

JUDGE HIBBLER

MAGISTRATE JUDGE DENLOW

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TCC:st 3-3-09

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

KENYA Y. MADDEN,

Plaintiff,

vs.

VILLAGE OF HILLSIDE, an Illinois municipal
corporation and body politic,

Defendant.

NO.

JURY DEMANDED

COMPLAINT

Plaintiff, Kenya Madden, by and through her attorney, Thomas C. Crooks, complains of the
defendant Village of Hillside ("Hillside") as follows:

NATURE OF THE ACTION

1. Madden brings this civil action for violations of the Americans with Disabilities Act of
1990 (ADA), 42 U.S.C. §12111, *et seq.*

2. Madden was a dispatcher employed by the Hillside Police Department. In or about
August of 2007 Madden told a supervisor that she had narcolepsy. The supervisor asked Madden to
resign her position. When Madden did not resign she was terminated, because of her medical
condition, which defendant perceived to be a disability, on August 17, 2007.

JURISDICTION AND VENUE

3. Jurisdiction is invoked pursuant to 28 U.S.C. §1343(4) and 42 U.S.C. §2000e-5(f).
Madden filed her charge of discrimination with the Equal Employment Opportunities Commission on
November 19, 2007 alleging discrimination based upon disability. On January 12, 2009 a
determination was made by the EEOC that reasonable cause existed to believe that the defendant had
discriminated against Madden. A notice of right to sue was issued to Madden by the EEOC on

January 12, 2009. A second right to sue letter was issued on February 23, 2009.

4. Venue lies in the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §1391(b) because the events giving rise to this claim occurred in this judicial district and Madden and the defendant reside in this district.

PARTIES

5. At all relevant times hereto Madden suffered from narcolepsy. At all relevant times hereto Madden was under a doctor's care for narcolepsy and, with prescribed medication, was able to lead a normal life.

6. At all relevant times hereto the Village of Hillside was a municipal corporation and body politic duly organized under Illinois law.

FACTS COMMON TO ALL COUNTS

7. On or about July 2, 2007 Madden became employed at the Village of Hillside as a dispatcher in the police department. Madden was told that she would receive training for a period of ten weeks.

8. Madden's narcolepsy never interfered with her ability to work as a dispatcher. Madden never fell asleep during her work as a dispatcher at Hillside.

9. During her training period Madden spoke to her trainer, Dorothy O'Day, and informed her of her narcolepsy.

10. On or about August 10, 2007 Madden was told that she was ready to work alone as a dispatcher. At or about this time Madden told her supervisor, Lt. Damico, that she had narcolepsy. Lt. Damico immediately requested her resignation because of her condition. Madden did not resign.

11. On or about August 17, 2007 Damico contacted Madden at home and told her she

was being terminated.

12. Damico perceived Madden as suffering from a disability, as defined under the ADA, but requested no information about her disability to determine whether or not she was disabled and, if so, did not engage in an interactive process to see whether or not Madden's narcolepsy could be accommodated. Damico terminated plaintiff because he perceived her to be disabled.

13. In fact, Madden did not need an accommodation and, because she was successfully being treated for narcolepsy, was not disabled under the ADA.

14. As a direct and proximate result of her termination, Madden has suffered lost wages and benefits and has otherwise been damaged.

15. As a direct and proximate result of the actions of the defendant, as stated above, Madden has suffered and continues to suffer emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

16. The actions of the defendant were willful and malicious and done with reckless indifference toward Madden's federally protected rights. As a result, Madden is entitled to an award of punitive damages.

WHEREFORE, plaintiff, Kenya Y. Madden, requests the following relief:

A. A declaration by this court that her rights under the Americans with Disabilities Act were violated by defendant's actions;

B. Reinstatement of Madden to her position, including all seniority, benefits and pay increases she would have received if she had not been wrongfully terminated;

C. Back pay from the date of Madden's termination to the date of her reinstatement, including but not limited to the following:

(i) salary and raises commensurate with those given other similarly situated employees;

(ii) bonuses commensurate with those given other similarly situated employees;

(iii) all benefits, including but not limited to pension and profit sharing, health benefits and other benefits commensurate with those given similarly situated employees;

D. An award of compensatory and punitive damages in the maximum amount permitted by law;

E. An award of Madden's costs and reasonable attorney's fees as permitted by law;

F. For such other relief as this court deems just.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, plaintiff demands trial by jury.

s// Thomas C. Crooks
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