

JAN 02 2015

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 BC 568553

11 JESUS LEON, an individual,

Case No. _____

12 Plaintiff,

COMPLAINT FOR DAMAGES

13 vs.

14 JPMORGAN CHASE & CO., and DOES 1 to 10,
15 inclusive,

16 Defendants.

- (1) Employment Discrimination (Disability)
[Cal. Gov. Code § 12940(a)]
- (2) Failure to Accommodate Disability
[Cal. Gov. Code § 12940(m)]
- (3) Failure to Engage in the Interactive
Process [Cal. Gov. Code § 12940(n)]
- (4) Disability Discrimination
[42 U.S.C. § 12101, *et seq.*]
- (5) Termination in Violation of Public Policy

DEMAND FOR JURY TRIAL

17 Judge: _____

18 Dept: _____

1 Plaintiff Jesus Leon (“Leon” or “Plaintiff”) complains and alleges as follows:

2 **INTRODUCTION**

3 1. This action seeks remedies for the unlawful discrimination that Leon experienced as a
4 Vice President of Community Development Banking for JPMorgan Chase & Co. (“Chase”).

5 2. This is an action for damages due to (1) Discrimination on the Basis of Disability; (2)
6 Failure to Accommodate Disability; (3) Failure to Engage in the Interactive Process; (4) Violation of
7 Americans with Disabilities Act; and (5) Termination in Violation of Public Policy.

8 **JURISDICTION AND VENUE**

9 3. Jurisdiction and venue are proper in this Court because all of the claims alleged here
10 arose in Los Angeles County, and all of the defendants were and/or are residents of Los Angeles
11 County or are doing or did business in Los Angeles County.

12 4. The amount in controversy is within the jurisdiction of this Court.

13 **PARTIES**

14 5. Plaintiff Leon is, and at all relevant times, was an individual with a physical disability
15 and medical condition. Leon is an individual of Latino/Hispanic origin. Leon is an individual who, at
16 all relevant times, was and is a resident of the State of California, County of Los Angeles. Chase
17 employed Leon in Los Angeles County, California, for approximately eight months, until August 15,
18 2012. At all times during his employment Leon was fully qualified for his position and was
19 performing his job duties well. Chase subjected Leon to discrimination on the basis of his physical
20 disability and medical condition.

21 6. Chase is, upon information and belief, a corporation existing and operating in the State
22 of California, County of Los Angeles.

23 7. The true names and capacities, whether individual, corporate, associate, and the true
24 involvement of Defendants sued here as Does 1 thorough 10, inclusive, are unknown to Plaintiff who
25 therefore sues these Defendants by fictitious names and will amend this Complaint to show the true
26 names, capacities, and involvement when ascertained. Plaintiff is informed and believes and alleges
27 that each of the Defendants designated as a Does is responsible in some manner for the events and
28

1 happenings referred to here, and that Plaintiff's injuries and damages were in part caused by these
2 Defendants.

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4 8. On or about May 31, 2013, Plaintiff filed a timely charge of discrimination against
5 Chase with the California Department of Fair Employment and Housing ("DFEH") and the U.S. Equal
6 Employment Opportunity Commission ("EEOC").

7 9. On or about June 3, 2013, the DFEH issued Plaintiff a notice of right-to-sue in
8 connection with this charge.

9 10. On or about October 9, 2014, the EEOC issued Plaintiff a notice of right-to-sue in
10 connection with this charge.

11 ~~11. Plaintiff has exhausted the administrative remedies available to him.~~

12 **FACTUAL ALLEGATIONS**

13 12. Plaintiff began his employment with Chase in or around June 2010 as a Vice President
14 of Global Philanthropy.

15 13. In or about January 2012, Leon relocated to Los Angeles, California to serve as a Vice
16 President of Community Development Banking.

17 14. At all times during his employment, Leon was fully qualified for his position and was
18 performing his job duties well.

19 15. In or about January 2004, Leon was diagnosed positive with human immunodeficiency
20 virus ("HIV").

21 16. Prior to and during July 2012, Chase was aware of Plaintiff's HIV status.

22 17. In or about April 2012, Leon submitted a doctor's note to Chase explaining that he had
23 a medical condition. Plaintiff's doctor also recommended that Plaintiff go on medical leave.

24 18. In or about April 2012, Leon was placed on medical leave.

25 19. Leon returned from medical leave on or about July 2, 2012.

26 20. In or about July 2012, Plaintiff's treating physician recommended that he work no more
27 than 40 hours per week.

1 21. In or about July 2012, Leon requested an accommodation for his disabling medical
2 condition.

3 22. In or about July 2012, Chase required Leon to work over 40 hours per week.

4 23. On or about July 19, 2012, as a result of working over the amount of hours
5 recommended by his doctor, Plaintiff experienced health complications that required a fellow
6 employee to call an ambulance.

7 24. On or about July 20, 2012, Leon submitted a formal complaint to Human Resources
8 regarding the unlawful treatment by Chase.

9 25. Chase did not address or grant Leon's requests for accommodation. Despite Chase's
10 knowledge of Leon's physical impairment, Chase failed to engage in an interactive process to
11 determine how to accommodate his condition.

12 26. On or about August, 15, 2012, Leon was constructively discharged and forced to resign
13 from Chase because Defendants failed to accommodate his condition and engage in an interactive
14 process to determine how to accommodate his condition.

15 27. As a result of Chase's unlawful and discriminatory conduct, Leon has suffered
16 damages, including economic losses and emotional distress, in an amount to be determined at trial.

17 **FIRST CAUSE OF ACTION**
18 **Employment Discrimination (Disability)**
19 **Violation of Cal. Gov. Code § 12940(a)**

20 28. Plaintiff re-alleges and incorporates by reference all previous allegations.

21 29. During the course of his employment with Chase, Plaintiff suffered from a serious
22 physical disability and medical condition that requires ongoing treatment and limits major life
23 activities.

24 30. Chase knew that Plaintiff had a physical disability and medical condition.

25 31. Plaintiff was able to perform the essential job duties with reasonable accommodation
26 for his physical disability and medical condition. At all times during his employment, Plaintiff was
27 otherwise qualified to do his job.
28

1 32. Chase failed to accommodate Plaintiff's condition and failed to engage in an interactive
2 process to determine how to accommodate his condition.

3 33. Leon was constructively discharged and forced to resign from Chase because
4 Defendants failed to accommodate his condition and engage in an interactive process to determine how
5 to accommodate his condition.

6 34. As a result of Defendants' conduct, Plaintiff has suffered damages, including economic
7 losses and emotional distress, in an amount to be determined at trial.

8 35. Chase's actions were willful, malicious, fraudulent, and oppressive, and were
9 committed with the wrongful intent to injure the Plaintiff and in conscious disregard of Plaintiff's
10 rights.

11 **SECOND CAUSE OF ACTION**

12 **Failure to Accommodate**
13 **Violation of Cal. Gov. Code § 12940(m)**

14 36. Plaintiff re-alleges and incorporates by reference all previous allegations.

15 37. During the course of his employment with Chase, Plaintiff suffered from a serious
16 physical disability and medical condition that requires ongoing treatment and limits major life
17 activities.

18 38. Chase knew that Plaintiff had a physical disability and medical condition.

19 39. Plaintiff was able to perform the essential job duties with reasonable accommodation
20 for his physical disability and medical condition. At all times during his employment, Plaintiff was
21 otherwise qualified to do his job.

22 40. Chase failed to reasonably accommodate Plaintiff.

23 41. As a result of Chase's conduct, Plaintiff has suffered damages, including economic
24 losses and emotional distress, in an amount to be determined at trial.

25 42. Chase's actions were willful, malicious, fraudulent, and oppressive, and were
26 committed with the wrongful intent to injure the Plaintiff and in conscious disregard of Plaintiff's
27 rights.

THIRD CAUSE OF ACTION
Failure to Engage in the Interactive Process
Violation of Cal. Gov. Code § 12940(n)

43. Plaintiff re-alleges and incorporates by reference all previous allegations.

44. During the course of his employment with Chase, Plaintiff suffered from a serious physical disability and medical condition that requires ongoing treatment and limits major life activities.

45. Chase knew that Plaintiff had a physical disability and medical condition.

46. Plaintiff was able to perform the essential job duties with reasonable accommodation for his physical disability and medical condition. At all times during his employment, Plaintiff was otherwise qualified to do his job.

~~47. Plaintiff attempted to obtain reasonable accommodations. Plaintiff was willing to participate in the interactive process to determine reasonable accommodation.~~

48. Chase failed to engage in a timely good-faith interactive process with Plaintiff to determine an effective reasonable accommodation.

49. As a result of Chase's conduct, Plaintiff has suffered damages, including economic losses and emotional distress, in an amount to be determined at trial.

50. Chase's actions were willful, malicious, fraudulent, and oppressive, and were committed with the wrongful intent to injure the Plaintiff and in conscious disregard of Plaintiff's rights.

FOURTH CAUSE OF ACTION
Disability Discrimination
Violation of 42 U.S.C § 12101, et seq.

51. Plaintiff re-alleges and incorporates by reference all previous allegations.

52. Plaintiff has a physical impairment that substantially limits one or more of his major life activities.

53. Plaintiff was able to safely perform the essential job duties with reasonable accommodation for his physical disability and medical condition. At all times during his employment, Plaintiff was otherwise qualified to do his job. Chase denied Plaintiff such accommodation.

1 54. Chase did not address or grant Leon’s requests for accommodation. Despite Chase’s
2 knowledge of Leon’s physical impairment, Chase failed to engage in an interactive process to
3 determine how to accommodate his condition.

4 55. Leon was constructively discharged and forced to resign from Chase because
5 Defendants failed to accommodate his condition and engage in an interactive process to determine
6 how to accommodate his condition.

7 56. As a result of Defendants’ conduct, Plaintiff has suffered damages, including economic
8 losses and emotional distress, in an amount to be determined at trial.

9 57. Chase’s actions were willful, malicious, fraudulent, and oppressive, and were
10 committed with the wrongful intent to injure the Plaintiff and in conscious disregard of Plaintiff’s
11 rights.

12 **FIFTH CAUSE OF ACTION**
13 **Termination in Violation of Public Policy**

14 58. Plaintiff re-alleges and incorporates by reference all previous allegations.

15 59. During the course of his employment with Chase, Plaintiff suffered from a serious
16 physical disability and medical condition that requires ongoing treatment and limits major life
17 activities.

18 60. Chase knew that Plaintiff had a physical disability and medical condition.

19 61. Plaintiff was able to perform the essential job duties with reasonable accommodation
20 for his physical disability and medical condition. At all times during his employment, Plaintiff was
21 otherwise qualified to do his job.

22 62. Chase did not address or grant Leon’s requests for accommodation. Despite Chase’s
23 knowledge of Leon’s physical impairment, Chase failed to engage in an interactive process to
24 determine how to accommodate his condition.

25 63. Leon was constructively discharged and forced to resign from Chase because
26 Defendants failed to accommodate his condition and engage in an interactive process to determine
27 how to accommodate his condition.

1 64. By engaging in the conduct set forth above, Chase violated the public policy of the State
2 of California.

3 65. As a result of Defendants' conduct, Plaintiff has suffered damages, including economic
4 losses and emotional distress, in an amount to be determined at trial.

5 66. Chase's actions were willful, malicious, fraudulent, and oppressive, and were
6 committed with the wrongful intent to injure the Plaintiff and in conscious disregard of Plaintiff's
7 rights.

8 **JURY DEMAND**

9 67. Plaintiff Jesus Leon demands a trial by jury.

10 **PRAYER FOR RELIEF**

11 ~~WHEREFORE,~~ Plaintiff prays for relief as follows:

12 1. For general damages according to proof on each cause of action for which such
13 damages are available;

14 2. For special damages, according to proof on each cause of action for which such
15 damages are available;

16 3. For compensatory damages, according to proof on each cause of action for which such
17 damages are available;

18 4. For punitive damages, according to proof on each cause of action for which such
19 damages are available;

20 5. For prejudgment and post-judgment interest according to law;

21 6. For reasonable attorneys' fees incurred in this action on those causes of action for which
22 such fees are recoverable under the law;

23 7. For costs of suit incurred in this action; and

24 8. For such other and further relief as the Court deems proper and just.

1 Dated: January 2, 2015

MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND, INC.

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3 Thomas A. Saenz
4 Matthew J. Barragan

5 Attorneys for Plaintiff
6 Jesus Leon

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