



Philadelphia, PA 19104.

4. At all times material hereto, Plaintiff was an eligible employee under the FMLA. Plaintiff was employed by Defendant for at least twelve hundred and fifty (1,250) hours of service during the twelve-month period prior to requiring leave.
5. At all times material hereto, Defendant was an eligible employer under the FMLA. Defendant is an entity engaged in an industry or activity affecting commerce which employs 50 or more employees in all of its offices for each working day during each of 20 or more calendar workweek in the current or preceding year.
6. At all times relevant hereto, Defendant employed managers, supervisors, agents, and employees who Plaintiff alleges had the authority to make decisions concerning Plaintiff's employment. In making said decisions, these individuals engaged in the pattern and practice of discriminatory treatment, which forms the basis of Plaintiff's allegations in the instant Complaint.
7. At all times relevant hereto, Defendant employed managers, supervisors, agents, and employees who acted directly or indirectly in the interest of the employer. In so acting, these individuals engaged in the pattern and practice of discriminatory treatment, which forms the basis of Plaintiff's allegations in the instant Complaint.

#### **JURISDICTION AND VENUE**

8. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
9. The Court may properly maintain personal jurisdiction over Defendant because the Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction and comply with traditional notions of fair play and substantial justice, thus satisfying the standard set forth by the United States Supreme Court in International Shoe

Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

10. The Court may exercise original subject-matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of federal law.
11. The Court may also maintain supplemental jurisdiction over state law claims set forth herein pursuant to 28 U.S.C. § 1367(a) and Rule 18(a) of the Federal Rules of Civil Procedure because they are sufficiently related to one or more claims within the Court's original jurisdiction that they form part of the same case or controversy.
12. Venue is properly laid in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2) because some of the Plaintiff is domiciled in this judicial district, the Defendant is located in this judicial district and because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

13. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
14. Plaintiff exhausted her administrative remedies under the ADA and the PHRA.
15. Plaintiff timely filed a Charge of Discrimination ("Charge") with the U.S. Equal Employment Opportunity Commission ("EEOC") alleging disability discrimination and retaliation against Defendant.
16. The Charge was assigned a Charge Number of 530-2021-01538 and was dual filed with the Pennsylvania Human Relations Commission ("PHRC").
17. The EEOC issued Plaintiff a Dismissal and Notice of Rights ("Right to Sue") relative to the Charge and that Right to Sue is dated May 11, 2021. Plaintiff received the Right to Sue by mail.

18. Prior to the filing of this action, Plaintiff notified the EEOC of her intent to proceed with a lawsuit in federal court.
19. Plaintiff files the instant Complaint within ninety (90) days of her receipt of her Right to Sue in this matter.
20. Plaintiff has exhausted her administrative remedies as to the allegations of this Complaint.

### **MATERIAL FACTS**

21. Plaintiff incorporates the preceding paragraphs as if set forth more fully at length herein.
22. On June 18, 2018, Defendant hired Plaintiff in the position of Foundations Business Manager.
23. Plaintiff was well qualified for her position and performed well.
24. On June 29, 2020, Plaintiff transferred her to the position of Financial Data Analyst II.
25. Approximately two (2) weeks into taking over the role as Financial Data Analyst II, Plaintiff began to experience, headaches, dizziness and pain and ringing in her ears and informed Defendant of same.
26. In or around August 2020, Plaintiff was diagnosed with Otitis Media (middle ear infection) in both of her ears.
27. Shortly thereafter, Plaintiff received multiple medical treatments to treat her Otitis Media.
28. However, Plaintiff did not respond to the medical treatments and her symptoms persisted and worsened.
29. By late August 2020, Plaintiff was additionally suffering from vibrations in her head, facial numbness, and Tinnitus (ringing in the ears).
30. Plaintiff informed Defendant of the severe and increasing symptoms of her disabilities that she had been experiencing, as well as her medical need to be absent from work on

various occasions to manage her symptoms, undergo various diagnostic tests, and receive treatment, thereby advising Defendant of her need for a reasonable accommodation.

31. However, Michelle Ulrich, Manager of Revenue and Reimbursement, proceeded to reprimand Plaintiff for not taking adequate notes during meetings, despite the fact that she was fully aware that Plaintiff's disabilities prohibited her from hearing well enough to take detailed notes.
32. On or about August 26, 2020, Plaintiff was treated by an Otolaryngologist who diagnosed Plaintiff with Hearing Loss in her left ear and ordered additional testing.
33. Throughout September 2020, Plaintiff continued to suffer from the aforesaid symptoms and informed Defendant of same.
34. Plaintiff underwent a Computed Tomography Scan ("CAT Scan") and Magnetic Resonance Imaging ("MRI") and yet her physician was unable to ameliorate her suffering.
35. As a result, Plaintiff was concerned that her disabilities were only worsening and approached Defendant to discuss her options should she require additional accommodations such as time away from the workplace.
36. Although Plaintiff advised Defendant she was suffering from serious health conditions that qualified her for a leave of absence under the Family and Medical Leave Act ("FMLA"), Defendant failed to offer Plaintiff information regarding FMLA leave during this conversation.
37. Furthermore, Chronic Otitis Media, Tinnitus, and Hearing Loss are disabilities within the meaning of the Americans with Disabilities Act of 1990, ("ADA"), as amended, and the Pennsylvania Human Relations Act ("PHRA") in that they substantially impair one or

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