

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MARGARET A. POTEAT,

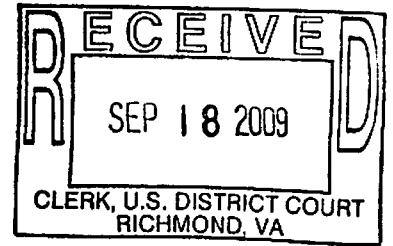
Plaintiff,

v.

Civil Action No.: 3:09CV584

SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.

**SERVE: CT Corporation System
4701 Cox Road, Suite 301
Glen Allen, VA 23060**



Defendant.

**JURY TRIAL
DEMANDED**

COMPLAINT

The plaintiff Margaret A. Poteat (“Ms. Poteat”), by counsel, and for her Complaint against the defendant Sedgwick Claims Management Services, Inc. (“Sedgwick”), represents unto the Court as follows:

INTRODUCTION

This is a civil action against Ms. Poteat’s former employer alleging wrongful discharge on account of unlawful discrimination against her religious beliefs and practices, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2; and on account of unlawful discrimination against her disability, in violation of the Americans with Disabilities Act, 42 U.S.C. § 12111. et seq.

JURISDICTION

1. Jurisdiction over plaintiff's federal claims is based on 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1343(3) (violation of civil rights). Venue is proper in this District and Division, as it is the situs of the parties and of the events complained of herein.

THE PARTIES

2. Ms. Poteat is an individual residing in Henrico County, Virginia. She describes her religious faith as "Born Again Spirit-Filled Christian." She had been diagnosed during the term of her employment as suffering from the mental illness of bi-polar disorder.

3. The defendant Sedgwick is believed to be organized in one of the United States, and maintains offices in Henrico County, Virginia. It is believed to be engaged in the administration and processing of worker's compensation claims. Sedgwick is understood to employ between 15 and 100 individuals, and thus is deemed a "respondent" for purposes of 42 U.S.C. § 1981a(b)(3), and an "employer" for purposes of Section 101(5)(A) of the ADA, 42 U.S.C. § 12111(5)(A).

ALLEGATIONS

4. Ms. Poteat commenced employment with Sedgwick on or about June 19, 2000, filling the position of Clams Assistant.

5. Prior to 2006, Ms. Poteat was adjudged by her supervisors at Sedgwick to have adequately performed the functions required for her position. She received annual written performance evaluations that praised her for exceeding her production goals, and gave her ratings of 3 or above on a 1-5 scale. She was also awarded yearly pay increases.

6. On her performance evaluation for 2006, issued on April 4, 2007, Ms. Poteat was issued an overall performance rating of 2, which is deemed "marginal." The summary of her performance noted that on October 18, 2006, Ms. Poteat "was counseled to refrain from pressuring colleagues to join a prayer group." As a result of the low performance rating, Ms. Poteat was denied a pay increase.

7. Ms. Poteat never pressured anyone to attend the prayer and Bible study group in which she and other employees participated. Rather, her supervisor demonstrated their discomfort with company employees engaging in prayer and Bible study during their lunch hour, and forbid them from conducting such meetings anywhere in the building, despite the fact that Sedgwick occupied only one floor of their three-floor building. Ms. Poteat conducted prayer and study in the offices of another tenant in her office building during the lunch hour. She believes that Sedgwick officials spied on her and other employees during these gatherings.

8. On or about August 6, 2007, Ms. Poteat was informed that her employment was terminated as a result of a reduction in force.

9. Upon information and belief, Ms. Poteat's position was eliminated as a result of bias against her religious beliefs and practices on the part of her supervisors and managers.

10. Ms. Poteat's supervisors and managers at Sedgwick were aware that she had been previously diagnosed with bi-polar disorder. Among other things, that mental illness occasionally made it difficult for her to process information rapidly, and to communicate with individuals without becoming momentarily confused.

11. Ms. Poteat avers that Sedgwick supervisors and managers regularly chided her for not giving quick yes or no answers to questions posed to her, and asked her in a condescending manner what was wrong with her that she could not communicate more facilely.

12. Ms. Poteat's bi-polar disorder was a "mental impairment that substantially limit[ed] one or more of her major life activities," thereby constituting a disability as understood under Section 3(2)(A) of the ADA, 42 U.S.C. § 12102(2)(A).

13. Ms. Poteat also had "a record of such an impairment," thereby constituting a disability as understood under Section 3(2)(B) of the ADA, 42 U.S.C. § 12102(2)(B).

14. Upon information and belief, Ms. Poteat was fired on account of her mental impairment, and on account of her having a record of such impairments, and for being regarded as having a disability, all in violation of her rights to be free of such discrimination under the Americans with Disabilities Act, 42 U.S.C. § 12101, et. seq.

15. As a direct result of being dismissed from her employment, Ms. Poteat has suffered and will continue to suffer lost earnings, loss of employment-related benefits, injury to her professional reputation, diminished opportunity for promotion and career advancement, emotional distress, and public humiliation and embarrassment.

16. On or about September 7, 2007, Ms. Poteat filed a timely Charge of Discrimination against Sedgwick with the U.S. Equal Employment Opportunity Commission that asserted religion and disability discrimination. The EEOC issued Ms. Poteat a Dismissal and Notice of Rights that was dated and mailed on June 18, 2007.

COUNT I
RELIGION DISCRIMINATION IN VIOLATION OF TITLE VII

17. By dismissing Ms. Poteat from employment on account of her religious beliefs and practices, which practices posed no burden on the employer or infringed on the rights of its non-practicing employees, Sedgwick subjected her to discrimination in the terms and conditions of her employment on account of her religion, in violation of her rights under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2.

18. Ms. Poteat's injuries under this Count entitle her to an award for (a) loss of past and future earnings, including fringe benefits; (b) humiliation, pain and suffering, emotional distress, and loss of personal and professional reputation; (c) injury to her future career; (d) punitive damages; (e) attorney's fees under 42 U.S.C. § 1988; and (f) costs of suit.

COUNT II
DISABILITY DISCRIMINATION IN VIOLATION OF THE ADA

19. By dismissing Ms. Poteat from employment on account of her disability, for having a record of a disability, and for being regarded as having a disability, Sedgwick subjected her to discrimination in the terms and conditions of her employment on account

of her disability, in violation of her rights under the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

20. Ms. Poteat injuries under this Count entitle her to an award for (a) loss of past and future earnings, including fringe benefits; (b) humiliation, pain and suffering, emotional distress, and loss of personal and professional reputation; (c) injury to her future career; (d) punitive damages; (e) attorney's fees under 42 U.S.C. § 1988; and (f) costs of suit.

WHEREFORE, the plaintiff Margaret A. Poteat demands judgment against the defendant Sedgwick Claims Management Services, Inc. in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) in compensatory and punitive damages, attorney's fees and costs of suit, and such other and further relief as this Court may deem just and proper.

Respectfully submitted,

MARGARET A. POTEAT

By: _____

Counsel

Scott Gregory Crowley (VSB # 31216)
CROWLEY & CROWLEY
The Meridian Building
1800 Bayberry Court, Suite 102
Richmond, Virginia 23226
(804) 282-5303
(804) 282-5337 (fax)
Counsel for plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Iargaret A. Poteat

(b) County of Residence of First Listed Plaintiff Henrico (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

cott G. Crowley, Crowley & Crowley (804) 282-5303 800 Bayberry Court, #102, Richmond, VA 23226

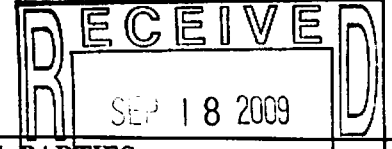
DEFENDANTS

Sedgwick Claims Management Services, Inc.

County of Residence of First Listed Defendant Henrico (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)



II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Property, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 2000e-2 and 42 U.S.C. § 12111, et seq.

Brief description of cause: religion and disability discrimination in employment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 500,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 09/18/2009 SIGNATURE OF ATTORNEY OF RECORD

Signature of attorney of record

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE