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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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**EDWARD J. BENTLEY III**, an individual,  
  
Plaintiff,

vs.

**ELWOOD STAFFING SERVICES, INC.**,  
an Indiana corporation,  
  
Defendant.

**COMPLAINT  
(JURY DEMAND)**

Case No. 2:24-cv-00288-DBB

Judge: David B. Barlow

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Plaintiff Edward J. Bentley III (“Plaintiff” or “Bentley”), by and through his counsel, brings this complaint against Defendant Elwood Staffing Services, Inc. pursuant to the Americans with Disabilities Act, 42 U.S.C. §112101 et seq. (“ADA”) and the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621 et seq. (“ADEA”) and for causes of action against Defendant, alleges the following.

**PARTIES, JURISDICTION AND VENUE**

1. Bentley is an individual who, at all times relevant to this complaint, resided in Utah County, Utah.
2. Elwood Staffing Services, Inc. (“Elwood” or “Defendant”) is an Indiana corporation with its principal place of business at 4111 Central Avenue PO Box 1024 Columbus, IN 47202.

At all times relevant hereto, Elwood had offices in Utah including in Utah County, and regularly conducted business within Utah, including within this District.

3. At all times relevant to this complaint, Elwood was an employer (or covered entity) within the meaning of the ADA, 42 U.S.C. §12111(5).

4. At all times relevant to this complaint, Bentley was an employee of Defendant within the meaning of the ADA, 42 U.S.C. §12111(4).

5. Jurisdiction is properly before this Court pursuant to 28 U.S.C. §1343(4). This Court also has jurisdiction pursuant the ADA, 42 U.S.C. § 12117.

6. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) insofar as the claims arose in Utah County, Utah, and Elwood employed Bentley in Utah County.

7. Bentley filed a timely charge of discrimination with the Utah Labor Commission, Antidiscrimination and Labor Division (“UALD”) and the Equal Employment Opportunity Commission (“EEOC”) on May 27, 2023 alleging discrimination and related claims and received a Notice of Right to Sue (“NRTS”) from the EEOC dated January 23, 2024 for such charge. Accordingly, Bentley has exhausted and administrative prerequisites to filing this action.

8. This action is filed within ninety (90) days of Bentley’s receipt of the NRTS from the EEOC.

### **FACTUAL BACKGROUND**

9. Bentley suffers from several disabilities that substantially limit major life activities and that require that he use mitigating measure to reduce the effects of his disabilities. On occasion, he also requires accommodations to perform certain functions and tasks.

10. Bentley was disabled during his employment with Elwood in that he arthritis, ankylosing spondylosis (an autoimmune disease), anxiety, depression, PTSD, Reiter’s Syndrome,

Chronic Progressive Asthma, Reactive Airway Disease, fibromyalgia, and Long COVID.

11. Bentley's disabilities substantially limited his major life activities, such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for himself, communicating, and major bodily functions, including his immune system and neurological, respiratory, circulatory, and musculoskeletal systems.

12. Bentley's boss, and numerous other employees knew of Bentley's disabilities, the limitations they placed upon him, and the accommodations he needed to perform his job duties, because he either told them about the disabilities and/or provided information from his health care providers about his disabilities when he requested accommodations during his employment.

13. Elwood is in the business of providing staffing for various types of businesses across the United States, including in Utah.

14. Bentley was hired by Elwood to work as a Staffing Recruiter in or about October, 2017 at its Spanish Fork, Utah branch.

15. Bentley excelled in this role with Elwood and was promoted to Branch Manager of Elwood's Provo, Utah office July, 2018, where he was responsible for managing the branch and overseeing employees who worked for him.

16. Elwood ultimately closed its Provo, Utah branch because of its inability to become profitable, and transferred Bentley back to the Spanish Fork, Utah branch to become its Branch Manager in 2020, shortly before the onset of the COVID-19 pandemic and lockdowns, which resulted in a halt of economic activity that did not recover until well into 2021.

17. Bentley was then transferred to Elwood's Orem, Utah branch in October, 2021 to work as its Branch Manager, so that his boss could place another employee in his position.

18. Bentley continued to work for Elwood at its Orem, Utah branch until his termination

in April, 2023.

18. Prior to his termination of employment, Bentley was not disciplined for performance or any other issue, including in accordance with Elwood's standard practices and policies and procedures.

19. Rather, Bentley received multiple raises and awards for his performance throughout his tenure with Elwood.

20. Bentley only received one performance evaluation that communicated in any manner that his performance was below expectation in September, 2021. However, during this time period Bentley grew the branch and received recognition for his performance by being included in the "Chairman' Club" for 2020 and 2021 for exceptional branch and branch manager performance.

21. Bentley also received raises for his performance during this same period. However, his boss wanted to place a female employee in Bentley's position, so Bentley was moved to the Orem branch, which had a history of problems and significant turnover of previous branch managers and other employees.

22. During his employment with Elwood, Bentley asked for numerous accommodations for his disabilities, including in the months immediately prior to his termination in April, 2023.

23. These accommodation requests included, among other things, using his cane while at work, working from home, including during times he was at increased exposure to COVID, wearing protective sunglasses when exposed to sunlight, using a facemask, and taking time off from work.

24. For example, during 2022 and 2023 Bentley requested to work from home due to his disabilities on January 4, 2022, January 10, 2022, October 4, 2022, February 21, 2023, March 6, 2023, and provided doctor's notes and other medical information supporting the requests to

Elwood.

25. Because Bentley used a cane often when walking, Bentley's boss and others would often mock him for appearing old and feeble or would request that he not use his cane when around customers. These comments occurred after Bentley started using a cane in 2018 up to the time that he was terminated.

26. Throughout most of his employment, Bentley was also teased and mocked by his boss and others for using a face mask while at work and asked not to use a mask around customers. These comments occurred initiated around the COVID-19 pandemic and continued up to the time that Bentley was terminated whenever he needed to wear a mask for protection.

27. Bentley was also discouraged by his boss from allowing staffing employees to request accommodation, and threatened about hiring employees who might need ADA accommodations. This conduct occurred throughout Bentley's employment.

28. Because of his disability, Bentley lost his voice on multiple occasions throughout his employment, including in 2022 and 2023, due to autoimmune reactions to infectious diseases and his boss would not allow Bentley to visit clients with a mask or when his voice was weak because he "sounded" or "looked sick" and would scare clients, even though a majority of his clients required masks on the production floor due to OSHA or other similar regulations.

29. On or about October 6, 2022, Bentley's boss asked him if he could perform the essential functions of his job, and Bentley stated he could perform all the essential functions.

30. Between February 21, 2023 and February 23 2023 Bentley requested to work from home due to severe autoimmune response and his request was denied.

31. Between March 6, 2023 and Mar 10, 2023 Bentley contracted a lung infection due to a severe autoimmune response. As a result, he requested remote work temporarily. His request was

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