

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EDWARD RHODES)	
)	
)	Case No.
Plaintiff,)	
)	
V.)	JURY TRIAL DEMANDED
)	
SYSCO ATLANTA, LLC,)	
)	
Defendant.)	

COMPLAINT AND JURY DEMAND

I. INTRODUCTION

1.

This is a case to enforce Plaintiff’s rights under the Americans with Disabilities Act Amendments Act (“ADA” or “ADAAA”), 42 U.S.C. § 12101, for disability discrimination in failure to accommodate and unlawful termination. It is also a claim for violation of the Family and Medical Leave Act, 29 CFR § 2601 *et seq.*

2.

As an employer covered under the ADA, Defendant has a legal obligation to provide all qualified employees with reasonable accommodations for a disability to allow the employee to perform the essential functions of their position.

II. JURISDICTION AND VENUE

3.

This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. §§ 2201 and 2202 (declaratory judgment).

4.

Venue is proper in this district and division pursuant to 28 U.S.C. § 1391 and O.C.G.A. § 14-3-510(b)(1) because Defendant is a foreign corporation with its registered office in Norcross, Gwinnett County, Georgia, which is in this district and division.

5.

Defendant may be served with process on its registered agent, Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Gwinnett County, GA, 30092.

III. PRE-LITIGATION REQUIREMENTS

6.

Plaintiff exhausted his administrative requirements prior to initiating this lawsuit, as required by Fed.R.Civ.P. 9(c).

7.

On January 16, 2021, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) for Disability discrimination and retaliation in violation of the Americans with Disabilities Act.

8.

On February 24, 2022, the EEOC issued a Right to Sue Letter.

9.

Plaintiff filed his claims within 90 days of the date of receiving the Right to Sue letter.

IV. PARTIES

10.

Plaintiff is a resident of Fulton County, Atlanta, Georgia.

11.

Defendant is in the business of food service marketing and distribution. Defendant is a Foreign Limited Liability Company conducting business in Gwinnett County, Georgia.

12.

Defendant may be served by way of its registered agent, Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, Gwinnett County, GA 30092.

V. STATEMENT OF FACTS

i. Background.

13.

Plaintiff was hired by the Company on November 19, 2019, into the position of Forklift Operator. As a Forklift Operator, he was responsible for receiving products into the warehouse, operating and maintaining equipment, and controlling the flow of products received into the warehouse.

14.

Plaintiff was paid at a rate of \$17.75 per hour and he performed his job well.

15.

During Plaintiff's employment, the Human Resource Representative that worked with Mr. Rhodes was Adjoa Banks ("Ms. Banks").

16.

On or about March 27, 2020, Plaintiff's position was impacted by the Covid-19 pandemic, and he (among others) was laid off.

17.

In August 2020 the Company began recalling some of its employees back to work. On or about August 17, 2020 Plaintiff, in the first wave of call backs, was placed into the role of Order Selector and Fork Lift Operator on the night shift.

18.

As an Order Selector and Forklift Operator, Plaintiff was one of 50 to 60 employees responsible for *“operating an electric pallet jack or forklift, selecting the correct products from warehouse racking, labeling product using SOS bale technology, palletizing product as it is selected to build customer orders and delivering product to the deck in a safe and efficient manner.”*^[1] for approximately 10 hours of work per day.

19.

Plaintiff performed in a diligent and skillful manner and up until his accident, he did not require any specific accommodations to perform his job.

ii. Plaintiff sustains life-changing injuries in a non-work-related accident.

20.

On August 25, 2020, at approximately 7:30 pm, Plaintiff was involved in a serious motor vehicle accident that rendered him temporarily disabled. Indeed, his vehicle struck a tree traveling at a rate of 30 m.p.h.

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