

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK HOHIDER and ROBERT DIPAOLO,	)	Civil Action No. 04-0363
On Behalf of Themselves and All Others	)	
Similarly Situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Judge Joy Flowers Conti
	)	
UNITED PARCEL SERVICE, INC., AND	)	CLASS ACTION COMPLAINT
DOES 1-100	)	JURY TRIAL DEMANDED
	)	
Defendants.	)	<b>Electronically Filed</b>

**MOTION FOR CLASS CERTIFICATION**

Plaintiffs Mark Hohider and Robert DiPaolo, move this Court pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, for an order certifying this action to proceed as a class action under Rule 23(b)(2) on behalf of the following Class:

Those persons throughout the United States who: (i) according to the records of UPS, its agents and contractors have been employed by UPS at any time since May 10, 2000, including those employees absent from work and receiving either workers' compensation or short or long term disability insurance benefits; and (ii) have been absent from work because of a medical impairment; and (iii) are disabled as defined under the Americans with Disabilities Act (ADA); and (iv) have attempted to return to work or continue to work at UPS or have submitted to UPS a medical release that permits the employee to work with restrictions and conditions, or have been disqualified by UPS from returning to work; and (v) were harmed as a result of UPS's policies, practices and procedures that control reentry into the workplace or otherwise govern the making of reasonable accommodations under Title I of the ADA to employees in UPS's workforce.

Excluded from the Class are all presently working UPS management employees with supervisory authority over the formulation or implementation of the UPS policies and practices alleged in this action to violate the ADA.

This motion is based on the accompanying Brief in Support, and the supporting

documentation submitted herewith, all prior pleadings and proceedings herein, and such other evidence and argument the Court may consider at the hearing on this motion.

Dated: October 2, 2006

Respectfully submitted,

s/Christian Bagin

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