

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

SANDRA DILAURA and : Civil Action No. 03-2200
JEFFREY DILAURA, w/h, and :
THE UNITED STATES EQUAL :
EMPLOYMENT OPPORTUNITY :
COMMISSION, :
 : JURY TRIAL DEMANDED
Plaintiffs, :
 :
v. :
 :
MID ATLANTIC MEDICAL SERVICES, :
INC., d/b/a :
MAMSI, :
 :
Defendant. :

COMPLAINT IN CIVIL ACTION

Plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, claim of defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI, damages upon a cause of action whereof the following is a statement:

I. PARTIES.

1. Plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, are adult individuals, who presently reside at 12 Whitewoods Lane, in Malvern, Chester County, Pennsylvania, 19355. Plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, file the present Civil Action, in order to seek redress for discriminatory employment practices, discrimination and harassment on the basis of disability and discriminatory termination based on disability, and other discriminatory employment practices, under the Americans with Disabilities Act, Title 42, U.S.C. Sections 12101, et. seq., Title VII of the United States Civil Rights Acts of 1964 and 1991, the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq., and the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., to which Mrs.

DiLaura was subjected during the course and scope of her employment with the defendant, Mid Atlantic Medical Services, Inc., d/b/a/ MAMSI.

2. Defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI, is a corporation, duly organized and existing under and by virtue of the laws of the State of Maryland, and is registered and licensed to engage in business, and is engaged in the business, in the Eastern District of Pennsylvania, and in the Commonwealth of Pennsylvania, with a registered business office address, located in the Eastern District of Pennsylvania, and in the Commonwealth of Pennsylvania, at Ten Great Valley Parkway, in Malvern, Chester County, Pennsylvania, 19355.

II. VENUE AND JURISDICTION.

1. This case is filed in the United States District Court for the Eastern District of Pennsylvania, based on Federal Question Jurisdiction, pursuant to Title 28, United States Code, Section 1331, arising from the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., Title VII of the United States Civil Rights Acts of 1964 and 1991, the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq., and the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq.
2. Venue is proper in the United States District Court for the Eastern District of Pennsylvania, because defendant resides within the Eastern District of Pennsylvania, because defendant is registered and licensed to engage in business and is engaged in business in the Eastern District of Pennsylvania, and because the primary transactions, occurrences and events associated with plaintiffs' causes of action occurred in the Eastern District of Pennsylvania.

3. Jurisdiction is properly invoked in the Eastern District of Pennsylvania, due to subject matter jurisdiction of plaintiffs' Federal civil rights claims as Federal questions, arising under the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., Title VII of the United States Civil Rights Acts of 1964 and 1991, and the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq. Damages in this case are in excess of the Federal jurisdictional limits. This Honorable Court is requested to assume supplemental jurisdiction over the pendent state statutory claims arising under the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq., and under Pennsylvania state law.

III. COUNT NO. 1: VIOLATION OF THE AMERICANS WITH DISABILITIES ACT, TITLE 42 U.S.C. SECTIONS 12101, ET. SEQ.

4. Plaintiff, Sandra DiLaura, was hired by defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI, on March 23, 1999. Mrs. DiLaura was hired as an account executive, and worked for the defendant employer as an account executive from March 23, 1999, until she was illegally and unlawfully terminated on August 30, 2000. Mrs. DiLaura worked out of defendants' business office located at Ten Great Valley Parkway in Malvern, Chester County, Pennsylvania, 19355.
5. During the course and scope of the employment of plaintiff, Sandra DiLaura, with defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI, Mrs. DiLaura did not receive any negative performance evaluations, or any written warnings about any alleged deficiencies in her job performance.
6. Plaintiff, Sandra DiLaura, was terminated illegally, unlawfully and without any prior warning or notice, either written or verbal, on August 30, 2000, from her gainful employment with defendant. Plaintiff, Sandra DiLaura, was unlawfully and illegally terminated, because of her being perceived as being disabled, and

based on disability discrimination and harassment, in violation of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., in violation of Title VII of the United States Civil Rights Acts of 1964 and 1991, and in violation of the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq.

7. At the time of the termination of plaintiff, Sandra DiLaura, from her gainful employment with the defendant employer, on August 30, 2000, Mrs. DiLaura earned the salary of approximately \$50,000.00 per year.
8. The Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., prohibits discrimination against a qualified individual with a disability, because of the disability of the individual in the employment environment and in the workplace, and based on the unlawful perception of disability.
9. Plaintiff, Sandra DiLaura, was an individual with a disability as defined by the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.
10. On August 30, 2000, Mrs. DiLaura requested a three-week medical leave of absence, in order to medically acclimate herself to new prescription medications prescribed by her treating physicians. The defendant employer denied Mrs. DiLaura's reasonable request for a medical leave of absence in a discriminatory manner.
11. Instead, the defendant employer terminated plaintiff, Sandra DiLaura, from her gainful employment. The defendant employer alleged that its policies did not cover the class of medical disability suffered by plaintiff, Sandra DiLaura. This information conveyed to plaintiff, Sandra DiLaura, by the defendant employer, was untrue, false and misleading. Mrs. DiLaura properly requested an appropriate

medical leave of absence from the defendant employer to which she was legally entitled. The defendant employer advised Mrs. DiLaura, in response to her request for a medical leave of absence, that her options involved resignation, not taking the requested leave of absence and continuing to work, which she was not able to do medically for a three-week period of time, due to the new prescription medications that she was taking properly as prescribed by her treating physicians, or else, to take the requested medical leave of absence, and to be terminated for being out of work and on an unauthorized medical leave of absence.

12. Plaintiff, Sandra DiLaura, never received any written documentation or correspondence regarding her termination. The defendant employer refused to offer to Mrs. DiLaura the family and medical leave of absence to which she was legally entitled and which she properly requested. Instead, the defendant employer denied Mrs. DiLaura's request for a family and medical leave of absence, and instead, terminated her gainful employment without any warning or notice, in an unlawful and illegal manner, based on disability discrimination and based on its illegal and unlawful perception of her as being a disabled person, in violation of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.
13. Plaintiff, Sandra DiLaura, received medical treatment from her treating psychiatrist, Stuart D. Levy, M.D., for postpartum depression and bipolar affective disorder. Dr. Levy prescribed new psychotropic medications for Mrs. DiLaura, including, Zyprexa, Topamax and Wellbutrin.
14. Dr. Levy wrote to Mrs. DiLaura's employer, Ms. Collette Donato, of the human resources department of the defendant employer. Dr. Levy advised the defendant employer that Mrs. DiLaura was currently under his medical care for the medical

- treatment of postpartum depression and bipolar affective disorder. Dr. Levy further advised the defendant employer that Mrs. DiLaura suffered from depression and affective bipolar disorder.
15. Dr. Levy further advised the defendant employer that Mrs. DiLaura should be able to return to work in approximately three weeks. Consistently, Mrs. DiLaura also advised the defendant employer that she should be able to return to work in approximately three weeks.
 16. Mrs. DiLaura's depression and affective bipolar disorder were transitory, due to post-partem depression from the birth of her second child. Thus, Mrs. DiLaura made a reasonable request for a reasonable accommodation for a temporary medical leave of absence, to which she was legally entitled.
 17. Without any reasonable basis, and in an illegal, unlawful and discriminatory manner, the defendant employer refused to grant Mrs. DiLaura's reasonable request for a reasonable accommodation for a temporary medical leave of absence.
 18. Mrs. DiLaura was a disabled and impaired person under the Americans with Disabilities Act. Mrs. DiLaura was a qualified person with a disability within the meaning of Title I of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.
 19. Mrs. DiLaura was able to continue to perform her work and to perform the essential functions of her job position, only needing the reasonable accommodation of being granted a three week temporary medical leave of absence to which she was clearly legally entitled.

20. The defendant employer's refusal to permit Mrs. DiLaura to continue to perform her work with this reasonable accommodation was based on Mrs. DiLaura's record of impairment, and the defendant employer's erroneous perception of her inability to perform the essential functions of her job position.
21. The defendant employer could easily have afforded this temporary three week medical leave of absence to Mrs. DiLaura. However, the defendant employer chose not to do so, in a discriminatory manner against Mrs. DiLaura, in violation of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.
22. The defendant employer's allegation that it would have incurred a hardship by allowing Mrs. DiLaura to remain off from work for this three week period of time because of the amount of work to be done and the relatively small size of the office and staff is a false and pretextual reason without a legitimate factual or legal basis. The defendant employer is a large national company with a number of offices located in a number of states.
23. The defendant employer's allegation that Mrs. DiLaura was considered to have abandoned her job position after she took an unauthorized medical leave of absence is also made on a pretextual and false basis. Mrs. DiLaura legally requested a proper medical leave of absence to which she was legally entitled. The defendant employer denied Mrs. DiLaura's proper and legitimate request, and instead, would not legally allow her to take a medical leave of absence for her temporary psychiatric condition caused by her temporary post-partum depression from the birth of her second child.
24. Plaintiff, Sandra DiLaura, provided the defendant employer with medical documentation that she possessed a disability as defined by the Americans with

Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq. The defendant employer did not possess a legitimate reason for denying Mrs. DiLaura's request for a reasonable accommodation consisting of a temporary three-week medical leave of absence. The defendant employer made a false allegation that staffing and business needs required the defendant employer to deny Mrs. DiLaura's reasonable request for a reasonable accommodation consisting of a temporary three-week medical leave of absence.

25. The defendant employer is a large national employer that employs thousands of employees at multiple locations. Thus, the defendant employer's allegation that by allowing Mrs. DiLaura to take a temporary three-week leave of absence from work to deal with her post-partum depression and the psychotropic medications that she was being prescribed for the post-partum depression, after she had been a diligent and competent employee for several years, because of an alleged staffing hardship, is pretextual, false and made without a legitimate factual basis. Instead, the defendant employer's allegation is a mere cover-up for its unlawful and illegal decision to deny Mrs. DiLaura's reasonable request for a reasonable accommodation consisting of a temporary three-week medical leave of absence for documented and legitimate medical reasons, in violation of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.
26. The defendant employer is not exempt from the Family and Medical Leave Act requirements, Title 29 U.S.C. Sections 2601, et. seq. Under Title 29 of the Code of Federal Regulations, Section 825.104(c), the corporation is the employer and not the division. Therefore, if the division has less than 50 employees, but the employer has 50 or more employees, then the employee is a covered entity under

the Family and Medical Leave Act, Title 29 U.S.C. Sections 12101, et. seq. The defendant employer possesses multiple business locations in both Malvern, Pennsylvania, and in Fort Washington, Pennsylvania, well within 75 miles of each other. More than 50 employees work at the Malvern, Pennsylvania, and Fort Washington, Pennsylvania, locations of the defendant employer, which are within 75 miles of each other.

27. Plaintiff, Sandra DiLaura, only requested a temporary three-week medical leave of absence and not the full twelve weeks of medical leave to which she was legally entitled under the Family and Medical Leave Act. The genuine fact is that the employer did not want Mrs. DiLaura, with a transitory mental illness, taking psychotropic medications, working at its facility. Therefore, the defendant employer illegally and unlawfully perceived Mrs. DiLaura as being a disabled person with a disability, consisting of a transitory mental illness taking psychotropic medications, and did not want her working at its facility. Therefore, the defendant employer denied Mrs. DiLaura's reasonable request for the reasonable accommodation of a temporary three-week medical leave of absence without a legitimate factual basis, and on a discriminatory basis, because it perceived her as being a disabled person with mental health problems requiring psychotropic medications.

28. The defendant employer grants family and medical leaves of absence to employees other than Mrs. DiLaura, thereby discriminating against Mrs. DiLaura, based on the illegal and unlawful perception of her as being a disabled person, in violation of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq. In its own MAMSI Health Plans Employee Handbook, the defendant

employer recognized its obligation to grant Mrs. DiLaura's request for family and medical leave. In the defendant employer's own MAMSI Health Plans Employee Handbook, the defendant employer enumerated its own progressive discipline policies. The defendant employer violated its own MAMSI Health Plans Employee Handbook, specifically, its own progressive discipline policies. In the Progressive Discipline Steps, Section 4 of the defendant employer's own MAMSI Health Plans Employee Handbook, a number of progressive discipline steps are enumerated for employees, before termination, including an oral reminder, the first step prior to formal discipline; a verbal warning, the first level of formal correction; a written warning, the second level of formal correction; the final warning, a third level of formal correction; and then, a suspension; all before a dismissal. None of these progressive disciplinary steps were ever undertaken by the employer towards Mrs. DiLaura, in violation of the defendant employer's own MAMSI Health Plans Employee Handbook.

29. Also, in the section of the defendant employer's MAMSI Health Plans Employee Handbook, entitled, "Disciplinary Procedure And Corrective Action", there are a number of infractions that may result in immediate dismissal, none of which Mrs. DiLaura committed or was ever accused of committing, including, assault on another employee, visitor or customer; bringing a weapon into the workplace; dishonesty; falsification or misrepresentation on the employment application or on other work records; using and/or distributing illegal drugs at the workplace; breach of the customer's right to the expectation of the confidentiality of their information; sexual, racial, religious or ethnic harassment; negligence or any

careless action which endangers the life or safety of others; willful damage to, or theft of, the employer's property; or gross insubordination.

30. The defendant employer also violated its own Employee Handbook, Section 7, entitled, "Employee Benefits Programs". Specifically, one of the employee benefits to which all of the employees of the defendant employer were legally entitled is family and medical leave. Mrs. DiLaura was denied her legal entitlement to this family and medical leave, in a discriminatory manner, based on the employer's illegal and unlawful perception of her as being a disabled person, and based on disability discrimination, in violation of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

IV. COUNT NO. 2: FAILURE TO RETURN TO WORK WITH OR WITHOUT ACCOMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, TITLE 42 U.S.C. SECTIONS 12101, ET. SEQ.

31. Plaintiffs repeat the averments of paragraphs 1-30 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length herein.

32. The defendant employer's refusal to permit Mrs. DiLaura to continue to perform her work and its refusal to reasonably accommodate any perceived impairment violated Mrs. DiLaura's legal rights under the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

V. COUNT 3: FAILURE TO RETURN TO WORK WITH OR WITHOUT ACCOMMODATIONS PURSUANT TO THE PENNSYLVANIA HUMAN RELATIONS ACT.

33. Plaintiffs repeat the averments of paragraphs 1-32 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length herein.

34. Mrs. DiLaura was a person with a handicap or a disability within the meaning of the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Section 955(a).

35. With the reasonable accommodation of being provided a temporary three-week medical leave of absence, Mrs. DiLaura was able to continue to perform her work and to fulfill the essential functions of her job position on or about August 30, 2000, and thereafter, and she remained able and available to continue to perform her work thereafter. The refusal of the defendant employer to permit her to

continue to perform her work with this reasonable accommodation, was based on Mrs. DiLaura's record of impairment and the erroneous perception by the defendant employer of Mrs. DiLaura's inability to perform the essential functions of the job position.

36. The refusal of the defendant employer to permit Mrs. DiLaura to continue to perform her work and the refusal to reasonably accommodate the perceived impairment violated Mrs. DiLaura's legal rights under the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

VI. COUNT 4: RETALIATION PURSUANT TO THE AMERICANS WITH DISABILITIES ACT.

37. Plaintiffs repeat the averments of paragraphs 1-36 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length herein.

38. Subsequent to the defendant employer being advised of the medical condition of plaintiff, Sandra DiLaura, the defendant employer took adverse action against plaintiff, Sandra DiLaura, in an effort to prevent her from continuing to perform her gainful employment, including, unjustifiably refusing to honor her reasonable

request for a temporary three-week medical leave of absence, terminating her gainful employment, refusing to acknowledge her reasonable accommodation requests, refusing to honor her reasonable request for a reasonable accommodation of a temporary three-week medical leave of absence, and other deceptive conduct calculated to prevent plaintiff, Sandra DiLaura, from continuing to perform her job duties.

39. The conduct of the defendant employer constitutes unlawful retaliation, in violation of Section V of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq.
40. As the direct and proximate result of the willful, illegal and unlawful actions of the defendant employer, plaintiff, Sandra DiLaura, has been caused to suffer severe economic losses of pay, benefits and other employee remunerations, and the undeserved and painful diminution of her abilities to provide for herself and her family with the earned rewards of excellence in her career, and given her loyalty and efforts on behalf of defendant, emotional distress and humiliation, pain and suffering, losses of life's pleasures, mental, emotional and physical pain and suffering, medical expenses for medical treatment for her severe mental, emotional and physical injuries, significant losses of wages and losses of earning capacities and powers, and the inability to attend to her usual, customary and normal daily duties, occupations and activities of daily living and employment and occupational activities, and has sustained the permanent diminution in her abilities to enjoy the activities of daily living, to enjoy life's pleasures, to earn wages, to work and to be employed.

41. As the direct and proximate result of the defendant's discriminatory conduct, plaintiff, Sandra DiLaura, has suffered damages in excess of the Federal jurisdictional limits, and plaintiff, Sandra DiLaura, has suffered the following, including, but not limited to:
- a. That the Honorable Court and Jury enter a declaratory judgment and find that defendant violated plaintiffs' legal rights to be free from disability discrimination and disability harassment under the Americans with Disabilities Act and the Pennsylvania Human Relations Act;
 - b. That the Honorable Court and Jury enter the verdict for plaintiff, Sandra DiLaura, and find that defendant has discriminated against plaintiff, Sandra DiLaura, in violation of the Americans with Disabilities Act and the Pennsylvania Human Relations Act;
 - c. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such damages as back pay, front pay, overtime, loss of fringe benefits, medical benefits and other benefits of employment;
 - d. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such compensatory damages as are allowable by law;
 - e. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such declaratory damages, actual damages, punitive damages and nominal damages as are allowable by law;
 - f. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such attorneys' fees, costs, expenses, pre-judgment interest, post-judgment interest and delay damages as are allowable by law;

- g. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, equitable relief, including, but not limited to, front pay, back pay, reinstatement of salary, wages and earnings, holiday pay, sick pay, vacation pay, and reaffirmation of her employment records and positive letters of reference;
- h. That the Honorable Court award plaintiff, Sandra DiLaura, punitive damages;
- i. That the Honorable Court award plaintiff, Sandra DiLaura, injunctive relief.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

VII. COUNT 5: RETALIATION PURSUANT TO THE PENNSYLVANIA HUMAN RELATIONS ACT.

42. Plaintiffs repeat the averments of paragraphs 1-41 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length herein.

43. Subsequent to the defendant employer being advised of the medical conditions of plaintiff, Sandra DiLaura, the defendant employer took adverse action against plaintiff, Sandra DiLaura, in an effort to prevent her from continuing to perform

her gainful employment, including unjustifiably refusing to honor her reasonable request for a reasonable accommodation of a temporary three-week medical leave of absence, terminating her gainful employment, refusing to acknowledge her reasonable accommodation requests, refusing to honor her reasonable request for a temporary three-week medical leave of absence, and other deceptive conduct calculated to prevent plaintiff, Sandra DiLaura, from continuing to perform her job duties.

44. The conduct of the defendant employer constitutes retaliation, in violation of the legal rights of plaintiff, Sandra DiLaura, to be free from retaliation, under the provisions of the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

VIII. COUNT 6: DEFENDANT VIOLATED THE LEGAL RIGHTS OF PLAINTIFF, SANDRA DILAURA, UNDER THE PENNSYLVANIA HUMAN RELATIONS ACT, TITLE 43 C.S.A. SECTIONS 955, ET. SEQ.

45. Plaintiffs repeat the averments of paragraphs 1-44 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length herein.

46. Defendant violated the provisions of the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq., in that defendant illegally and unlawfully discriminated against plaintiff, Sandra DiLaura, on account of her disability.
47. Under the Judicial Improvements Act of 1990, Title 28 U.S.C. Section 1367(a), this Honorable Court has supplemental jurisdiction over all other claims, which “are related to” the Federal claims over which the Honorable Court has jurisdiction as Federal questions. Plaintiff, Sandra DiLaura, raises a claim in this court for violation of her state civil rights to be free from disability discrimination and disability harassment, under the Pennsylvania Human Relations Act. Such state law claims arise from the same “nucleus of operative facts”, including, disability discrimination and disability harassment, which form the basis of the Federal claims of plaintiff, Sandra DiLaura, under the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., under Title VII of the United States Civil Rights Acts of 1964 and 1991, and under the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq. This Honorable Court is requested to assume supplemental jurisdiction over the claims arising under the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq.
48. The defendant employer employs more than four persons within the Commonwealth of Pennsylvania, and thus, is an “employer”, under the jurisdiction of the Pennsylvania Human Relations Act.
49. The actions of the defendant employer, as enumerated herein, constitute illegal and unlawful disability discrimination and disability harassment, under the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq. These discriminatory acts were performed by the defendant employer against

plaintiff, Sandra DiLaura, in violation of the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq., thereby entitling plaintiff, Sandra DiLaura, to compensatory damages, and were also performed against plaintiff, Sandra DiLaura, by the defendant employer, in wanton, willful and reckless disregard of her legal rights, thereby entitling plaintiff, Sandra DiLaura, to be awarded punitive damages.

50. Plaintiff, Sandra DiLaura, has duly exhausted administrative remedies by the dual filing of a timely Complaint in writing with the United States Equal Employment Opportunity Commission and with the Pennsylvania Human Relations Commission, enumerating the discriminatory acts of the defendant employer, which complaint was investigated by the United States Equal Employment Opportunity Commission.

51. Conciliation in this matter was undertaken by the United States Equal Employment Opportunity Commission, more than one year has passed since the filing of this Complaint, and the United States Equal Employment Opportunity Commission issued a Determination dated October 26, 2001. This Determination found sufficient and competent evidence to establish a violation of the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., by the defendant employer against Mrs. DiLaura.

52. Based on defendant's failure to offer conciliation of this case in a proper manner, and based on the determination made by the United States Equal Employment Opportunity Commission that the defendant employer violated the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., plaintiffs commenced the present Civil Action.

53. As the direct and proximate result of the willful, illegal and unlawful actions of the defendant employer, plaintiff, Sandra DiLaura, has been caused to suffer severe economic losses of pay, benefits and other employee remunerations, and the undeserved and painful diminution of her abilities to provide for herself and her family with the earned rewards of excellence in her career, and given her loyalty and efforts on behalf of defendant, emotional distress and humiliation, pain and suffering, losses of life's pleasures, mental, emotional and physical pain and suffering, medical expenses for medical treatment for her severe mental, emotional and physical injuries, significant losses of wages and losses of earning capacities and powers, and the inability to attend to her usual, customary and normal daily duties, occupations and activities of daily living and employment and occupational activities, and has sustained the permanent diminution in her abilities to enjoy the activities of daily living, to enjoy life's pleasures, to earn wages, to work and to be employed.

54. As the direct and proximate result of the defendant's discriminatory conduct, plaintiff, Sandra DiLaura, has suffered damages in excess of the Federal jurisdictional limits, and plaintiff, Sandra DiLaura, has suffered the following, including, but not limited to:

- a. That the Honorable Court and Jury enter a declaratory judgment and find that defendant violated plaintiffs' legal rights to be free from disability discrimination and disability harassment under the Americans with Disabilities Act and the Pennsylvania Human Relations Act;
- b. That the Honorable Court and Jury enter the verdict for plaintiff, Sandra DiLaura, and find that defendant has discriminated against plaintiff,

Sandra DiLaura, in violation of the Americans with Disabilities Act and under the Pennsylvania Human Relations Act;

- c. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such damages as back pay, front pay, overtime, loss of fringe benefits, medical benefits and other benefits of employment;
- d. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such compensatory damages as are allowable by law;
- e. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such declaratory damages, actual damages, punitive damages and nominal damages as are allowable by law;
- f. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such attorneys' fees, costs, expenses, pre-judgment interest, post-judgment interest and delay damages as are allowable by law;
- g. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, equitable relief, including, but not limited to, front pay, back pay, reinstatement of salary, wages and earnings, holiday pay, sick pay, vacation pay, and reaffirmation of her employment records and positive letters of reference;
- h. That the Honorable Court award plaintiff, Sandra DiLaura, punitive damages;
- i. That the Honorable Court award plaintiff, Sandra DiLaura, injunctive relief.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law,

including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

IX. COUNT 7: PLAINTIFFS REQUEST PUNITIVE DAMAGES UNDER THE PENNSYLVANIA HUMAN RELATIONS ACT, UNDER THE AMERICANS WITH DISABILITIES ACT, UNDER TITLE VII OF THE UNITED STATES CIVIL RIGHTS ACTS OF 1964 AND 1991, AND UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993, TITLE 29 U.S.C. SECTIONS 2601, ET. SEQ.

55. Plaintiffs repeat the averments of paragraphs 1-54 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length herein.

56. Under the Pennsylvania Human Relations Act, Title 43 Pa. C.S.A. Sections 955, et. seq., under the Americans with Disabilities Act, Title 42 U.S.C. Sections 12101, et. seq., under Title VII of the United States Civil Rights Acts of 1964 and 1991, and under the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., defendant is liable to plaintiffs for punitive damages, and for acts of discrimination performed "with malice", or in "reckless indifference to the Federally protected civil rights" of plaintiff, Sandra DiLaura.

57. Plaintiff, Sandra DiLaura, alleges that the managers and the supervisors of the defendant employer continued to engage in certain acts of disability discrimination and disability harassment against her, and did so with the knowledge that such disability discrimination and such disability harassment were offensive to plaintiff, Sandra DiLaura, and then, retaliated against plaintiff,

Sandra DiLaura, by terminating her for objecting to and opposing this misconduct, thus creating liability for punitive damages for such acts performed with “reckless indifference to plaintiff’s Federally protected rights”.

58. As the direct and proximate result of the willful, illegal and unlawful actions of the defendant employer, plaintiff, Sandra DiLaura, has been caused to suffer severe economic losses of pay, benefits and other employee remunerations, and the undeserved and painful diminution of her abilities to provide for herself and her family with the earned rewards of excellence in her career, and given her loyalty and efforts on behalf of defendant, emotional distress and humiliation, pain and suffering, losses of life’s pleasures, mental, emotional and physical pain and suffering, medical expenses for medical treatment for her severe mental, emotional and physical injuries, significant losses of wages and losses of earning capacities and powers, and the inability to attend to her usual, customary and normal daily duties, occupations and activities of daily living and employment and occupational activities, and has sustained the permanent diminution in her abilities to enjoy the activities of daily living, to enjoy life’s pleasures, to earn wages, to work and to be employed.

59. As the direct and proximate result of the defendant’s discriminatory conduct, plaintiff, Sandra DiLaura, has suffered damages in excess of the Federal jurisdictional limits, and plaintiff, Sandra DiLaura, has suffered the following, including, but not limited to:

- a. That the Honorable Court and Jury enter a declaratory judgment and find that defendant violated plaintiffs’ legal rights to be free from disability discrimination and disability harassment under Title VII of the United

States Civil Rights Acts of 1964 and 1991, under the Americans with Disabilities Act, under the Pennsylvania Human Relations Act and under the Family and Medical Leave Act of 1993;

- b. That the Honorable Court and Jury enter the verdict for plaintiff, Sandra DiLaura, and find that defendant has discriminated against plaintiff, Sandra DiLaura, in violation of Title VII of the United States Civil Rights Acts of 1964 and 1991, the Americans with Disabilities Act, the Pennsylvania Human Relations Act and the Family and Medical Leave Act of 1993;
- c. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such damages as back pay, front pay, overtime, loss of fringe benefits, medical benefits and other benefits of employment;
- d. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such compensatory damages as are allowable by law;
- e. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such declaratory damages, actual damages, punitive damages and nominal damages as are allowable by law;
- f. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such attorneys' fees, costs, expenses, pre-judgment interest, post-judgment interest and delay damages as are allowable by law;
- g. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, equitable relief, including, but not limited to, front pay, back pay, reinstatement of salary, wages and earnings, holiday pay, sick pay,

vacation pay, and reaffirmation of her employment records and positive letters of reference;

- h. That the Honorable Court award plaintiff, Sandra DiLaura, punitive damages;
- i. That the Honorable Court award plaintiff, Sandra DiLaura, injunctive relief.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

X. COUNT 8: VIOLATION OF TITLE VII OF THE UNITED STATES CIVIL RIGHTS ACTS OF 1964 AND 1991.

60. Plaintiffs repeat the averments of paragraphs 1-59 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth herein.

61. Defendant violated plaintiffs' legal rights under Title VII of the United States Civil Rights Acts of 1964 and 1991, in that defendant illegally and unlawfully committed disability discrimination and disability harassment against plaintiff, Sandra DiLaura.

62. Plaintiff, Sandra DiLaura, was fired without any warning and without any notice, either written or verbal, on August 30, 2000, based on the employer's unlawful

- perception of her as being a disabled person, because it refused to accommodate her reasonable request for the reasonable accommodation of a three-week medical leave of absence in a discriminatory and unlawful manner.
63. The willful and unlawful actions of the defendant employer in terminating the employment of plaintiff, Sandra DiLaura, was part of a pattern and practice of illegal and unlawful disability discrimination and disability harassment on the part of the defendant employer, in violation of the applicable laws of the United States of America and of the Commonwealth of Pennsylvania.
64. As the direct and proximate result of the willful, illegal and unlawful actions of the defendant employer, plaintiff, Sandra DiLaura, has been caused to suffer severe losses of her professional status and reputation in the community of her peers.
65. As the direct and proximate result of the willful, illegal and unlawful actions of the defendant employer, plaintiff, Sandra DiLaura, has been caused to suffer severe economic losses of pay, benefits and other employee remunerations, and the undeserved and painful diminution of her abilities to provide for herself and her family with the earned rewards of excellence in her career, and given her loyalty and efforts on behalf of defendant, emotional distress and humiliation, pain and suffering, losses of life's pleasures, mental, emotional and physical pain and suffering, medical expenses for medical treatment for her severe mental, emotional and physical injuries, significant losses of wages and losses of earning capacities and powers, and the inability to attend to her usual, customary and normal daily duties, occupations and activities of daily living and employment and occupational activities, and has sustained the permanent diminution in her

abilities to enjoy the activities of daily living, to enjoy life's pleasures, to earn wages, to work and to be employed.

66. As the direct and proximate result of the defendant's discriminatory conduct, plaintiff, Sandra DiLaura, has suffered damages in excess of the Federal jurisdictional limits, and plaintiff, Sandra DiLaura, has suffered the following, including, but not limited to:

- a. That the Honorable Court and Jury enter a declaratory judgment and find that defendant violated plaintiffs' legal rights to be free from disability discrimination and disability harassment under Title VII of the United States Civil Rights Acts of 1964 and 1991;
- b. That the Honorable Court and Jury enter the verdict for plaintiff, Sandra DiLaura, and find that defendant has discriminated against plaintiff, Sandra DiLaura, in violation of Title VII of the United States Civil Rights Acts of 1964 and 1991;
- c. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such damages as back pay, front pay, overtime, loss of fringe benefits, medical benefits and other benefits of employment;
- d. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such compensatory damages as are allowable by law;
- e. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such declaratory damages, actual damages, punitive damages and nominal damages as are allowable by law;

- f. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such attorneys' fees, costs, expenses, pre-judgment interest, post-judgment interest and delay damages as are allowable by law;
- g. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, equitable relief, including, but not limited to, front pay, back pay, reinstatement of salary, wages and earnings, holiday pay, sick pay, vacation pay, and reaffirmation of her employment records and positive letters of reference;
- h. That the Honorable Court award plaintiff, Sandra DiLaura, punitive damages;
- i. That the Honorable Court award plaintiff, Sandra DiLaura, injunctive relief.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

XI. COUNT 9: VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993, TITLE 29, U.S.C. SECTIONS 2601, ET. SEQ.

67. Plaintiffs repeat the averments of paragraphs 1-66 of this Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length.

68. Defendant, Mid Atlantic Health Services Plan, Inc., d/b/a MAMSI, violated the legal rights of plaintiff, Sandra DiLaura, under the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq.
69. Plaintiff, Sandra DiLaura, reasonably and properly requested the reasonable accommodation of a three-week temporary medical leave of absence under the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., to which she was legally entitled.
70. The defendant employer willfully, unreasonably, illegally, unlawfully and in a discriminatory manner denied the reasonable request of plaintiff, Sandra DiLaura, for a temporary three-week medical leave of absence under the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq.
71. The defendant employer made willful misrepresentations to the United States Equal Employment Opportunity Commission during the course of the investigation by the United States Equal Employment Opportunity Commission regarding its unfounded allegation that the Family and Medical Leave Act of 1993 did not apply to the defendant employer, because the defendant employer allegedly did not have 50 or more employees working in its facilities within a 75 mile radius of each other. In fact, the defendant employer possesses two facilities within a 75 mile radius of each other, these facilities being located in Malvern, Pennsylvania, where plaintiff, Sandra DiLaura, worked, and in Ft. Washington, Pennsylvania. These two facilities are located within 75 miles of each other. Between these two facilities, the defendant employer employed more than 50 employees.

72. Therefore, the defendant employer knew and should have known that it employed 50 or more employees within a 75 mile radius of its two business locations in Malvern, Pennsylvania, and in Ft. Washington, Pennsylvania. Thus, the defendant employer made willful misrepresentations to the United States Equal Employment Opportunity Commission. In fact, the defendant employer was governed by the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., because the defendant employer employed more than 50 employees within a 75 miles radius of its facilities in Malvern, Pennsylvania, and in Ft. Washington, Pennsylvania.
73. Furthermore, the defendant employer, in its own MAMSI Health Plans Employee Handbook, provides the benefit for all employees of family and medical leaves of absences, in Section 7.1, entitled, “Employee’s Benefit Programs”. The employer provides family and medical leaves of absences to employees other than plaintiff, Sandra DiLaura. Consequently, the defendant employer is governed by the provisions of the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq.
74. The defendant employer made misrepresentations to both the United States Equal Employment Opportunity Commission and to plaintiff, Sandra DiLaura, that plaintiff, Sandra DiLaura, was not legally entitled to a family and medical leave of absence upon her proper and reasonable request for a family and medical leave of absence under the provisions of the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq.
75. Consequently, the defendant employer committed and engaged in willful misrepresentations, misconduct and violations of the provisions of the Family and

Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., by failing and refusing to provide to plaintiff, Sandra DiLaura, her proper and reasonable request for family and medical leave under the Family and Medical Leave Act of 1993, U.S.C. Sections 2601, et. seq. The defendant employer engaged in willful violations of the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., by misrepresenting to both the United States Equal Employment Opportunity Commission and to plaintiff, Sandra DiLaura, that the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., did not govern the reasonable request of plaintiff, Sandra DiLaura, for a temporary three-week family and medical leave.

76. In fact, the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., did govern the proper and reasonable request of plaintiff, Sandra DiLaura, for a temporary three-week family and medical leave under the Family and Medical Leave Act of 1993, Title 29 U.S.C. Sections 2601, et. seq., and defendant knew and should have known that it did so.
77. As the direct and proximate result of the willful, illegal and unlawful actions of the defendant employer, plaintiff, Sandra DiLaura, has been caused to suffer severe economic losses of pay, benefits and other employee remunerations, and the undeserved and painful diminution of her abilities to provide for herself and her family with the earned rewards of excellence in her career, and given her loyalty and efforts on behalf of defendant, emotional distress and humiliation, pain and suffering, losses of life's pleasures, mental, emotional and physical pain and suffering, medical expenses for medical treatment for her severe mental, emotional and physical injuries, significant losses of wages and losses of earning

capacities and powers, and the inability to attend to her usual, customary and normal daily duties, occupations and activities of daily living and employment and occupational activities, and has sustained the permanent diminution in her abilities to enjoy the activities of daily living, to enjoy life's pleasures, to earn wages, to work and to be employed.

78. As the direct and proximate result of the defendant's discriminatory conduct, plaintiff, Sandra DiLaura, has suffered damages in excess of the Federal jurisdictional limits, and plaintiff, Sandra DiLaura, has suffered the following, including, but not limited to:

- a. That the Honorable Court and Jury enter a declaratory judgment and find that defendant violated plaintiffs' legal rights to be free from disability discrimination and disability harassment under the Family and Medical Leave Act of 1993;
- b. That the Honorable Court and Jury enter the verdict for plaintiff, Sandra DiLaura, and find that defendant has discriminated against plaintiff, Sandra DiLaura, in violation of the Family and Medical Leave Act of 1993;
- c. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such damages as back pay, front pay, overtime, loss of fringe benefits, medical benefits and other benefits of employment;
- d. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such compensatory damages as are allowable by law;

- e. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such declaratory damages, actual damages, punitive damages and nominal damages as are allowable by law;
- f. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, such attorneys' fees, costs, expenses, pre-judgment interest, post-judgment interest and delay damages as are allowable by law;
- g. That the Honorable Court and Jury award plaintiff, Sandra DiLaura, equitable relief, including, but not limited to, front pay, back pay, reinstatement of salary, wages and earnings, holiday pay, sick pay, vacation pay, and reaffirmation of her employment records and positive letters of reference;
- h. That the Honorable Court award plaintiff, Sandra DiLaura, punitive damages;
- i. That the Honorable Court award plaintiff, Sandra DiLaura, injunctive relief.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiffs, Sandra DiLaura and Jeffrey DiLaura, w/h, respectfully request that this Honorable Court and Jury find in their favor and against defendant on all counts.

XII. LOSS OF CONSORTION CLAIM OF PLAINTIFF, JEFFREY DILAURA, AGAINST DEFENDANT, MID ATLANTIC MEDICAL SERVICES, INC., D/B/A MAMSI.

79. Plaintiff, Jeffrey DiLaura, repeats the averments in paragraphs 1-78 of this

Complaint, which are incorporated herein by reference thereto, as fully as those same were set forth at length herein.

80. Plaintiff, Jeffrey DiLaura, was and is the spouse and husband of plaintiff, Sandra DiLaura, at all times material and relevant hereto.

81. As the direct, proximate and sole result of defendant's employment discrimination, disability discrimination and disability harassment committed against plaintiff, Sandra DiLaura, plaintiff, Jeffrey DiLaura, has suffered and continues to suffer extensive damages and injuries, and has been deprived of the consortium, love, services, companionship, society, affections and attentions of his wife and spouse, plaintiff, Sandra DiLaura, and other severe, serious and substantial detriment, harm, losses and damages.

82. As the further direct, proximate and sole result of defendant's employment discrimination, disability discrimination and disability harassment committed against plaintiff, Sandra DiLaura, plaintiff, Jeffrey DiLaura, has suffered and continues to suffer severe financial losses and damages for the losses suffered by his wife and spouse, plaintiff, Sandra DiLaura.

WHEREFORE, plaintiff, Jeffrey DiLaura, respectfully request that this Honorable Court and Jury award all damages allowable by law, including, compensatory damages, punitive damages, interest, attorneys' fees, Court costs, litigation costs and such further relief as this Honorable Court deems just and awards against defendant, Mid Atlantic Medical Services, Inc., d/b/a MAMSI.

WHEREFORE, plaintiff, Jeffrey DiLaura, respectfully requests that this Honorable Court and Jury find in his favor and against defendant on all counts.

Respectfully submitted,
LOWENTHAL & ABRAMS, P.C.

June 25, 2003

BY:

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