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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PRESCOTT DIVISION**

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Plaintiff,

vs.

RV FUN, INC., an Arizona corporation,
d/b/a COWBOYS RV MART,
Defendant.

) Case No.: CV06-1675-PCT-EHC
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) **FIRST AMENDED COMPLAINT**
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) JURY TRIAL DEMANDED
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NATURE OF THE ACTION

This is an action under Titles I and V of the Americans with Disabilities Act of 1990 ("ADA") 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 Christiaan C. Calhoon, who was adversely affected by such practices. The Commission alleges that RV Fun, Inc. ("RV Fun") discriminated against Mr. Calhoon on the basis of his disability, Attention Deficit Disorder ("ADD"), when it denied him a reasonable accommodation in his position of Recreational Vehicle (RV) Cleaner and Washer and when it discharged him because of his disability and because he requested a reasonable accommodation.

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 Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the 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, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1).

4. At all relevant times, Defendant, RV Fun, Inc., an Arizona corporation, has continuously been doing business in the state of Arizona and the city of Lake Havasu City, and has continuously had at least 15 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 Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Defendant has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

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8. Christiaan Calhoon is a qualified individual with a disability and is covered by Title I of the ADA, 42 U.S.C. §§ 12101 et seq.

10. Since at least April 7, 2004, Defendant RV Fun has engaged in unlawful employment practices at its Lake Havasu City, Arizona location, in violation of Titles I and V of the ADA, 42 U.S.C. §§ 12101 et seq. These practices include:

11. The effect of the practices complained of in paragraph 10 above has been to deprive Christiaan Calhoon of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability.

13. The unlawful employment practices complained of in paragraph 10 above were done with malice or with reckless indifference to the federally protected rights of Christiaan Calhoon.

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A. Grant a permanent injunction enjoining Defendant RV Fun, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in those actions alleged in paragraph 10 and any other employment practice which discriminates on the basis of disability.

B. Order Defendant RV Fun to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disability, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant RV Fun to make whole Christiaan Calhoon by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to institution of training programs which educate employees about disability and anti-discrimination laws and transmission of a letter of apology to Christiaan Calhoon.

D. Order Defendant RV Fun to make whole Christiaan Calhoon by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 10 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

E. Order Defendant RV Fun to pay Christiaan Calhoon punitive damages for its malicious and reckless conduct, as described in paragraph 10 above, in amounts 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.

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JURY TRIAL DEMAND

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

RESPECTFULLY SUBMITTED, this 22nd day of August, 2006.

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT
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s/ Mary J. O'Neill
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Certificate of Service

I certify that on this 22nd day of August 2006, I electronically transmitted the attached document to the Clerk's Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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