

Giovanna Gonzalez  
Plaintiff in *Propria Persona*  
2001 Story Avenue Apt 6S  
Bronx, New York 10473  
email: gwg333@protonmail.com  
phone number: 347-982-6874

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
225 Cadman Plaza East, Brooklyn, NY 11201

GIOVANNA GONZALEZ  
PLAINTIFF,  
v.

CASE NO. **CV 22-3577**

FIRE DEPARTMENT OF  
THE CITY OF NEW YORK (FDNY)  
DEFENDENT.

**MATSUMOTO, J.  
LEVY, M.J.**

COMPLAINT & DEMAND FOR JURY TRIAL

Plaintiff, Giovanna Gonzalez ("plaintiff"), files this Complaint against defendant, FIRE DEPARTMENT OF THE CITY OF NEW YORK (FDNY)("defendant") and states as follows:

INTRODUCTION

1. This is a claim by plaintiff Giovanna Gonzalez against her employer for violations of the Americans with Disabilities Act ("ADA") and the Americans with Disabilities Amendments Act ("ADA-AA"), 42 U.S.C. § 12101, *et sequitur* for discrimination and retaliation on the basis of disability; for prohibited actions taken on the basis of this disability under the "regarded as" prong and the "record of" prong; and for declaratory and injunctive relief under

1 Title I of the Americans with Disabilities Act as implemented under 29 CFR Part 1630, *et*  
2 *sequitur*.

3 **2.** Accordingly, plaintiff brings this action pursuant to the ADA and ADA-AA to recover all  
4 available relief in law, including but not limited to: (i) a judgment from this Court that  
5 defendant's actions were unlawful; (ii) back pay; (iii) compensatory damages in whatever  
6 amount she is found to be entitled; (iv) reinstatement, or in the alternative front pay in the  
7 event reinstatement is not practical; (v) an equal amount as liquidated damages, other  
8 monetary damages; (vi) an award of costs and reasonable court fees; and (vii) punitive  
9 damages to the extent available; (viii) pre-judgment and post-judgment interest; and (ix) a  
10 jury trial on all issues so triable.

### 11 **JURISDICTION AND VENUE**

12 **3.** This court has original and exclusive jurisdiction over plaintiff's claims pursuant to 28  
13 U.S.C. §1331, in that the matters in controversy are brought pursuant to Title I of the  
14 Americans with Disabilities Act of 1990 and the ADA and ADA-AA of 2008; 42 U.S.C.  
15 §12101 and 42 U.S.C. §12112(a), (b) and (d)(4) as it pertains to "Discrimination"; as  
16 implemented by 29 CFR Part 1630.14(b)(3), (c) & (d) as it pertains to adverse employment  
17 actions, employers and medical examinations and interventions.

18 **4.** Venue is proper in this judicial district under 28 U.S.C. §1391 because defendant  
19 does business in this judicial district and the acts complained of took place in this judicial  
20 district.

21 **5.** Plaintiff timely filed an amended charge of Discrimination against the defendant with  
22 the Equal Opportunity Employment Commission (EEOC) on or about the date of March 21,  
23 2022.

24 **6.** On or about March 21, 2022, the EEOC issued plaintiff a Dismissal and Notice of  
25 Right to Sue against defendant with regards to this matter. A copy of the Right to Sue letter  
26 is attached as Exhibit A-21.

27 **7.** Plaintiff has exhausted the administrative remedies available to her.  
28

1 8. Plaintiff files her complaint within 90 days of the EEOC's issuance of the notice of  
2 right to sue.

3 **PARTIES**

4 9. Plaintiff, Giovanna Gonzalez, resides in Bronx, New York at the address of 2001  
5 Story Avenue Apt 6S and is a qualified individual with a disability within the meaning of the  
6 ADA and ADA-AA.

7 10. Plaintiff was an employee of the defendant, which is a "covered entity" within the  
8 meaning of the ADA and ADA-AA.

9 11. Defendant's principal place of business is located at 09 Metrotech Center; Brooklyn  
10 NY 11201.

11 12. At all times material to this action, Plaintiff was an "employee" of defendant within the  
12 meaning of the ADA and ADA-AA.

13 13. At all times relevant, defendant was an "employer" as defined by 42 U.S.C. 12111(5).

14 14. From approximately October 31, 2016, until her termination on April 27, 2022, plaintiff  
15 was employed as an Emergency Medical Technician.

16 15. At all times material to this action, plaintiff was perceived as having a disability as  
17 defined by 42 U.S.C. §12102 (1) (2) and (3) and was subjected to adverse actions  
18 prohibited under this chapter because of perceived physical impairments whether or not  
19 these perceived impairments limited or were perceived to limit major life activities.

20 16. Specifically, plaintiff was perceived as disabled with a contagious disease; was mis-  
21 classified as having an impaired immune system and an impaired respiratory system by  
22 defendant; and was not allowed to work because of defendant's discriminatory perceptions,  
23 policies and procedures.

24 17. At all times material to this action, plaintiff was, and is, a "qualified individual" under  
25 the ADA and ADA-AA as a person who met the legitimate skill, experience, education, or  
26 other requirements of the employment position that plaintiff held, and who can/could perform  
27  
28

1 the "essential functions" of the position plaintiff held with or without reasonable  
2 accommodation.

3 **18.** Additionally, defendant is not eligible for any exemption under the ADA and ADA-AA,  
4 and, indeed, did not seek or obtain an exemption.

5 **19.** At all times material to this action, defendant is/was an employer covered by the ADA  
6 and ADA-AA in that it employs more than 15 employees.

7 **20.** At all times material to this action, plaintiff was an employee entitled to be free from  
8 discrimination on the basis of a perceived disability under the ADA and ADA-AA.

9 **PLAIN STATEMENT**

10 **21.** Defendant's policies and procedures demonstrate that it discriminated against  
11 plaintiff based upon perceived disability. When plaintiff objected, the defendant continued to  
12 impose accommodations; including but not limited to: medical examinations, medical  
13 interventions including mask-wearing; without first conducting an individualized assessment  
14 to determine if she was a direct threat. Defendant used policies and procedures to harass,  
15 isolate, segregate, limit, classify, deny equal access, deny equal benefits and impose non-  
16 job-related medical exams and inquiries upon plaintiff. Defendant also retaliated against  
17 plaintiff by interfering with her rights, imposing punitive measures including requiring  
18 prohibited medical examinations, repeatedly denying her opportunities for advancement  
19 despite meeting all qualification standards, and ultimately terminating her employment while  
20 falsifying the record, based upon disability which is prohibited under the ADA and ADA-AA.

21 **STATEMENTS OF FACT**

22 **22.** The Americans with Disabilities Act Amendments Act ("ADA and ADA-AA"), 42 U.S.C.  
23 § 12101, et. seq., as amended is a remedial statute aimed at addressing and providing  
24 remedy in response to Congress's findings that discrimination against individuals with  
25 physical or mental disabilities persist in critical areas like employment, and our nation's  
26 goals with respect to individuals with disabilities is to assure equality of opportunity and  
27 participation. 42 U.S.C. § 12101(a)(1)-(8). The ADA and ADA-AA is meant to protect  
28 qualified employees, like plaintiff, from discrimination, harassment and retaliation in the

workplace on account of a real or perceived mental or physical disability. 42 U.S.C. § 12112.

**23.** Plaintiff advised defendant that she was being regarded as disabled by the defendant and that the defendant was making a record of this disability by mis-classifying her as substantially limited with impaired immune and respiratory systems affecting her ability to perform major life activities in the workplace including working, communicating with others, performing manual tasks, talking, and breathing without the use of mitigation measures.

**24.** Plaintiff on many occasions duly noticed defendant of her good faith opposition to discriminatory policies and procedures.

**25.** Under the ADA and ADA-AA an employer may not require an individual with disability to accept accommodations which such qualified individual chooses not to accept. 29 CFR 1630.9 (d). In this instance, the employer was attempting to impose accommodations for a perceived and unproven disability.

**26.** Under the ADA and ADA-AA an employer is required to conduct an individual assessment to determine whether an employee poses a 'direct threat' before it can impose any measures upon the employee. 29 CFR §1630.2 (r)

**27.** Under the ADA and ADA-AA it is considered discrimination on the basis of disability if the employer limits, segregates, or classifies an employee in a way that adversely affects such employee because of the disability. 42 USC § 12112

**28.** Under the ADA and ADA-AA an employer who discharges, disciplines, or discriminates against an employee in the manner described in subsection (a) is considered to have violated 29 CFR §1630.4 (a)

**29.** Under the ADA and ADA-AA employers are prohibited from retaliating against individuals who oppose discriminatory activities or who make charges, testify, assist, or participate in any manner in an investigation, proceeding or hearing. 42 U.S.C. § 12203 and 29 CFR Parts 1630.12(a) and (b) and Parts 1630.13(b), (c), (d) and Part 1630.14(c) and shall be subject to the enforcement provisions relevant to such violations set forth in sections 42 U.S. Code § 12117, 42 U.S. Code § 12133 and 42 U.S. Code § 12188.

1 **30.** Under the ADA and ADA-AA employers are prohibited from requiring medical  
2 examinations or making disability-related inquiries of employees unless such examination or  
3 inquiry is shown to be job-related and consistent with business necessity; 42 U.S.C.  
4 §12112(d)(4); 29 CFR §1630.13 (b).

5 **31.** Under the ADA and ADA-AA, employers are prohibited from sharing non-job-related  
6 medical classification without any regard to confidentiality; 29 CFR §1630.14 (c).

7 **32.** Plaintiff may proceed under the "regarded as" prong and the "record of" prong and  
8 this court has jurisdiction under these prongs of the ADA and ADA-AA.

9 **GENERAL ALLEGATIONS**

10 **33.** At all times material to this action, defendant failed to comply with its duty under the  
11 ADA and ADA-AA.

12 **34.** Plaintiff notified defendant that she was a qualified individual with disability because  
13 she was being regarded as disabled with a contagious disease by the defendant's policies  
14 and procedures.

15 **35.** Defendant's policies and procedures are specifically implemented for the purpose of  
16 mitigating the disability which it regards plaintiff as having.

17 **36.** Defendant misclassified plaintiff as substantially limited and refused to allow plaintiff  
18 to perform several major life activities without using mitigation measures.

19 **37.** When plaintiff chose not to accept the defendant's offered accommodations per 29  
20 CFR 1630.9 (d), the defendant retaliated against plaintiff.

21 **38.** Defendant was required to either provide equal access or claim exemption to the  
22 ADA and ADA-AA and it did neither; thus defendant failed to perform its duty under the ADA  
23 and ADA-AA.

24 **39.** Defendant further discriminated and retaliated against plaintiff for making a complaint  
25 that she was being regarded as disabled, thus asserting her entitlement to equal access  
26 under the ADA and ADA-AA.  
27  
28



1 **40.** Plaintiff requested the defendant to provide a copy of the individualized assessment<sup>1</sup>  
 2 that it conducted to determine that plaintiff was a direct threat; however, defendant ignored  
 3 the requirement and continued to demand that plaintiff participate in its "health control  
 4 measures" or accommodations such as mask-wearing, medical examinations, inquiries and  
 5 treatments under Emergency Use Authorization ("EUA").

6 **41.** Rather than providing equal access or proving any exemption to complying with the  
 7 ADA and ADA-AA, defendant embarked on a series of adverse employment actions against  
 8 plaintiff which were designed to deter plaintiff's good faith opposition to the policies and  
 9 procedures.

10 **42.** Defendant's policies and procedures segregated the plaintiff based on physical  
 11 condition.

12 **43.** Defendant's policies and procedures limited plaintiff's access to the workplace and  
 13 benefits of employment based on perceived disability.

14 **44.** Defendant's policies and procedures refused allow plaintiff to perform her  
 15 employment duties without using mitigation measures.

16 **45.** Defendant's policy and procedures limited plaintiff's right to invoke ADA and ADA-AA  
 17 protections by refusing to recognize that plaintiff could claim a reason under Federal law for  
 18 refusing to comply with the policy and procedures. Instead, defendant insisted that plaintiff  
 19 could only claim a "medical" or "religious" exemption, which is interference with plaintiff's  
 20 rights under the ADA and ADA-AA.

21 **46.** Defendant also engaged in adverse employment actions when plaintiff claimed the  
 22 right of informed consent and the right to refuse to take part in clinical trials and noticed  
 23 defendant that all the imposed mitigation measures fall under an EUA period.

24 **47.** Defendant's violation of the ADA and ADA-AA was not in good faith and was willful,  
 25 and plaintiff sustained damages as a result of defendant's conduct including past and future

26 <sup>1</sup> EEOC Technical Manual 2.2 (c) "...the Supreme Court has stated and the Congress has reiterated,  
 27 "society's myths and fears about disability and disease are as handicapping as are the physical limitations that  
 28 flow from actual impairments." The legislative history of the ADA indicates that Congress intended this part of  
 the definition to protect people from a range of discriminatory actions based on "myths, fears and stereotypes"  
 about disability, which occur even when a person does not have a substantially limiting impairment."

1 earnings, lost opportunities and benefits, liquidated damages, emotional distress, and  
2 reasonable attorneys' fees and or costs.

3 **48.** Plaintiff re-alleges each statement from the affidavit herein.

4  
5 **COUNT I**

6 **DISCRIMINATION UNDER THE ADA and ADA-AA FOR PERCEIVED DISABILITY**

7 **49.** Plaintiff incorporates each of the above statements of fact herein; the allegations  
8 contained in the paragraphs 1 through 48 and the plaintiff's supporting affidavit which is also  
9 re-alleged and incorporated herein by reference.

10 **50.** Title I of the ADA prohibits employment discrimination on the basis of disability in all  
11 aspects of employment, in 29 CFR § 1630 *et sequitur*; and particularly §1630.4; § 1630.5.

12 **51.** Plaintiff is a qualified individual under the ADA and ADA-AA.

13 **52.** On September 9, 2021, defendant began regarding plaintiff as having the disability of  
14 a contagious disease and made a record of such disability by mis-classifying plaintiff as  
15 being substantially limited with an impaired immune system and an impaired respiratory  
16 system; and began requiring plaintiff to use mitigation measures to perform several major  
17 life activities in the workplace.

18 **53.** Defendant failed to conduct an individualized assessment to determine whether  
19 plaintiff met the criteria of posing a direct threat. Defendant only referred to statements  
20 made on the CDC's website which does not qualify as an individualized assessment.

21 **54.** Despite having knowledge of plaintiff claiming protected status under the ADA and  
22 ADA-AA, defendant continued to limit, segregate, and classify plaintiff due to its perception  
23 of plaintiff as a person with a disability within the meaning of the ADA and ADA-AA.

24 **55.** Defendant's responses to the requests made by plaintiff to cease the discrimination  
25 and harassment were in fact non-responsive, dismissive or harassing; a true and correct  
26 copy of each written communication is included with Exhibit A.



1 **56.** Despite plaintiff's written notices, defendant continued without cessation to harass  
 2 the plaintiff based upon disability by sending plaintiff numerous communications coercing  
 3 plaintiff to accept various accommodations or suffer adverse employment actions. All  
 4 written communications are attached as Exhibit A.

5 **57.** Defendant has failed to ensure the plaintiff equal access to the premises where  
 6 plaintiff was assigned to work; and the plaintiff has been prevented from enjoying equal  
 7 access to the benefits of employment enjoyed by other employees.

8 **58.** Defendant's "COVID-19 policies and procedures" classified plaintiff in such a way  
 9 that plaintiff's employment opportunities were adversely affected and limited because  
 10 defendant would not permit plaintiff to do her job without first submitting to defendant's  
 11 accommodations ("mitigation measures").<sup>2</sup>

12 **59.** Defendant required non-job-related medical examinations or made disability-related  
 13 inquiries<sup>3</sup> of plaintiff that were not consistent with business necessity. Defendant has also  
 14 failed to provide any notice as to the manner in which these inquiries or medical  
 15 examinations were an essential function of plaintiff's job.

16 **60.** An employer is entitled only to the information necessary to determine whether the  
 17 employee can perform the essential functions of the job<sup>4</sup> with or without reasonable  
 18 accommodations.

19 **61.** Defendant never conspicuously disclosed or gave legally adequate notice that  
 20 complying with the COVID-19 mitigation measures ("accommodations") are an **essential**  
 21 **function** of the job of Emergency Medical Technician; and these measures have never  
 22 previously been an essential function of plaintiff's job, and also did not mention plaintiff's  
 23 right of refusal under EUA guidelines<sup>5</sup>.

24 **62.** Plaintiff claimed her right not to provide any medical information that is not related to  
 25 the performance of her job duties.

26 <sup>2</sup> Prohibited by 29 CFR § 1630.5

27 <sup>3</sup> Prohibited by 42 U.S.C. §12112(d)(4); 29 CFR §1630.13 (b)

28 <sup>4</sup> 29 CFR 1630.2(n)(2) definition "Essential Function": "(i) ....the reason the position exists is to perform that function."

<sup>5</sup> Title 21, Chapter 9 V, Part E §360bbb-3a. Emergency use of medical products.

63. Defendant also limited the accommodation measures<sup>6</sup>, such as examinations; disclosures of medical records that were not job-related; experimental injections; medical interventions; equipment or products; to only those chosen by defendant. Additionally, defendant failed to prove that there are no other accommodations available which do not require injections, medical devices and medical examinations.

64. Defendant classified plaintiff as “unvaccinated”<sup>7</sup>; widely shared this classification of plaintiff with other employees without any regard to confidentiality<sup>8</sup>; and encouraged employees to harass plaintiff with repetitive emails, intimidating interactions and threats of termination.

65. If plaintiff had previously made at least one request for reasonable modifications, plaintiff has since withdrawn such request.

66. Additionally, the experimental “vaccines” that are being promoted as vaccines do not actually prevent transmission or infection of any contagious disease, specifically regarding the “COVID-19” or “SarsCOV2” purported “diseases”.

67. The ADA and ADA-AA also protects individuals such as plaintiff for whom submitting to certain accommodation measures would create impairments. The accommodations include, but are not limited to, taking experimental injections under Emergency Use Authorization (EUA) which are being promoted as “vaccines” but which are not legally vaccines; submitting to repetitive, non-job-related medical examinations (nasal tissue testing, temperature checks); being placed under isolation, segregation and quarantine without due process; using medical devices for mitigation measures<sup>9</sup> (masks); disclosing plaintiff’s medical records and history for non-job-related matters and participating in clinical trials and epidemiological experiments as a condition of employment.

68. Plaintiff requests that this court take judicial notice of Section 201(h) of the Food, Drug and Cosmetic Act and its Final Guidance titled, “Classification of Products as Drugs

<sup>6</sup> 29 CFR Part 1630.2(j)(5)(i)

<sup>7</sup> Discrimination based upon physical condition

<sup>8</sup> Prohibited by 29 CFR § 1630.13.

<sup>9</sup> Section 201(h) Food, Drug & Cosmetic Act

and Devices & Additional Product Classification Issues: Guidance for Industry and FDA Staff", published in September of 2017<sup>10</sup>, in which the Food & Drug Administration **defines** wearing a mask for mitigation purposes as a medical device and the application of a medical device or contrivance.

**69.** Plaintiff further requests judicial notice of the fact that the Food & Drug administration has never **approved** wearing such face masks, but only "authorized" them without any supporting medical or clinical data establishing any medical necessity or efficacy for wearing such contrivances.

**70.** Plaintiff requests that the court take judicial notice of the official mortality rates of the State of New York and the United States for the years from 2017, 2018, 2019 and 2020 in which the standard deviation is zero, the very definition of no verifiable "pandemic".

**71.** Plaintiff has been damaged by defendant's violation of the ADA and ADA-AA and has suffered damages, which include past and future earnings, lost opportunities and benefits, and emotional distress.

**72.** The conduct of defendant and its agents and employees proximately, directly, and foreseeably, injured plaintiff, including but not limited to, emotional pain and suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

**73.** The conduct of defendant was so willful and wanton and in such reckless disregard of the statutory rights of plaintiff so as to entitle her to an award of punitive damages against defendant, to deter it, and others, from such conduct in the future.

**74.** As a result of defendant's actions plaintiff has experienced discrimination, harassment, segregation, isolation.

**75.** Plaintiff is entitled to any and all relief permitted under the ADA and ADA-AA, 42 U.S.C. § 12117(a), including equitable relief.

**76. WHEREFORE,** Plaintiff respectfully requests entry of:

<sup>10</sup> <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/classification-products-drugs-and-devices-and-additional-product-classification-issues>

- a. judgment in her favor and against defendant for violation of the anti-discrimination provisions of the ADA and ADA-AA;
- b. ordering defendant to comply with the requirements of Title I of the Americans with Disabilities Act, 42 U.S.C. §12101; and
- c. ordering defendant to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct and to eliminate, to the extent practicable, the effects of such conduct.
- d. judgment in plaintiff's favor and against defendant for actual and compensatory damages, including lost earnings, front pay, and/or all actual monetary losses suffered as a result of defendant's conduct;
- e. judgment in plaintiff's favor and against defendant for plaintiff's reasonable attorney fees, costs and litigation expenses;
- f. judgment in plaintiff's favor and against defendant for punitive damages; and
- g. an order granting such other and further relief as this Court deems just and equitable under the circumstances of this case.

**77.** Plaintiff demands a jury trial.

## **COUNT II**

### **RETALIATION UNDER THE ADA and ADA-AA**

**78.** The ADA and ADA-AA also prohibits employers from retaliating against individuals who oppose discriminatory activities or who make charges, testify, assist, or participate in any manner in an investigation, proceeding or hearing under the ADA, Title 42 U.S.C. § 12203 and 29 CFR Parts 1630.12(a) and (b) and Parts 1630.13(b), (c), (d) and Part 1630.14(c).

**79.** Plaintiff incorporates the above statements of fact and the allegations contained in the paragraphs 1 through 48 herein and plaintiff's supporting affidavit which is also re-alleged and incorporated herein by reference.

1 **80.** In September of 2021, defendant began unceasingly to retaliate against plaintiff  
2 despite plaintiff's reasonable good faith belief that she was exercising protected opposition  
3 to discrimination and claiming rights protected under the ADA and ADA-AA.

4 **81.** The plaintiff was threatened to be terminated because of her unvaccinated condition  
5 and has successfully stated a violation of the Act simply because she has been subjected to  
6 an action prohibited under the law because of perceived physical impairment.

7 **82.** Defendant continued to threaten the plaintiff with loss of opportunities and benefits of  
8 employment, suspension, dismissal, and termination even after plaintiff opposed the  
9 discrimination and was made aware of a pending EEOC investigation and plaintiff's  
10 protected opposition status.

11 **83.** Defendant coerced plaintiff to submit to the accommodation measures, medical  
12 interventions and examinations and other health control measures, even though defendant  
13 was duly advised by plaintiff that she was not subject to any health control measures by any  
14 court order, and that the defendant was not empowered by any court order or other legal  
15 duty to impose such interventions, examinations or control measures upon plaintiff.<sup>11</sup>

16 **84.** Defendant threatened plaintiff with the termination of employment then terminated  
17 her employment because of a perceived disability and as a result of classifying plaintiff as  
18 "unvaccinated".

19 **85.** Despite having knowledge of plaintiff claiming protected status under the ADA and  
20 ADA-AA, defendant terminated plaintiff's employment due to plaintiff's opposition to  
21 discriminatory policies and procedures.

22 **86.** Defendant also failed to give notice of plaintiff's right to refuse defendant's  
23 accommodations under the ADA and ADA-AA<sup>12</sup>, and failed to advise plaintiff of her right to  
24 informed consent, thus interfering with the exercise of plaintiff's rights under the ADA and  
25 ADA-AA.

26  
27 <sup>11</sup> See New York Public Health Legal Manual

<https://www.nycourts.gov/whatsnew/pdf/PublicHealthLegalManual.pdf>

28 <sup>12</sup> 29 CFR Part 1630.9 (d) & (e)

1 **87.** As a result of defendant's intentional, willful and unlawful acts of retaliating against  
2 plaintiff by terminating plaintiff's employment; interfering with plaintiff's right to informed  
3 consent; and interfering with plaintiff's right to refuse defendant's accommodations under  
4 the ADA and ADA-AA, plaintiff has suffered injury and damages.

5 **88.** The injury suffered by plaintiff is thereby concrete and particularized and it is actual  
6 and imminent. The injury alleged in the complaint, including the pleading and exhibits,  
7 clearly sets forth a set of facts that actually occurred and are not conjectural or hypothetical.  
8 The injury described therein is at least fairly traceable to the challenged action, conduct and  
9 policies of defendant.

10 **89.** The harm (injury) already suffered by plaintiff includes, but is not limited to, having to  
11 choose between waiving rights to: medical privacy, informed consent, refusal to take part in  
12 clinical trials, and be free of discrimination and retaliation OR having plaintiff's employment  
13 terminated. Once violated, these rights cannot be recovered.

14 **90.** Defendant's policies and procedures demonstrate soundly and convincingly that it  
15 intends to inflict future harm against plaintiff based upon perceived disability; it fully intends  
16 to continue these policies and it fully intends to continue retaliating against plaintiff as  
17 alleged herein.

18 **91.** As a result of defendant's actions the plaintiff has experienced retaliation, coercion,  
19 interference, termination and disruption in plaintiff's career.

20 **92.** Defendant's efforts were to terminate plaintiff, rather than to provide equal access,  
21 per defendant's duty, and were not objectively or subjectively in good faith, therefore plaintiff  
22 is entitled to liquidated damages or other monetary damages, including punitive damages to  
23 the extent available.

24 **93. WHEREFORE,** Plaintiff respectfully requests entry of:

- 25 a. ordering defendant to comply with the requirements of Title I of the Americans  
26 with Disabilities Act, 42 U.S.C. §12101; and,  
27  
28



b. take such affirmative steps as may be necessary to prevent the recurrence of any retaliation, coercion, interference and intimidation and to eliminate, to the extent practicable, the effects of such conduct.

c. reinstatement, or, in the alternative, front pay in the event reinstatement is not practical;

d. judgment in plaintiff's favor and against defendant for actual and compensatory damages, including lost earnings, front pay, and/or all actual monetary losses suffered as a result of defendant's conduct;

e. judgment in plaintiff's favor and against defendant for plaintiff's reasonable court fees and litigation expenses;

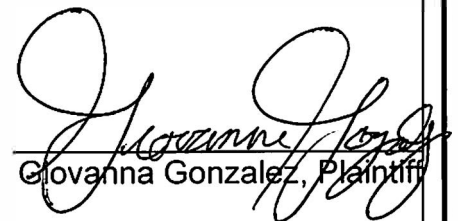
f. judgment in plaintiff's favor and against defendant for punitive damages; and

g. assess a civil penalty against the defendant in an amount authorized by 42 U.S.C. §12101 to vindicate the public interest and make the plaintiff whole; and

h. an order granting such other and further relief as this Court deems just and equitable under the circumstances of this case.

**94.** Plaintiff demands a jury trial.

DATED this 15<sup>th</sup> day of June 2022.

  
Giovanna Gonzalez, Plaintiff

## CIVIL COVER SHEET

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.)

## I. (a) PLAINTIFFS

Giovanna Gonzalez

(b) County of Residence of First Listed Plaintiff Bronx

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

## DEFENDANTS

FIRE DEPARTMENT OF THE CITY OF NEW YORK

County of Residence of First Listed Defendant Kings

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ DEF 1
- Citizen of Another State ☐ 2 ☐ DEF 2
- Citizen or Subject of a Foreign Country ☐ 3 ☐ DEF 3
- Incorporated or Principal Place of Business in This State ☐ 4 ☒ DEF 4
- Incorporated and Principal Place of Business in Another State ☐ 5 ☐ DEF 5
- Foreign Nation ☐ 6 ☐ DEF 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 626 Property 21 USC 881	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<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

REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 530 General
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 540 Mandamus & Other
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 550 Civil Rights
<input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement

LABOR	IMMIGRATION
<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 462 Naturalization Application
<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 465 Other Immigration Actions
<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	

INTELLECTUAL PROPERTY RIGHTS	SOCIAL SECURITY	FEDERAL TAX SUITS
<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 871 IRS—Third Party
<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 865 RSI (405(g))	

## 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 - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 1 of the ADA

Brief description of cause: violations of the ADA

## 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

June 15, 2022

SIGNATURE OF ATTORNEY OF RECORD

Pro Se Plaintiff:

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



TO REUSE: Cover or mark through any previous shipping information.

ORIGIN ID: SYIA (347) 982-6874  
GIOVANNA GONZALEZ  
2001 STORY AVE APT 5S  
BRONX, NY 10473  
UNITED STATES U S

SHIP DATE: 16JUN22  
ACTWGT: 0.50 LB  
CAD: 6992624/59F02321  
BILL CREDIT CARD

Part # 160297236 #44657 Exp 01/23

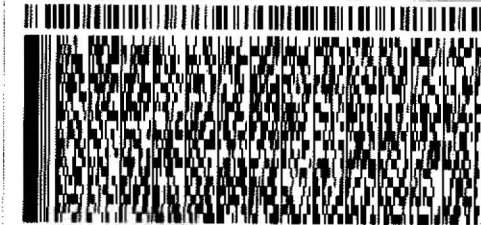
TO UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
225 CADMAN PLAZA E

BROOKLYN NY 11201

(347) 982-6874  
THU: PO:

REF:

DEPT:

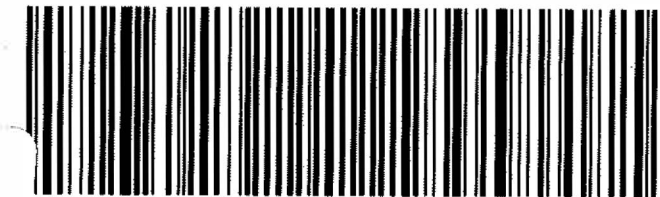


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U.S. DISTRICT COURT E.D.N.Y.  
★ JUN 17 2022 ★  
BROOKLYN OFFICE

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JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

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.)

**I. (a) PLAINTIFFS**

Giovanna Gonzalez

2001 Story Avenue, Apt 6S

Tel: 347-982-6874

Bronx, New York 10473

Email: gwg333@protonmail.com

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTEXT CASES)

**MATSUMOTO, J.**

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se Plaintiff(see above)

**LEVY, M.J.****DEFENDANTS**

Fire Department of The City of New York (FDNY)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**CV 22-3577****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**SUMMONS ISSUED****III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | 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 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<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	<b>PERSONAL INJURY</b> <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	<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 <b>PERSONAL PROPERTY</b> <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 <b>LABOR</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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> <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	<b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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			

**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 - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**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

Brief description of cause:

Americans with Disabilities Act

**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 **RANDOM/RANDOM**

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

6/17/2022

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

440531660044

**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, \_\_\_\_\_, counsel for \_\_\_\_\_, 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: **Outside District**

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: \_\_\_\_\_