

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

JENNIFER AMACHER,)
)
 Plaintiff,)
)
 v.) Case No.
)
 CITY OF TULLAHOMA, TENNESSEE,)
) JURY DEMAND
 Defendant.)

COMPLAINT

Comes now, Plaintiff, JENNIFER AMACHER, who files this Complaint against Defendant, CITY OF TULLAHOMA, TENNESSEE, showing this honorable Court as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a resident of Franklin County, Tennessee.
2. Defendant CITY OF TULLAHOMA, TENNESSEE (“the City”) is a political subdivision of the State of Tennessee, located in Coffee County, Tennessee. The City may be served with process by and through its mayor, Lane Curlee, 201 West Grundy Street, Tullahoma, Tennessee, 37388.
3. This Court has jurisdiction over Plaintiff’s federal claims pursuant to its federal question jurisdiction, 28 U.S.C. § 1331. Plaintiff’s cause of action under the Family and Medical Leave Act (“FMLA”) arises under 29 U.S.C. § 2611, et seq. Plaintiff’s Americans With Disabilities claim arises under 42 U.S.C. § 12101, et seq.
4. The acts and omissions giving rise to this action occurred in Coffee County, Tennessee, within this judicial district. Accordingly, this Court has venue pursuant to 28 U.S.C. § 1391(b).

FACTS

5. Plaintiff worked for the City from October 25, 1999, until May 14, 2015.
6. At the time of her termination, Plaintiff was the Director of Planning and Codes.
7. Plaintiff began experiencing significant neurological problems beginning in February, 2015.
8. Plaintiff experienced extreme weakness, lack of energy, tremors and similar problems.
9. Plaintiff lost an extreme amount of weight and appeared to be “sick,” conditions which were noticed by her supervisor, City Administrator Jody Baltz, and the City’s human resources employees
10. Plaintiff began missing work due to her symptoms and for doctor’s appointments to diagnose the cause of her problems.
11. Plaintiff’s doctors, including her primary care physician and neurologist, began treating and testing Plaintiff, including tests for multiple sclerosis and amyotrophic lateral sclerosis.
12. Plaintiff was later diagnosed with cervical disc herniations, which compromised her cervical spinal cord causing the symptoms.
13. Plaintiff notified Mr. Baltz and the human resources department about her problems and need for leave.
14. Plaintiff also missed a week of work during March, 2015, for flu and pneumonia systems, which were likely related to her neurological issues.
15. In or about April 21, 2015, Plaintiff was written up for missing work and suspended for three days.
16. At that time, Plaintiff was also placed on a six month “probationary” period.

17. During the disciplinary meeting, for the first time, Plaintiff's need for short term disability leave and leave under the FMLA was discussed with Mr. Baltz and human resources.

18. Plaintiff was never provided with a notice of her rights under the FMLA, even though she missed several days due to her serious health problems.

19. Plaintiff was terminated on May 14, 2015, by Mr. Baltz.

20. Plaintiff's use of leave was discussed as a reason for her termination.

21. Shortly before her termination, Plaintiff inquired of human resources how she could apply for short term disability leave.

COUNT I
VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT
(INTERFERENCE AND RETALIATION)

22. Plaintiff incorporates paragraphs 1-21 as if fully realleged herein.

23. At all times pertinent to this action, Plaintiff was an "eligible employee" within the meaning of the FMLA, 29 U.S.C. § 2611(2)(A).

24. At all times pertinent to this action, Defendant was an "employer" within the meaning of the FMLA, 29 U.S.C. § 2611(4).

25. Plaintiff's significant neurological problems constituted "serious health condition[s]," 29 U.S.C. § 2611(11).

26. Plaintiff was under the continuous care of a physician, 29 U.S.C. § 2611(11)(B).

27. Defendant's suspension and termination of Plaintiff deprived Plaintiff of the benefits and rights to which she was entitled pursuant to the Family and Medical Leave Act.

28. Defendant interfered with Plaintiff's rights under the FMLA by unlawfully suspended and terminating her, 29 U.S.C. § 2615.

29. Defendant retaliated against Plaintiff for using his FMLA-protected leave, 29

U.S.C. § 2615.

30. The suspension and termination of Plaintiff by Defendant were unlawful and constitute “prohibited act[s],” 29 U.S.C § 2615.

31. Plaintiff has suffered direct pecuniary losses as a result of Defendant’s violations of the FMLA.

32. Plaintiff will continue to suffer direct pecuniary losses as a result of Defendant’s violations of the FMLA.

33. The actions of Defendant were willful.

34. Plaintiff seeks a judgment for back pay plus interest thereon, the value of lost employment benefits through the date of trial plus interest thereon, liquidated damages, front pay, attorney’s fees, expert witness fees, other litigation expenses, and Court costs.

PLAINTIFF DEMANDS A JURY TO TRY HER CAUSE OF ACTION.

Respectfully submitted,

/s/Kerry Knox
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