

Potter

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

VIVIAN CLAYBORNE

~~Washington, D.C. 20001~~

Plaintiff,

v.

JOHN E. POTTER, Postmaster General
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

Defendant.

Case No.:
JURY DEMAND

COMPLAINT

1. COMES NOW the Plaintiff, Vivian Clayborne, by and through her counsel, The Law Office of Jimmy A. Bell, P.C., and Jimmy A. Bell, Esq., and respectfully presents this complaint against the Defendant, John E. Potter, to enforce her rights under the Americans with Disabilities Act.

JURISDICTION

2. Jurisdiction of this court is based upon 42 U.S.C. § 12112.

VENUE

3. Venue is proper in the District of Columbia as the discriminatory acts complained of occurred within the said jurisdiction.

STATEMENT OF FACTS

4. Plaintiff is a member of a protected class because of her physical disability (retinitis pigmentosa), of September 25, 2003, the defendant through management forced her to complete a sick leave slip and told her not to return to work until

further notice. The Plaintiff was not allowed to come back to work until a year later. The Defendant failed to provide reasonable accommodations for Plaintiff's disability. Defendant failed to follow federal government personnel policies and procedures. Because of Defendant's actions Plaintiff was forced to unemployment for one year.

COUNT I

VIOLATION OF THE AMERICANS WITH DISABILITIES ACT,
42 U.S.C. § 12112

5. Plaintiffs re-plead and re-allege paragraphs 1 through 4, with the same force and effect as if set forth separately at length herein.
6. Plaintiff is a disabled individual who was and is qualified to perform the required and necessary functions of her previous position with the Defendant.
7. Plaintiff made herself available to perform her duties and to receive the privileges and benefits of her employment with the Defendant. However, despite the fact that the Plaintiff was qualified and able to perform the essential functions of her position with the Defendant, the Defendant forced the Plaintiff to complete a sick leave slip and further informed the Plaintiff that she was not to return to work.
8. The facts and circumstances surrounding the termination of Plaintiff's employment supports an inference of unlawful discrimination based on her disability.
9. Plaintiff did not enjoy the same privileges and benefits or terms and conditions of employment as did other similarly situated persons outside of the Plaintiff's protected class.
10. Defendant intentionally discriminated against Plaintiff.

11. As a direct and proximate result of the aforesaid deprivation of Plaintiff's rights, under the Americans with Disabilities Act, the Plaintiff suffered severe damages.
12. Plaintiff was humiliated and embarrassed and suffered monetary loss due to her termination.
13. Plaintiff has endured and will continue to endure severe emotional distress.
14. Defendant acted in a discriminatory manner that a reasonable person would find objectively unreasonable.

RELIEF SOUGHT

15. Plaintiffs re-plead and re-allege counts 1 through 14, with the same force and effect as if set forth separately at length herein.
16. Plaintiffs request the following relief:
17. Compensatory damages in the amount of \$300,000.
18. Pre and Post-judgment interest.
19. The costs of litigation, including reasonable attorney's fees and expert witness fees.
20. Back pay and front pay.
21. Such other relief that may be just.

JURY DEMAND

22. Plaintiffs demand a trial by jury.

Respectfully submitted,

Jimmy A. Bell, Esq.

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