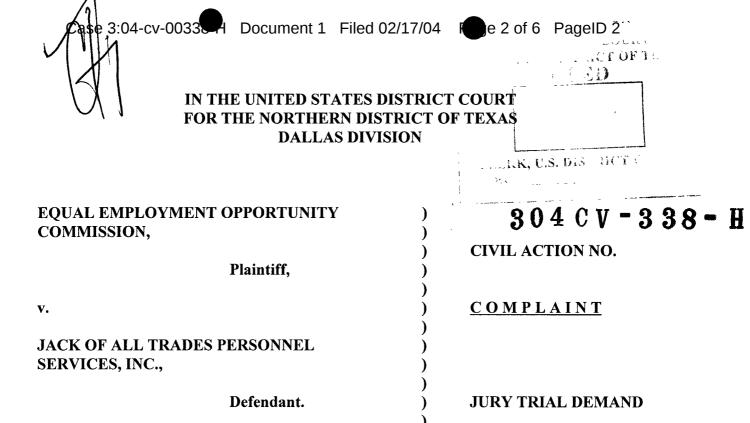
The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the

use of the Clerk of Court for	or the purpose of initiation	ng the civil docket sh	eet.	(SEE INSTRUCTIONS	ON THE REVERSE OF T	HE FORM.)	
I. (a) PLAINTIFFS	Γ	DEOEN	/_	DEFENDANTS			
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION CEIVED JACK OF ALL TRADES PERSONNEL SERVICES, INC.							
(1) G OD	ari Aria Ini i ion	FEB 17	200	4 6 6 6 11	CET ALL AD C. 1		
(b) County of Residence of First Listed Plaintiff County of Residence of First Listed Defendant (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY)						S ONLY)	
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		NORTHERN DISTRIC	CT OF	TEXAS LAND	INVOLVED.		
(c) Attorney's (Firm Nan	ne, Address, and Telephone	Number)		Attorneys (If Kno	own)		
	CIS, SENIOR TRIAL ATT	ORNEY					
EEOC-Dallas District Office 207 South Houston, 3 rd Floor				30404-338-H			
Dallas, Texas 75202	(214) 253 -2 746					A ON - H	
II. BASIS OF JURISD	OICTION (Place an "X"	' in One Box Only)	III.	CITIZENSHIP OF P	PRINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff	
iii briois or verder	Tellott (Table and A	an one Box onay)		For Diversity Cases Only)		and One Box for Defendant)	
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☐ 110 Insurance ☐ 120 Marine	PERSONAL INJURY 310 Airplane	PERSONAL INJUR 362 Personal Injury—		610 Agriculture 620 Other Food & Drug	☐#22 Appeal 28 USC 158	☐ 400 State Reapportionment☐ 410 Antitrust	
☐ 130 Miller Act ☐ 140 Negotiable Instrument	☐ 315 Airplane Product Liability	Med. Malpractice ☐ 365 Personal Injury —		625 Drug Related Seizure of Property 21 USC	☐#23 Withdrawal 28 USC 157	☐ 430 Banks and Banking☐ 450 Commerce/ICC Rates/etc	
☐ 150 Recovery of Overpayment		Product Liability		630 Liquor Laws		450 Commerce/ICC Rates/etc	
& Enforcement of Judgment		☐ 368 Asbestos Persona		☐ 640 R.R. & Truck ☐ 650 Airline Regs.	PROPERTY RIGHTS	470 Racketeer Influenced and	
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Student Loans (Excl. Veterans)	☐ 340 Marine ☐ 345 Marine Product	PERSONAL PROPER 370 Other Fraud		Safety/Health 690 Other	☐840 Trademark	☐ 850 Securities/Commodities/ Exchange	
☐ 153 Recovery of Overpayment	Liability	☐ 371 Truth in Lending	- -		COCIAL CECUDITY	☐ 875 Customer Challenge	
of Veteran's Benefits ☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle ☐ 355 Motor Vehicle	☐ 380 Other Personal Property Damage		LABOR	SOCIAL SECURITY	12 USC 3410 ☐ 891 Agricultural Acts	
☐ 190 Other Contract	Product Liability	☐ 385 Property Damage		710 Fair Labor Standards Act	☐861 HIA (1395ff) ☐862 Black Lung (923)	☐ 892 Economic Stabilization Act	
☐ 195 Contract Product Liability	☐ 360 Other Personal Injury		_	☐ 720 Labor/Mgmt Relations	B63 DIWC/DIWW (405(g))	☐ 893 Environmental Matters ☐ 894 Energy Allocation Act	
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☐ 210 Land Condemnation ☐ 220 Foreclosure	☐ 441 Voting X 442 Employment	510 Motions to Vacate Sentence	e [& Disclosure Act 740 Railway Labor Act	FEDERAL TAX SUITS	900 Appeal of Fee	
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290 All Other Real Property	440 Other Civil Rights	☐ 540 Mandamus & Oth	ner [791 Empl. Ret. Inc.	371 IRSThird Party	State Statutes 890 Other Statutory Actions	
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VI. CAUSE OF ACTION		ute under which you are fili al statutes unless diversity.		write brief statement of cause.			
	suant to Title I of the Americans	with Disabilities Act of 19	90 and	-		ment practices on the basis provide	
						ursuan to Section 107(a) of the ADA Section 102 of Civi Rights 1991	
Of 1990, 42USC12117(a) reference Section 706(1) & (3) and Section 707 of Title VII of Civil Rights Act of 1964, as amended, 42 USC 2000e-5(f)(1), (3) 2000e-6 and Section 102 of Civil Rights 1991 VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint:							
COMPLAINT: UNDER F.R.C.P. 23 JURY DEMAND: X Yes □ No							
VIII. RELATED CASE(S) (See instructions):							
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NATURE OF THE ACTION

This an action under Title I of the Americans with Disabilities Act of 1990 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Marci Cudmore and a class of similarly-situated aggrieved individuals, who were adversely affected by such practices. The Commission alleges that Defendant, Jack of All Trades Personnel Services, Inc. (hereafter "Defendant"), engaged in a pattern and practice of discriminating against Marci Cudmore and a class of similarly-situated aggrieved individuals by subjecting them to unlawful pre-employment medical inquiries and examinations and by unlawfully relying upon the results thereof as a basis to deny hire.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the

Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference Section 706(1) and (3) and Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1), (3) 2000e-6 ("Title VII"), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

The employment practices alleged to be unlawful were being committed within 2. the jurisdiction of the United States District Court for the Northern District of Texas.

PARTIES

- 3. Plaintiff, Equal Employment Opportunity Commission ("Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, which incorporates by reference Section 706(1) and (3) and Section 707 of Title VII.
- 4. At all relevant times, Defendant has continuously been and is now doing business in the state of Texas and has continuously had at least fifteen employees.
- 5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Section 701(g) and (h) of Title VII, 42 U.S.C. § 2000e(g) and (h).
- At all relevant times, Defendant has continuously been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

- 7. More than thirty days prior to the institution of this lawsuit, Marci Cudmore filed a Charge of Discrimination with the Commission alleging violations of Title I of the ADA by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 8. Since at least July 1999, Defendant has engaged in unlawful employment practices by engaging in a regular pattern and practice of subjecting Marci Cudmore and a class of similarly-situated aggrieved individuals to unlawful pre-employment medical inquiries and examinations and by unlawfully relying upon the results thereof as a basis to deny hire.

 Specifically, Defendant discriminated against Ms. Cudmore and a class of similarly-situated aggrieved individuals when it sent applicants to visit a chiropractor before extending a job offer. Further, based upon the chiropractor's examination, Defendant refused to hire Ms. Cudmore and a class of similarly-situated aggrieved individuals.
- 9. The effect of the practices complained of above has been to deprive Ms. Cudmore and a class of similarly-situated aggrieved individuals of equal opportunities and otherwise adversely affect their status as an employee because they were disabled, regarded as disabled or because they had a record of a disability.
- 10. The unlawful employment practices complained of in paragraph 8 above were intentional.
- 11. The unlawful employment practices complained of in paragraph 8 above were committed with malice or with reckless indifference to the federally protected rights of Ms. Cudmore and a class of similarly-situated aggrieved individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- Grant a permanent injunction enjoining the Defendant, its officers, successors, A. assigns, and all person in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability.
- B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Ms. Cudmore and a class of similarly-situated aggrieved individuals with disabilities, and eradicate the effects of its past and present unlawful unemployment practices.
- C. Order the Defendant to make whole Ms. Cudmore and a class of similarly-situated aggrieved individuals by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of the Defendant's unlawful employment practices, including but not limited to rightful-place reinstatement.
- D. Order the Defendant to make whole Ms. Cudmore and a class of similarly-situated aggrieved individuals by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including but not limited to, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.
- E. Order the Defendant to pay Ms. Cudmore and a class of similarly-situated aggrieved individuals punitive damages for its malicious conduct or reckless indifference, described in paragraph 8 above, in an amount to be determined at trial.
 - F. Grant such further relief as the Court deems necessary and proper in the public

interest.

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

ERIC S. DREIBAND

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