

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

MARK ROTHENBERG,
an individual,

Plaintiff,

CASE NO.:

v.

MARION COUNTY FIRE RESCUE,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, MARK ROTHENBERG (hereinafter, “Plaintiff” or “Rothenberg”) by and through his undersigned counsel, sues Defendant, MARION COUNTY FIRE RESCUE, (hereinafter, “Defendant”) and in support thereof states as follows:

Nature of the Action

This action is brought under Title I and Title II of the Americans with Disabilities Act, as amended, 42 U.S.C. §12101 *et seq.* (“ADA”), the Florida Civil Rights Act of 1992, Section 760.10 *et seq.* (“FCRA”) and Florida’s worker’s compensation statute, §440.205 *et seq.*, Fla. Stat., to redress Defendant’s unlawful employment practices, including Defendant’s discrimination and retaliation of Plaintiff.

Parties

1. Plaintiff was a resident of Hernando County, Florida at all times relevant to this matter and was employed by Defendant during same.

2. Defendant is a County operated Fire Rescue department that operates from its governmental headquarters in Marion County, Florida, at all times relevant to this matter.

3. Defendant was Plaintiff's employer within the meaning of the ADA, FCRA, and §440.205 *et seq.*, Fla. Stat., at all times relevant to this action.

4. Plaintiff was at all times relevant hereto an eligible employee as defined by the ADA, FCRA, and §440.205 *et seq.*, Fla. Stat.

Jurisdiction and Venue

5. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331, 1337, 1343 & 1345.

6. The Middle District of Florida, Ocala Division is the proper venue for this action pursuant to 28 U.S.C. §1391 (b)(1) and (b)(2) because this is the District and Division in which Defendant resides and in which the events or omissions giving rise to the claims accrued.

7. Plaintiff has performed all conditions precedent necessary to the maintenance of this action, if any, including the filing of a charge of discrimination

with the Equal Employment Opportunity Commission (“EEOC”), receiving a right to sue notice from same and timely filing the present action.

Factual Allegations

8. Plaintiff Rothenberg began his employment with Defendant in or about 2008, working as a Firefighter/Paramedic until his illegally motivated termination in October of 2023.

9. Plaintiff was considered to be successful in his position with the Defendant fire rescue department, as reflected in consistent feedback and reviews from his supervising managers and peers.

10. In or about August of 2022, health issues that Plaintiff developed on the job and which he had been dealing with for a period of time began to increase, exacerbated by his work.

11. The symptoms he was experiencing from his health condition began to have an adverse affect on his work and created a challenge in performing his job duties.

12. Sometime in March of 2023, Rothenberg discussed the foregoing situation with a Battallion Chief Kennedy and expressed his frustration regarding his health problems, as well as his need for time and assistance in evaluating his condition so that it could be properly addressed and treated.

13. In response to the foregoing request for assistance the Battallion Commander asserted his belief that Plaintiff's issue was a physial one that was due to his weight.

14. Stunnignly, instead of assisting Plaintiff, his subordinate, with the accommodation that he sought the Battallion Commander instead chose to discipline Plaintiff thereafter with a performance improvement plan ("PIP").

15. Plaintiff eventually obtained information regarding FMLA leave and subsequently took such a leave the following month in order to deal with the health issues that had been plaguing him, returning to duty on or about July 23, 2023.

16. When Rothenberg returned from his FMLA leave he was informed by another Battalion Chief that the PIP he had initially been subjected to was allegedly done improperly and that as a result a new PIP has been put in place against him while he was out on his FMLA leave.

17. Unfortunately, on August 1, 2023, Plaintiff experienced an additional health related incident that was triggered while he was performing his work duties.

18. Rothenberg was thereafter taken off duty and Defendant's human resources ("HR") department mandated that he provide certain documentation that reflected his medical clearance for full-duty work within forty-five (45) days.

19. At approximatley the same period of time, on or about August 11, 2023, Plaintiff filed a valid worker's compensation claim through the Defendant's

carrier representative related to the health problems he had developed while performing his employment duties.

20. Plaintiff had been unable to obtain the requested documentation by September 15, 2023, and thereafter met with agents of the HR department on or about September 21, 2023.

21. Rothenberg and the HR representatives discussed the possibility of light and/or transitional duty, as well as additional work duty options that Plaintiff might perform in the interim which could accommodate his physical health issues and which would allow him to return to work.

22. However, during the meeting the HR representatives, A. Tart and J. James, expressed their doubt that such accommodations would be available to Plaintiff and the possibility that Plaintiff may have to be terminated.

23. Rothenberg thereafter met with a clinical team designated by Defendant on or about September 24, 2023, during which light duty options were discussed. This meeting concluded with Defendant's designated clinical team requesting more information so that they could more thoroughly consider the light duty options being discussed with Plaintiff.

24. As a follow-up to the information sought by the clinical team, on or about September 27, 2023, Plaintiff sent an email to HR requesting more details on light duty options to address the information request sought by the clinical team.

25. Rothenberg received no response to his email inquiry.

26. On October 13, 2023, the Plaintiff finally received a response from Tart and James in the HR department, requesting that he set up a meeting with them on October 18, 2023, to discuss transitional/light duties.

27. Unfortunately Rothenberg was unavailable on that date due to a death in his family and requested that they email him the anticipated transitional duties that might be available.

28. However, instead of providing Rothenberg with the information sought for his accommodation, on October 20, 2023, the Plaintiff received an email from Defendant instead that notified him that his employment had been terminated.

29. Defendant claimed that its termination decision was based upon an assumption that Defendant did not see Plaintiff recovering from his physical health issues to return to work in the near future.

30. Defendant made the foregoing termination decision despite having no information that would justify any basis for Plaintiff's employment termination.

31. Rothenberg was discriminated against due to his disabling condition and retaliated against by Defendant for seeking accommodations related to same, including his FMLA leave.

32. Defendant's illegal, hostile and retaliatory treatment of Plaintiff exacerbated ongoing mental distress, and health issues, among other things.

33. Plaintiff sought accommodations from Defendant, including through the legally mandated interactive process in order to, in good faith, find accommodations and related measures that would allow him to continue his employment with Defendant.

34. Regardless, Defendant failed to take any proper good faith remedial steps towards addressing same.

35. Plaintiff has suffered damages as a direct and proximate result of Defendant's illegal conduct.

36. As a result of the foregoing, Plaintiff has had to retain the services of undersigned counsel and has agreed to pay said counsel a reasonable attorney's fee.

COUNT I
DISABILITY DISCRIMINATION
IN VIOLATION OF THE ADA

37. Plaintiff adopts and re-alleges paragraphs one (1) through thirty six (36) as if fully set forth herein.

38. At all times relevant to this action, Plaintiff was a qualified individual with a disability within the meaning of the ADA in that Plaintiff was capable of performing all essential functions of the position that he held or other positions that should have been available to him, with or without a reasonable accommodation.

39. Likewise, at all times relevant to this action, Plaintiff (a) suffered from one or more actual disabilities and/or physical impairments that substantially limited one or more major life activities, (b) had a record of being disabled, and/or (c) was perceived by Defendant as being actually disabled and/or substantially limited in one or more major life activities.

40. Defendant was prohibited under the ADA from discriminating against Plaintiff because of his disability with regard to the terms, conditions, and privileges of employment and not treating Plaintiff adversely because of same.

41. Defendant violated the ADA by, among other things, treating Plaintiff in a disparate and hostile manner due to his disabling condition by ignoring his accommodation requests due to his disabling conditions.

42. Plaintiff has been damaged as a direct and proximate result of Defendant's illegal conduct.

WHEREFORE, Plaintiff, Mark Rothenberg, requests this Honorable Court to:

- a. Grant a permanent injunction enjoining Defendant from engaging in any further employment practice violative of the ADA;
- b. Declare Defendant's conduct to be in violation of the ADA and order said Defendant to institute policies, practices and programs which provide

equal employment opportunities for individuals and which eradicate the effects of its past and present unlawful practices;

c. Grant a judgment requiring Defendant to pay back wages and back benefits found to be due and owing at the time of trial, front-pay in lieu of reinstatement, compensatory damages, including emotional distress damages, in an amount to be proved at trial and prejudgment interest thereon;

d. Grant Plaintiff his costs (including expert fees) and an award of reasonable attorney's fees; and

e. Grant Plaintiff trial by jury and such further relief as the Court deems just and equitable.

COUNT II
DISABILITY DISCRIMINATION
IN VIOLATION OF THE FCRA

43. Plaintiff adopts and re-alleges paragraphs one (1) through thirty six (36) as if fully set forth herein.

44. At all times relevant to this action, Plaintiff was a qualified individual with a disability within the meaning of the FCRA in that Plaintiff was capable of performing all essential functions of the position that he held, with or without a reasonable accommodation.

45. Likewise, at all times relevant to this action, Plaintiff (a) suffered from one or more actual disabilities and/or physical impairments that substantially limited one or more major life activities, (b) had a record of being disabled, and/or (c) was perceived by Defendant as being actually disabled and/or substantially limited in one or more major life activities.

46. Defendant was prohibited under the FCRA from discriminating against Plaintiff because of his disability with regard to the terms, conditions, and privileges of employment and not treating Plaintiff adversely because of same.

47. Defendant violated the FCRA by, among other things, treating Plaintiff in a disparate and hostile manner due to his disabling condition by ignoring his accommodation requests due to his disabling conditions.

48. Plaintiff has been damaged as a direct and proximate result of Defendant's illegal conduct.

WHEREFORE, Plaintiff, Mark Rothenberg, requests this Honorable Court to:

- a. Grant a permanent injunction enjoining Defendant from engaging in any further employment practice violative of the FCRA;
- b. Declare Defendant's conduct to be in violation of the FCRA and order said Defendant to institute policies, practices and programs which provide

equal employment opportunities for individuals and which eradicate the effects of its past and present unlawful practices;

c. Grant a judgment requiring Defendant to pay back wages and back benefits found to be due and owing at the time of trial, front-pay in lieu of reinstatement, compensatory damages, including emotional distress damages, in an amount to be proved at trial and prejudgment interest thereon;

d. Grant Plaintiff his costs (including expert fees) and an award of reasonable attorney's fees; and

e. Grant Plaintiff trial by jury and such further relief as the Court deems just and equitable.

COUNT III
RETALIATION BASED UPON DISABILITY
IN VIOLATION OF THE ADA

49. Plaintiff adopts and re-alleges paragraphs one (1) through thirty six (36) as if fully set forth herein.

50. Plaintiff was in a protected group (disabled) at all times material to this action. Defendant subjected Plaintiff to disability discrimination.

51. Plaintiff engaged in protected activity by requesting that Defendant engage him in good faith in the legally obligated interactive process to determine

potential accommodations and to provide Plaintiff with appropriate accommodations under the ADA.

52. Defendant retaliated against Plaintiff for his having engaged in legally protected activity under the ADA.

53. Plaintiff has been damaged by the conduct of Defendant.

WHEREFORE, Plaintiff, Mark Rothenberg, requests this Honorable Court to:

- a. Grant a permanent injunction enjoining Defendant from engaging in any further employment practice violative of the ADA;
- b. Declare Defendant's conduct to be in violation of the ADA and order said Defendant to institute policies, practices and programs which provide equal employment opportunities for individuals and which eradicate the effects of its past and present unlawful practices;
- c. Grant a judgment requiring Defendant to pay back wages and back benefits found to be due and owing at the time of trial, front-pay in lieu of reinstatement, compensatory damages, including emotional distress damages, in an amount to be proved at trial and prejudgment interest thereon;
- d. Grant Plaintiff his costs (including expert fees) and an award of reasonable attorney's fees; and

e. Grant Plaintiff trial by jury and such further relief as the Court deems just and equitable.

COUNT IV
RETALIATION BASED UPON DISABILITY IN VIOLATION OF THE
FCRA

54. Plaintiff adopts and re-alleges paragraphs one (1) through thirty six (36) as if fully set forth herein.

55. Plaintiff was in a protected group (disabled) at all times material to this action. Defendant subjected Plaintiff to disability discrimination.

56. Plaintiff engaged in protected activity by requesting that Defendant engage him in good faith in the legally obligated interactive process to determine potential accommodations and to provide Plaintiff with appropriate accommodations under the FCRA.

57. Defendant retaliated against Plaintiff for his having engaged in legally protected activity under the FCRA.

58. Plaintiff has been damaged by the conduct of Defendant.

WHEREFORE, Plaintiff, Mark Rothenberg, requests this Honorable Court to:

a. Grant a permanent injunction enjoining Defendant from engaging in any further employment practice violative of the FCRA;

- b. Declare Defendant's conduct to be in violation of the FCRA and order said Defendant to institute policies, practices and programs which provide equal employment opportunities for individuals and which eradicate the effects of its past and present unlawful practices;
- c. Grant a judgment requiring Defendant to pay back wages and back benefits found to be due and owing at the time of trial, front-pay in lieu of reinstatement, compensatory damages, including emotional distress damages, in an amount to be proved at trial and prejudgment interest thereon;
- d. Grant Plaintiff his costs (including expert fees) and an award of reasonable attorney's fees; and
- e. Grant Plaintiff trial by jury and such further relief as the Court deems just and equitable.

COUNT V
VIOLATION OF §440.205, FLORIDA STATUTES

59. Plaintiff adopts and re-alleges paragraphs one (1) through thirty six (36) as if fully set forth herein.

60. Plaintiff sought worker's compensation benefits for his injuries sustained within the course and scope of his employment.

61. Defendant retaliated against Plaintiff for having pursued benefits under Chapter 440, by, among other things,

62. failing to provide Plaintiff with a legitimate interactive process to determine possible accommodations that might be available to Plaintiff, failing to provide Plaintiff with reasonable accommodations that he sought, and by otherwise discriminating against Plaintiff and treating him in a disparate manner, including terminating his employment.

63. Section 440.205, et seq. Florida Statutes, provides that employers may not discharge, threaten to discharge, intimidate, or coerce any employee by reason of such employee's valid claim for compensation or attempt to claim compensation under the workers' compensation law.

64. Defendant treated Plaintiff in an adverse and hostile manner in retaliation for pursuing workers' compensation benefits in violation of §440.205, et seq., Fla. Stat.

65. Plaintiff has been damaged by the conduct of Defendant.

WHEREFORE, Plaintiff, Mark Rothenberg, demands judgment as follows:

- a. Grant a permanent injunction enjoining Defendant from engaging in any employment practice violative of §440.205, *et seq.*, Fla. Stat.;
- b. Declare Defendant's conduct to be in violation of §440.205, *et seq.*, Fla. Stat. and order Defendant to institute policies, practices and programs that provide

equal employment opportunities for individuals and which eradicate the effects of its past and present unlawful practices;

- c. Grant a judgment requiring Defendant to pay back wages and back benefits found to be due and owing at the time of trial, front-pay in lieu of reinstatement, and compensatory damages, including emotional distress damages, in an amount to be proved at trial;
- d. Grant Plaintiff his costs (including expert fees); and
- e. Grant Plaintiff trial by jury and such further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby exercises his right to have a jury trial for all issues triable as such under law.

Dated: November 26, 2024

Respectfully submitted,

TOBIN LAW GROUP, PLLC

/s/ Bradley A. Tobin _____

Bradley A. Tobin

Florida Bar No. 0101818

btobin@tobinlawgroup.com

Westchase Commons

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Tampa, Florida 33626

Tel: (813) 452-6199

Fax (813) 830-7200

Attorney(s) for Plaintiff.

JS 44 (Rev. 09/19)

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.)

<p>I. (a) PLAINTIFFS</p> <p>MARK ROTHENBERG,</p> <p>(b) County of Residence of First Listed Plaintiff <u>Hernando,</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Bradley A. Tobin, Esq./Tobin Law Group, PLLC 13043 W. Linebaugh Ave. Tampa, FL 33626 (813) 452-6199</p>	<p>DEFENDANTS</p> <p>MARION COUNTY FIRE RESCUE,</p> <p>County of Residence of First Listed Defendant <u>Marion,</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT *(Place an "X" in One Box Only)* 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 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 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	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	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):*
42 U.S.C. §12101 et seq.;

Brief description of cause:
Disability discrimination and retaliation.

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 11/27/24
 SIGNATURE OF ATTORNEY OF RECORD
Bradley A. Tobin

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.