

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

EDWARD NUNN,)	
)	
Plaintiff,)	Cause No.: 3:23-cv-439
)	
vs.)	
)	
UNITED STATES STEEL)	
CORPORATION,)	
)	
Defendant.)	

COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL

Plaintiff, Edward Nunn, by counsel, and as his Complaint for Damages against Defendant, states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, James Taylor (hereinafter “Plaintiff” or “Nunn”), is a resident of Porter County in the State of Indiana and a former employee of Defendant.
2. Defendant, United States Steel Corporation (hereinafter collectively “U.S. Steel” or “Defendant”), is an employer as defined by the Americans with Disabilities Act, as amended 42 U.S.C. §12101, *et. seq.*, which conducts business in the State of Indiana.
3. Nunn filed a Charge of Discrimination (Charge No. 470-2021-03457) with the Equal Employment Opportunity Commission on or about August 31, 2021, *inter alia*, alleging that Defendant violated the Americans with Disabilities Act, as amended 42 U.S.C. §12101, *et. seq.*
4. The Equal Employment Opportunity Commission issued to Nunn a 90-day Right to Sue letter on March 7, 2023.

5. Nunn invokes this Court's federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a).

6. Venue in this Court is proper pursuant to 28 U.S.C. § 1391.

GENERAL FACTS & SPECIFIC ALLEGATIONS

7. Plaintiff, a fifty-four (54) year old who suffers from a disability, namely a skin condition called Ichthyosis which prevents him from growing hair more than one quarter (1/4) of an inch.

8. Plaintiff was employed by the Defendant as crane operator and tractor driver beginning in 2012.

9. Following a layoff, Plaintiff was called back to work in October 2020 and asked to provide a hair sample for a drug test.

10. Plaintiff notified Defendant of his hair condition and was told that he must remain off work until his hair grew longer.

11. On or about January 18, 2021, Plaintiff presented himself for another drug test and again explained his skin condition and requested a reasonable accommodation in the form of a urine or blood test.

12. On January 22, 2021, Defendant served Plaintiff with two Notices of Discipline and suspended him for five days for failure to comply with DNA testing and failure to comply with the Hair Sample Agreement.

13. A disciplinary hearing was held on March 11, 2021, and Plaintiff removed his clothes to show Defendant his thick scaly skin and lack of body hair, all related to his condition.

14. After signing a consent to release medical information, Plaintiff was called back to work on April 9, 2021, but three days later he was informed of his termination effective March 29, 2021.

Count I
ADA Disability

15. Plaintiff incorporates by reference paragraphs one (1) through fourteen (14) above.

16. Plaintiff suffers from disabilities and/or perceived disabilities that affect one or more of his major life activities, specifically Plaintiff suffers from Ichthyosis.

17. Plaintiff was able to perform all of the essential functions of his original job with or without reasonable accommodation.

18. Plaintiff requested reasonable accommodation to pass Defendant's drug testing requirement but was denied.

19. Plaintiff was treated less favorably than similarly situated non-disabled employees who were not terminated and allowed to return to work following the layoff.

20. Defendant terminated Plaintiff for his disability, perceived disability, and/or record of disability.

21. As a result of the foregoing, Plaintiff suffered damages, including but not limited to, lost wages and benefits, compensatory damages and attorney fees.

22. The Defendant's actions are in violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12101, *et. sec.*

WHEREFORE, Plaintiff prays for judgment against Defendant, an award for unpaid wages, compensatory damages, punitive damages, back pay, prejudgment interest, reasonable attorney fees, costs and all other appropriate relief.

Respectfully submitted,

HENN HAWORTH CUMMINGS & PAGE

/s/ Paul J. Cummings

Paul J. Cummings, 22713-41

REQUEST FOR JURY TRIAL

Plaintiff, by counsel, respectfully requests this cause be tried by jury.

Respectfully submitted,

HENN HAWORTH CUMMINGS & PAGE

/s/ Paul J. Cummings

Paul J. Cummings, 22713-41

HENN HAWORTH CUMMINGS & PAGE

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