

PAID

1 Marcia Wilson
2 Plaintiff in *Propria Persona*
3 1786 E. Dimondale Drive
4 Carson, CA 90746
5 phone: (310) 508-5708
6 email: aicram1482@protonmail.com

FILED
CLERK, U.S. DISTRICT COURT

APR 26 2022

CENTRAL DISTRICT OF CALIFORNIA

BY: _____ EEE _____ DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

United States Courthouse; 255 East Temple Street; Los Angeles, CA 90012-3332

11 MARCIA WILSON

12 PLAINTIFF,

13 v.

CASE NO. 2:22-CV-02823-RGK(PDx)

14 LOS ANGELES COUNTY

15 FIRE DEPARTMENT

16 DEFENDANT.
17 _____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

18 Plaintiff, Marcia Wilson ("plaintiff"), files this complaint against defendant, LOS
19 ANGELES COUNTY FIRE DEPARTMENT ("defendant") and states as follows:

INTRODUCTION

21
22 1. This is a claim by plaintiff Marcia Wilson against her employer for violations of the
23 Americans with Disabilities Act Amendments Act ("ADA-AA"), 42 U.S.C. § 12101, *et sequitur*
24 for discrimination and retaliation on the basis of disability; for prohibited actions taken on the
25 basis of this disability under the "regarded as" prong and the "record of" prong; and for
26 declaratory and injunctive relief under Title I of the Americans with Disabilities Act as
27 implemented under 29 CFR Part 1630, *et sequitur*.
28

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

JURISDICTION AND VENUE

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

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

5. The incidents and facts giving rise to this complaint have occurred within the last one hundred eighty days. The plaintiff filed a timely charge of discrimination against the defendant with the Equal Opportunity Employment Commission ("EEOC") on or about the date of December 22, 2021.

6. On January 27, 2022, the EEOC issued plaintiff a notice of right to sue against the defendant with regards to this matter. A copy of the right to sue letter is attached in Exhibit A-14.

7. Plaintiff has exhausted the administrative remedies available to her.

8. Plaintiff filed this complaint within 90 days of the EEOC's issuance of the notice of right to sue.

PARTIES

1
2 **9.** Plaintiff, Marcia Wilson, resides in Carson, California at the address of 1786 E.
3 Dimondale Drive and is a qualified individual with a disability within the meaning of the ADA.

4 **10.** The plaintiff is an employee of the defendant, which is a "covered entity" within the
5 meaning of the ADA-AA.

6 **11.** The defendant's principal place of business is located at 1320 North Eastern Avenue;
7 Los Angeles, CA 90063.

8 **12.** At all times material to this action, plaintiff was an "employee" of defendant within the
9 meaning of the ADA-AA.

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

11 **14.** From approximately March 27, 2000, until the present was/is employed as a Fire
12 Prevention Engineering Assistant II by defendant, however defendant intended to terminate
13 her on February 17, 2022 and it continues to intend to terminate plaintiff.

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

18 **16.** Specifically, plaintiff was perceived as disabled with a contagious disease; was mis-
19 classified as having an impaired immune system and an impaired respiratory system by the
20 defendant; and was unable to work because of defendant's discriminatory perceptions,
21 policies and procedures.

22 **17.** At all times material to this action, plaintiff was, and is, a "qualified individual" under
23 the ADA-AA as a person who met the legitimate skill, experience, education, or other
24 requirements of the employment position that plaintiff holds, and who can/could perform the
25 "essential functions" of the position plaintiff holds with or without reasonable
26 accommodation.

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

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

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

PLAIN STATEMENT

21. Defendant discriminated against plaintiff based upon perceived disability. When the plaintiff objected, the defendant continued to impose accommodations; including but not limited to: prohibited medical examinations and interventions including mask-wearing; without first conducting an individualized assessment to determine if she was a direct threat. Defendant has used policies and procedures that harass, isolate, segregate, limit, classify, deny equal access and impose non-job-related medical exams and inquiries upon the plaintiff. Defendant also retaliated against plaintiff by interfering with her rights; refusing to assist her in seeking administrative relief to the discrimination; imposing punitive measures including: isolating, suspending, intending to discharge her and imposing prohibited medical examinations and inquiries; withholding her pay; reducing her work hours and it intends by its continued actions to terminate her employment, which is prohibited under the ADA-AA.

STATEMENTS OF FACT

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

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

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

9 **25.** Under the ADA-AA an employer may not require an individual with a disability to
10 accept accommodations which the qualified individual chooses not to accept, 29 CFR
11 1630.9(d). This is especially pertinent when accommodations are imposed for a perceived
12 and unproven disability.

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

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

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

22 **29.** Under the ADA-AA employers are prohibited from retaliating against individuals who
23 oppose discriminatory activities or who make charges, testify, assist, or participate in any
24 manner in an investigation, proceeding or hearing. 42 U.S.C. § 12203 and 29 CFR Parts
25 1630.12(a) and (b) and Parts 1630.13(b), (c), (d) and Part 1630.14(c) and shall be subject
26 to the enforcement provisions relevant to such violations set forth in sections 42 U.S. Code
27 § 12117, 42 U.S. Code § 12133 and 42 U.S. Code § 12188.
28

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

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

7 **32.** The plaintiff may proceed under the "regarded as" prong and the "record of" prong
 8 and this court has jurisdiction under the 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-AA once plaintiff validly notified defendant of plaintiff being regarded as disabled and
 12 misclassified as substantially limited and requested equal access under the ADA-AA.

13 **34.** Defendant discriminated and retaliated against plaintiff for making a complaint that
 14 she was being regarded as disabled, thus asserting her entitlement to equal access under
 15 the ADA-AA.

16 **35.** Specifically, plaintiff was perceived by defendant's policies and procedures as being
 17 disabled with a contagious disease and substantially limited by an impaired immune system
 18 and an impaired respiratory system to such an extent that the defendant refused to allow
 19 plaintiff to work unless plaintiff used mitigation measures.

20 **36.** Defendant's policies and procedures are specifically implemented for the purpose of
 21 mitigating the disability which it regards the plaintiff as having.

22 **37.** Plaintiff requested the defendant to provide a copy of the individualized assessment¹
 23 that it conducted to determine that plaintiff was a direct threat; however, defendant ignored
 24 the requirement and continued to demand that the plaintiff participate in its "health control
 25

26 ¹ 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 measures" or accommodations such as mask-wearing, medical examinations, inquiries and
2 treatments under Emergency Use Authorization ("EUA").

3 **38.** Rather than providing equal access or proving any exemption to the ADA-AA, the
4 defendant embarked on a series of adverse employment actions against the plaintiff which
5 were designed to deter the plaintiff's good faith opposition to the policies and procedures.

6 **39.** Defendant's policy and procedures limited plaintiff's right to invoke ADA-AA
7 protections by refusing to recognize that plaintiff could claim a reason under Federal law for
8 refusing to comply with the policy and procedures. Instead, defendant insisted that plaintiff
9 could only claim a "medical" or "religious" exemption, which is interference with plaintiff's
10 rights under the ADA-AA.

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

14 **41.** Defendant's violation of the ADA-AA was not in good faith and was willful, and plaintiff
15 sustained damages as a result of defendant's conduct including past and future wages, lost
16 opportunities and benefits, liquidated damages, emotional distress, and reasonable
17 attorneys' fees and or costs.

18 **42.** Plaintiff re-alleges each statement from the Affidavit herein.
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COUNT I

PERCEIVED DISABILITY DISCRIMINATION UNDER THE ADA-AA

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2
3 **43.** Plaintiff incorporates each of the above statements of fact herein; the allegations
4 contained in the paragraphs 1 through 42 and the plaintiff's supporting affidavit which is also
5 re-alleged and incorporated herein.

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

8 **45.** Plaintiff is a qualified individual under the ADA-AA.

9 **46.** On December 29, 2020, the defendant began regarding the plaintiff as having the
10 disability of a contagious disease and made a record of such disability by mis-classifying
11 plaintiff as being substantially limited with an impaired immune system and an impaired
12 respiratory system; and began requiring plaintiff to use mitigation measures to perform
13 several major life activities in the workplace.

14 **47.** The defendant has made no meaningful efforts to remediate itself on the law, and has
15 only referred to statements made on the CDC's website, but this clearly does not qualify as
16 an individualized assessment.

17 **48.** Despite having knowledge of plaintiff claiming protected status under the ADA-AA,
18 Defendant continued to limit, segregate, classify plaintiff due to its perception of Plaintiff as a
19 person with a disability within the meaning of the ADA-AA.

20 **49.** The defendant's responses to the requests made by the plaintiff to cease the
21 discrimination and harassment were in fact non-responsive, dismissive or harassing; a true
22 and correct copy of each written communication is included with Exhibit A.

23 **50.** Despite plaintiff's written notices, the defendant continued without cessation to
24 harass the plaintiff based upon disability by sending the plaintiff numerous communications
25 coercing plaintiff to accept various accommodations or suffer adverse employment actions.
26 All written communications are attached as Exhibit A.

1 **51.** Defendant imposed accommodations upon the plaintiff which included isolation and
 2 segregation such as demanding plaintiff remain 6 feet away from co-workers and requesting
 3 her to work remotely.

4 **52.** The defendant has failed to ensure the equal access or accessibility of the premises
 5 where the plaintiff is assigned to work. The plaintiff has thereby been prevented from
 6 enjoying equal access and the benefits of employment enjoyed by other employees.

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

11 **54.** Defendant classified the plaintiff as "unvaccinated"³; widely shared this classification
 12 of the plaintiff with other employees without any regard to confidentiality⁴; and encouraged
 13 employees to harass the plaintiff with repetitive emails, intimidating interactions and threats
 14 of termination.

15 **55.** An employer is entitled only to the information necessary to determine whether the
 16 employee can perform the essential functions of the job with or without reasonable
 17 accommodations and the defendant has failed to identify any set of facts that would qualify
 18 under this limitation.

19 **56.** Defendant has never conspicuously disclosed or gave legally adequate notice that
 20 complying with the COVID-19 mitigation measures ("accommodations") are an **essential**
 21 **function**⁵ of the job of Fire Prevention Engineering Assistant II; and the measures have
 22 never previously been an essential function of plaintiff's job. ⁶

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

25 ² prohibited by 29 CFR § 1630.5

26 ³ discrimination based upon physical condition

27 ⁴ prohibited by 29 CFR § 1630.13.

28 ⁵ 29 CFR 1630.2 definition "Essential Function": "(i)the reason the position exists is to perform that function."

⁶ <https://www.eeoc.gov/publications/ada-your-responsibilities-employer>

1 **58.** Defendant limited the accommodation measures⁷, such as examinations; disclosures
 2 of medical records that were not job-related; experimental injections; medical interventions;
 3 equipment or products; to only those chosen by the defendant. Additionally, the defendant
 4 failed to prove that there are no other “accommodations” available which do not require
 5 injections, medical devices and medical examinations.

6 **59.** If the plaintiff had previously made at least one request for reasonable modifications,
 7 plaintiff has since withdrawn such request.

8 **60.** Additionally, the so-called “vaccines” that are being promoted as vaccines do not
 9 actually prevent transmission or infection of any contagious disease, specifically regarding
 10 the so-called “COVID-19” or “SarsCOV2” purported “diseases”.

11 **61.** The ADA-AA also protects individuals such as Plaintiff for whom submitting to certain
 12 accommodation measures would create impairments. The accommodations include, but are
 13 not limited to, taking experimental injections under Emergency Use Authorization (EUA)
 14 which are being promoted as “vaccines” but which are not legally vaccines; submitting to
 15 repetitive, non-job-related medical examinations (nasal tissue testing, temperature checks);
 16 being placed under isolation, segregation and quarantine without due process; using
 17 medical devices for mitigation measures⁸ (masks); disclosing Plaintiff’s medical records and
 18 history for non-job-related matters and participating in clinical trials and epidemiological
 19 experiments as a condition of employment.

20 **62.** Plaintiff requests that this court take judicial notice of Section 201(h) of the Food,
 21 Drug and Cosmetic Act and its Final Guidance titled, “Classification of Products as Drugs
 22 and Devices & Additional Product Classification Issues: Guidance for Industry and FDA
 23 Staff”, published in September of 2017, in which the Food & Drug Administration **defines**
 24 wearing a mask for mitigation purposes as a medical device and the application of a
 25 medical device or contrivance. A true and correct copy of this is included as Exhibit B.

26 **63.** Plaintiff further requests judicial notice of the fact that the Food & Drug administration
 27 has never **approved** wearing such face masks, but only “authorized” them without any

28 ⁷ 29 CFR Part 1630.2(j)(5)(i)

⁸ Section 201(h) Food, Drug & Cosmetic Act

1 supporting medical or clinical data establishing any medical necessity or efficacy for wearing
2 such contrivances.

3 **64.** The plaintiff requests that the court take judicial notice of the official mortality rates of
4 the State of California and the United States for the years from 2017, 2018, 2019 and 2020
5 in which the standard deviation is zero, the very definition of no verifiable "pandemic".

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

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

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

16 **68.** As a result of Defendant's actions the plaintiff has experienced discrimination,
17 segregation, isolation.

18 **69.** Plaintiff is entitled to any and all relief permitted under the ADA-AA, 42 U.S.C. §
19 12117(a), including equitable relief.

20 **70. WHEREFORE,** Plaintiff respectfully requests entry of:
21

- 22 a. judgment in plaintiff's favor and against the defendant for violations of the anti-
23 discrimination provisions of the ADA-AA; and
- 24 b. ordering defendant to comply with the requirements of Title I of the Americans
25 with Disabilities Act, 42 U.S.C. §12101; and
- 26 c. ordering defendant to take such affirmative steps as may be necessary to
27 prevent the recurrence of any discriminatory conduct and to eliminate, to the extent
28 practicable, the effects of such conduct; and

d. judgment in his 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; and

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

f. judgment in plaintiff's favor and against the 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.

71. Plaintiff demands a jury trial.

COUNT II

INTERFERENCE/RETALIATION UNDER THE ADA-AA

72. The 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).

73. Plaintiff incorporates the above statements of fact and the allegations contained in the paragraphs 1 through 42 herein and the plaintiff's supporting affidavit which is also re-alleged and incorporated herein.

74. On November 17, 2021, the defendant began unceasingly retaliating against the plaintiff despite plaintiff's reasonable good faith belief that she was exercising protected opposition to discrimination and claiming rights protected under the ADA.

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

1 **76.** Defendant continued to threaten the plaintiff with suspension, dismissal, and
2 termination even after it was aware of a pending EEOC investigation and plaintiff's protected
3 opposition status.

4 **77.** Defendant coerced Plaintiff to submit to the accommodation measures, medical
5 interventions and examinations and other health control measures, even though defendant
6 was duly advised by Plaintiff that she was not subject to any health control measures by any
7 court order, and that the defendant was not empowered by any court order or other legal
8 duty to impose such interventions, examinations or control measures upon the plaintiff.⁹

9 **78.** Defendant threatened the plaintiff with the termination of employment because of a
10 perceived disability and as a result of classifying plaintiff as "unvaccinated".

11 **79.** Defendant's notices to the plaintiff failed to include conspicuous notice as to the
12 manner in which its accommodations ("Covid policies and procedures") are related to the
13 performance of plaintiff's essential job functions, and also did not mention plaintiff's right of
14 refusal under EUA guidelines¹⁰.

15 **80.** Despite having knowledge of plaintiff claiming protected status under the ADA-AA,
16 the defendant continuously moved to terminate plaintiff's employment due to plaintiff's
17 opposition to discriminatory policies and procedures.

18 **81.** Defendant also failed to give notice of plaintiff's right to refuse the defendant's
19 accommodations under the ADA¹¹, and failed to advise the plaintiff of her right to informed
20 consent.

21 **82.** At all times material to this action, Defendants interfered with Plaintiff's rights under
22 the ADA-AA.

23 **83.** As a result of Defendant's intentional, willful and unlawful acts by interfering with
24 Plaintiff's rights under the ADA-AA, Plaintiff has suffered injury and damages.

25
26

9 See California Public Health Emergencies Bench Book

27 10 Title 21, Chapter 9 V, Part E §360bbb-3a. Emergency use of medical products.

28 11 29 CFR Part 1630.9 (d) & (e)

1 **84.** The injury suffered by the plaintiff is thereby concrete and particularized and it is
2 actual and imminent. The injury alleged in the complaint, including the pleading and
3 exhibits, clearly sets forth a set of facts that actually occurred and are not conjectural or
4 hypothetical. The injury described therein is traceable to the challenged action, conduct and
5 policies of the defendant.

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

10 **86.** Defendant's policies and procedures demonstrate soundly and convincingly that it
11 intends to inflict future harm against the plaintiff based upon perceived disability; it fully
12 intends to continue these policies and it fully intends to continue retaliating against the
13 plaintiff as alleged herein.

14 **87.** As a result of Defendant's actions the plaintiff has experienced retaliation, coercion,
15 interference, intended termination and disruption in plaintiff's career.

16 **88.** The defendant's efforts were to terminate plaintiff, rather than to provide equal
17 access, per defendant's duty, and were not objectively or subjectively in good faith,
18 therefore plaintiff is entitled to liquidated damages or other monetary damages, including
19 punitive damages to the extent available.

20 **89. WHEREFORE,** plaintiff respectfully requests entry of:

- 21 a. ordering defendant to comply with the requirements of Title I of the Americans
22 with Disabilities Act, 42 U.S.C. §12101; and,
- 23 b. take such affirmative steps as may be necessary to prevent the recurrence of
24 any retaliation, coercion, interference and intimidation and to eliminate, to the extent
25 practicable, the effects of such conduct; and
- 26 c. reinstatement, or, in the alternative, front pay in the event reinstatement is not
27 practical; and
- 28

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; and

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

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.

90. Plaintiff demands a jury trial.

DATED this 23 day of April 2022.

A handwritten signature in blue ink, appearing to read "Marcia Wilson", is written over a horizontal line.

Marcia Wilson, Plaintiff



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Date Accepted (MM/DD/YY) 4/25/22		Scheduled Delivery Time 10:30 AM 6 PM		Insurance Fee \$		SOD Fee \$	
Time Accepted 8:57 AM		10:30 AM Delivery Fee \$		Return Receipt Fee \$ 3.05		Live Animal Transportation Fee \$	
Special Handling/Fragile \$		Sunday/Holiday Premium Fee \$		Total Postage & Fees 32.30			
Weight 4.76 lbs		Rate \$		Acceptance Employee Initials 70			
Delivery Attempt (MM/DD/YY) \$		Time \$		Employee Signature \$			
Delivery Attempt (MM/DD/YY) \$		Time \$		Employee Signature \$			

LABEL 11-B, MARCH 2019

PSN 7520-02-000-0000

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

Marcia Wilson

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

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

Pro Se Marcia Wilson
1786 E. Dimondale Dr
Carson, CA 90746 310-508-5708

DEFENDANTS

LOS ANGELES COUNTY FIRE DEPARTMENT

County of Residence of First Listed Defendant Los Angeles
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

Unknown

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)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" 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	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <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 IMMIGRATION <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 INTELLECTUAL PROPERTY RIGHTS <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 SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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
REAL PROPERTY <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	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <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 Other: <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):

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

April, 23, 2022

SIGNATURE OF ATTORNEY OF RECORD

Pro Se

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE