that he should not lean on the firehouse pool table because that will cause the pool table to break. Mr. Bagdziunas ridiculed the Plaintiff regarding his disability in the presence of the Plaintiff's colleagues.
24. Thereafter, in December, 2017, Mr. Kriklava ridiculed the Plaintiff regarding his disability by telling Plaintiff John Munro that he can sit only in the broken recliner chair in the firehouse lounge and that it was Plaintiff's "permanent chair" from then onward. Mr. Kriklava's comment implied that the Plaintiff would otherwise break other chairs if he sat on them.
25. Also in December, 2017, Mr. Bagdziunas walked up and told the Plaintiff, "John, you're fat." Mr. Bagdziunas made this discriminatory comment at "Grafton's Bar," where firefighter were gathered after attending a holiday party.
26. In or around February, 2018, Mr. Bagdziunas asked the Plaintiff whether he had a "FUPA" (Fat Upper Pubic Area) while trying to pull up the Plaintiff's shirt. Mr. Bagdziunas then further harassed the Plaintiff by calling him a "cow." Mr. Kriklava decided to add to the Plaintiff's debasement by asking him about his "FUPA" and remarking that the Plaintiff had left "stretch marks" on the toilet bowl.
27. Continuing his unrelenting harassment of the Plaintiff, in or around March, 2018, Mr. Bagdziunas showed members of the Hauppauge Fire Department photographs of a grossly overweight film character named "Billy Bob" and told all who would listen that the Plaintiff was "Billy Bob." Mr. Bagdziunas thus humiliated the Plaintiff regarding his disability.

28. Subsequently, in March, 2018, veteran Firefighter Warren Holtje ridiculed Plaintiff John Munro, in the presence of other firefighters, about not fitting onto one seat in the fire truck.
29. Mr. Bagdziunas and Mr. Bosi, also in March, 2018, harassed the Plaintiff about not fitting into a single seat on the fire truck.
30. Furthermore, Mr. Kriklava repeatedly ridiculed the Plaintiff regarding his disability by remarking that the Plaintiff ate food off of the floor.
31. In addition, Mr. Bagdziunas ridiculed the Plaintiff by telling him that he needed to sew two shirts together in order to be able to fit into his shirt.
32. Despite his concerns about appearing weak and/or becoming further alienated, Plaintiff John Munro and his father, Scott Munro, Sr. (a Commissioner of Hauppauge Fire District), met with Hauppauge Fire Department Chief Steven Feron on April 2, 2018 to address Plaintiff's hostile work environment.
33. Although Chief Feron promised the Plaintiff that he would meet with him again on Sunday to get more detail regarding his disability-related harassment complaint, Chief Feron did not appear for Sunday's scheduled meeting, did not telephone the Plaintiff to cancel or postpone, and never made an effort to follow up with Plaintiff John Munro regarding his complaint.
34. Not only did the Defendants fail to prevent the foregoing discriminatory harassment by way of implementing anti-discrimination training and anti-discrimination policies and complaint procedures, but the Defendants also failed to promptly investigate and address Plaintiff John Munro's hostile work environment complaints and remedy his hostile work environment.
35. In fact, in the wake of the Plaintiff's complaints, he encountered further hostilities (such as Mr. Bagdziunas sticking his middle finger up at the Plaintiff) and even the intentional

tampering with his lifesaving firefighter's equipment in late April of 2018 through mid-May of 2018.

36. It was not until the summer of 2018, after repeated complaints, that the Defendants belatedly retained an investigator, who, *inter alia*, concluded that Plaintiff's allegations were likely true.
37. Despite Plaintiff's complaints, however, the Plaintiff's hostile work environment remained.
38. By way of example, after an apartment fire in the early morning hours of March 17, 2019, Plaintiff returned to the firehouse to find Second Assistant Chief Brett Martinez and the rest of the crew sitting and eating doughnuts. Mr. Martinez then mocked the Plaintiff as he said with a smirk, "John, have a doughnut. I'm not trying to be mean or offensive or anything, but have a doughnut." Mr. Martinez then began to laugh. Second Assistant Chief Martinez was plainly razzing the Plaintiff, in front of his colleagues, regarding Plaintiff's disability-related hostile work environment complaints.
39. Plaintiff's condition constitutes an impairment that substantially limits one or more of his major life activities within the meaning of § 12102(1)(A) of the ADA.
40. Plaintiff remains a qualified individual who can perform the essential functions of his employment with or without a reasonable accommodation.
41. The Defendants subjected the Plaintiff to a hostile work environment as he endured persistent harassment and ridicule related to his disability.
42. The Defendants failed to prevent Plaintiff's hostile work environment and, furthermore, the Defendants failed to promptly remedy the hostile work environment.
43. The Plaintiff has been unlawfully discriminated against, humiliated, and degraded and, as a result, has suffered a loss of his civil rights and associated damages.
44. The Defendants' actions and conduct were intentional and intended to harm the Plaintiff.

45. As a result of the acts and conduct complained of herein, the Plaintiff has suffered significant emotional distress, mental anguish, humiliation, loss of enjoyment of life, damage to his reputation, and other non-pecuniary losses.

46. The Defendants' conduct has been malicious, willful, outrageous, and/or reckless and conducted with full knowledge of the law. As such, the Plaintiff demands punitive damages against the Defendants.

**AS A FIRST CAUSE OF ACTION  
FOR DISCRIMINATION UNDER THE ADA**

47. The Plaintiff repeats and realleges each and every paragraph above as if said paragraphs were more fully set forth herein at length.

48. The Plaintiff claims that the Defendants violated the ADA, *as amended*, 42 U.S.C. § 12101, *et seq.*

49. Title 42 of the ADA, Chapter 126, Subchapter I, § 12112, Discrimination [§ 102] states: “(a) General rule. - No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

50. As alleged in the factual averments of this Complaint, the Defendants engaged in unlawful discriminatory practices against the Plaintiff by subjecting him to harassment and a hostile work environment due to his disability.

**AS A SECOND CAUSE OF ACTION  
FOR DISCRIMINATION UNDER THE NYSHRL**

51. The Plaintiff repeats and realleges each and every paragraph above as if said paragraphs were more fully set forth herein at length.

52. Executive Law § 296 (1) provides that, “It shall be an unlawful discriminatory practice: (a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.”
53. As alleged in the factual averments of this Complaint, the Defendants engaged in unlawful discriminatory practices against the Plaintiff by subjecting him to harassment and a hostile work environment due to his disability.

**JURY DEMAND**

54. Plaintiff John Munro hereby requests a trial by jury.

**WHEREFORE**, the Plaintiff respectfully requests a judgment against the Defendants, individually, jointly, and severally, as follows:

- A. Declaring that the Defendants engaged in unlawful employment practices prohibited by the ADA and the NYSHRL in that the Defendants discriminated against the Plaintiff on the basis of his disability;
- B. Awarding damages to the Plaintiff to make him whole for any losses suffered as a result of the Defendants’ unlawful employment practices;
- C. Awarding the Plaintiff compensatory damages for emotional distress, mental anguish, pain and suffering, injury to his reputation, and other non-pecuniary losses;
- D. Awarding the Plaintiff punitive damages;

- E. Awarding the Plaintiff attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of this action; and
- F. Awarding the Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants' unlawful employment practices.

Dated: Carle Place, New York  
August 30, 2019

**THE LAW OFFICE OF  
JOSHUA P. FRANK, PLLC**

/s/ Joshua P. Frank  
**Joshua P. Frank, Esq.**  
*Attorney for Plaintiff*  
1 Old Country Road, Suite 385  
Carle Place, New York 11514  
(516) 416-4444  
[jfrank@jpfranklaw.com](mailto:jfrank@jpfranklaw.com)

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: John Munro
152 John Street
Hauppauge, NY 11788

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No. 520-2019-04015
EEOC Representative Melita R. Fogle, Investigator
Telephone No. (212) 336-3771

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
[X] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Kevin J. Berry (Signature)

7/31/2019

Enclosures(s)

Kevin J. Berry, District Director

(Date Mailed)

CC: Attn Director of Human Resources
HAUPPAUGUE FIRE DEPARTMENT
855 Wheeler Road
Hauppauge, NY 11788

Joshua P. Frank, Esq.
THE LAW OFFICE OF JOSHUA P. FRANK, PLLC
1 Old Country Road, Suite 385
Carle Place, NY 11514



# CIVIL COVER SHEET

JS 44 (Rev. 02/19)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p>John Munro</p> <p>(b) County of Residence of First Listed Plaintiff <u>Suffolk</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> The Law Office of Joshua P. Frank, PLLC, (516) 416-4444 1 Old Country Road, Suite 385, Carle Place, NY 11514</p>	<p><b>DEFENDANTS</b></p> <p>Hauppauge Fire Department and Hauppauge Fire District</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i> <i>(For Diversity Cases Only)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p><b>Habeas Corpus:</b></p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p><b>Other:</b></p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			<b>SOCIAL SECURITY</b>	<b>FEDERAL TAX SUITS</b>
			<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District *(specify)*     6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
42 U.S.C. § 12101, et seq.

Brief description of cause:  
Employment discrimination on the basis of disability

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 08/30/2019

SIGNATURE OF ATTORNEY OF RECORD



**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPL YING IFF \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, Joshua P. Frank, Esq., counsel for Plaintiff John Munro, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County?  Yes  No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County?  Yes  No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?  Yes  No
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?  Yes  No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes  No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain)  No

I certify the accuracy of all information provided above.

Signature: 