

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

COREY CASEY)
5196 South Avenue)
Boardman, Ohio 45867)

Plaintiff,)

v.)

MERCY HEALTH PHYSICIANS)
YOUNGSTOWN, LLC)
c/o Joseph A. Shoaff)
Statutory Agent)
1044 Belmont Avenue)
Youngstown, Ohio 44501)

Defendant.)

CASE NO.

JUDGE:

**COMPLAINT FOR DAMAGES
AND REINSTATEMENT**

**JURY DEMAND ENDORSED
HEREIN**

Plaintiff, Corey Casey, by and through undersigned counsel, as his Complaint against the Defendant, states and avers the following:

PARTIES AND VENUE

1. Casey is a resident of the city of Boardman, County of Mahoning, State of Ohio.
2. Defendant is a Domestic Limited Liability Company with a place of business located at 1044 Belmont Ave Youngstown, Ohio 44501.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 in that Casey is alleging federal law claims regarding the deprivation of Casey’s rights under the Americans with Disabilities Act as amended, the Family Medical Leave Act, and the Age Discrimination in Employment Act.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.
5. All material events alleged in this Complaint occurred in Mahoning County.



6. Within 300 days of the conduct alleged below, Casey dual filed a Charge of Discrimination with the Equal Opportunity Employment Commission (“EEOC”) and the Ohio Civil Rights Commission (“OCRC”), Charge No. 532-2021-01375 against Defendant.
7. On or about July 26, 2021, the EEOC issued and mailed a Notice of Right to Sue letter to Casey regarding the Charge of Discrimination.
8. Casey received his Right to Sue letter from the EEOC in accordance with 42 U.S.C. § 2000e-5(f)(1), which has been attached hereto as Plaintiff’s Exhibit 1.
9. Casey filed this Complaint within 90 days of the issuance of the Notice of Right to Sue letter.
10. Casey has properly exhausted his administrative remedies pursuant to 29 C.F.R. § 1614.407(b).
11. Venue is proper in this district pursuant to 28 U.S.C. § 1391(a) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

FACTS

12. Defendant operates a health care system throughout Ohio.
13. At all times relevant herein, Defendant operated a facility located at 905 Sahara Trail Poland, Ohio 44514. (“Poland Location”)
14. Casey is a former employee of Defendant.
15. Defendant employed Casey at the Poland Location.
16. Defendant hired Casey as an aide in or around July 2018.
17. In or around February 2020, Defendant promoted Casey to a Licensed Practical Nurse.
18. Casey is biracial, African American and Native American.
19. Casey has a dark skin complexion.



20. Casey appears African American.
21. Casey has Crohn's disease. ("Crohn's").
22. As a result of Casey's Crohn's, Casey occasionally experiences debilitating pain and severe nausea and requires regular access to a restroom.
23. Casey's Crohn's affects his gastrointestinal body system.
24. Casey's Crohn's is a physiological disability.
25. As a result of the occasional debilitating pain and other symptoms of his Crohn's, Casey's Crohn's impacts one or more of his major life activities, including working.
26. Casey has a record of his Crohn's.
27. Despite his Crohn's, Casey was able to perform the essential functions of his job.
28. As a result of suffering from Crohn's, Casey is and was considered disabled within the meaning of the ADA.
29. As a result of suffering from Crohn's, Casey is and was considered disabled within the meaning of O.R.C § 4112.01(A)(13).
30. In or around September 2020, Casey disclosed his Crohn's to Defendant and requested FMLA leave for his condition. ("FMLA Request")
31. As of September 2020, Casey worked for Defendant for at least 12 months.
32. As of September 2020, Casey had at least 1,250 hours of service for Defendant during the previous 12 months.
33. As of September 2020, Defendant employed over 50 employees within a 75 mile radius.
34. As of September 2020, Defendant were covered employers pursuant to the FMLA.
35. As of September 2020, Casey was eligible to utilize FMLA leave.
36. Casey's Crohn's is a serious medical condition.



37. Casey's Crohn's is an FMLA qualifying condition.
38. As of September 2020, Casey was entitled to utilize FMLA leave for his Crohn's.
39. In or around September 2020, Defendant granted Casey's FMLA Request.
40. In or around September 2020, Casey began using intermittent FMLA leave when he had flair-ups of his Crohn's.
41. In or around October 2020, Casey transferred to Defendant's Endocrinology department. ("Transfer")
42. Following the Transfer, Defendant provided Casey with one day of video lessons to train him for his role in the Endocrinology department. ("Video Training")
43. Aside from the Video Training, Defendant did not provide Casey with any additional training for his new role in the Endocrinology department.
44. During Casey's employment, Defendant provided Caucasian employees additional training in excess of the Video Training.
45. During Casey's employment, Defendant provided non-disabled employees additional training in excess of the Video Training.
46. During Casey's employment, During Casey's employment, Defendant provided employees who did not use FMLA leave with additional training in excess of the Video Training.
47. Following the Transfer, Casey repeatedly requested training in addition to the Video Training. ("Training Requests")
48. In response to Casey's Training Requests, Defendant did not provide Casey with any additional training.
49. Refusing to properly train an employee for their job duties is an adverse action.
50. Refusing to properly train an employee for their job duties is an adverse employment action.



51. In or around January 2021, Beth Lavender, Defendant's practice manager, met with Casey to discuss his Training Requests. ("January Meeting")
52. Lavender is Caucasian.
53. Lavender is not disabled.
54. At all times relevant herein, Defendant employed Lavender in a supervisory role.
55. At all times relevant herein, Defendant empowered Lavender to take tangible employment actions in relation to Defendant's employees.
56. At all times relevant herein, Lavender was empowered to terminate Defendant's employees.
57. During the January Meeting, Casey complained about the lack of adequate training.
58. During the January Meeting, Casey reiterated his Training Request.
59. During the January Meeting, Casey informed Lavender that he would be using FMLA leave for upcoming medical examinations related to his Crohn's.
60. Following the January Meeting, Defendant did not provide Casey with any additional training.
61. Following the January Meeting, Lavender and Defendant reassigned Casey to the COVID-19 vaccine clinic. ("COVID Relocation")
62. The COVID-19 vaccine clinic was a less desirable position than the endocrinology department.
63. The COVID Relocation was an adverse action.
64. The COVID Relocation was an adverse employment action.
65. Upon information and belief, Defendant did not reassign employees from the endocrinology department, who did not have upcoming FMLA leave, to the COVID vaccine clinic.
66. Due to his Crohns Casey takes medication that weakens his immune system.



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