

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JEREMY COLLIER,

Plaintiff,

vs.

BELL TEXTRON, INC.,

Defendant.

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C.A. No.: 4:22-CV-1088

PLAINTIFF'S FIRST AMENDED COMPLAINT

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES, JEREMY COLLIER ("Plaintiff"), and files this First Amended Complaint, complaining of BELL TEXTRON, INC. ("Defendant" or "Bell"), and alleges as follows:

**I.
NATURE OF THE ACTION**

1. This action is brought for monetary damages, pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* (the "ADA"), to redress Defendant's unlawful employment practices against Plaintiff because of his disability.

2. Plaintiff seeks actual and compensatory damages, punitive damages, and other appropriate legal and equitable relief.

**II.
PARTIES**

3. Plaintiff has at all times relevant to this lawsuit been a resident of Joshua, Texas.

4. Defendant, BELL TEXTRON, INC., is a foreign corporation organized and existing under the laws of the State of Delaware, and is authorized to do business in Texas which

has its principal place of business in Tarrant County, Texas. Bell may be served with process by serving Chandria Mercer, at 3255 Bell Flight Blvd., Fort Worth, Texas 76118. Service is requested at this time.

**III.
JURISDICTION AND VENUE**

5. Plaintiff has been discriminated against because of his disability. Defendant's conduct is in violation of the ADA. The jurisdiction of this Court is invoked by Plaintiff pursuant to 28 U.S.C. § 1331 and 1343. This Court has supplemental jurisdiction over all other state claims as they are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy pursuant to 28 USCS § 1367.

6. Venue is proper in this district under 28 U.S.C. §1391 because the unlawful employment practice about which Plaintiff complains was committed in this district.

**IV.
EXHAUSTION OF ADMINISTRATIVE REMEDIES**

7. Plaintiff timely filed a charge of discrimination with the EEOC.

8. The EEOC has issued a Notice of Right to Sue Letter to Plaintiff, which is attached as Exhibit A.

9. Plaintiff files this Complaint within ninety (90) days after receipt of the Notice of Right to Sue Letter from the EEOC.

**V.
FACTUAL ALLEGATIONS**

10. Plaintiff began his employment with Bell on March 13, 2000. From March 2000 to February 1, 2022, Plaintiff worked his way up to a Plant Protection Officer/In-House Security Guard for Bell.

11. Prior to becoming employed by Bell, from 1994 to 1998, Plaintiff was in the army, involved specifically in reconnaissance and special operations until he was honorably discharged.

12. In the fall of 2021, Plaintiff's mental health counselor diagnosed Plaintiff with Post-Traumatic Stress Disorder ("PTSD") as a result of injuries, lack of treatment and circumstances attributed to his years of service in the military. The VA has also recognized that Plaintiff has moderately severe depression and anxiety.

13. In December 2021, Plaintiff requested reasonable accommodation from Bell for his disability, which included the use of a service dog. Bell told Plaintiff it would have an answer in 4-6 days.

14. Bell never gave Plaintiff an answer and, less than two months later, Plaintiff's employment was terminated, despite all of his performance evaluations being commendable, and despite Bell's acknowledgement of Plaintiff's integral role in improving processes and security outcomes during his nearly twenty-two-year tenure.

15. The disparate treatment by Bell against Plaintiff was discriminatory.

VI. CAUSE OF ACTION

COUNT 1 – DISCRIMINATION IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

16. The allegations contained in Paragraphs 1-15 are incorporated herein by reference, the same as fully set forth verbatim.

17. At all times relevant this action, Plaintiff was an employee within the meaning of the ADA and suffers from a disability and/or was perceived as disabled by Defendant.

18. At all times relevant this action, Defendant was an employer within the meaning of the ADA.

19. Plaintiff is qualified to perform the essential functions of his position.

20. All conditions precedent to filing this action have been met. Prior to filing this lawsuit, Plaintiff timely filed his charge of discrimination. The EEOC, within the past 90 days preceding this filing, issued a Notice of Right to Sue. *See* Exhibit A.

21. Defendant has engaged in a continuous course of conduct of discrimination against Plaintiff because he is disabled and/or because Defendant perceived he is disabled, as detailed in this Complaint, including, *inter alia*, discriminating against Plaintiff based on his disability. Such discrimination was intentional.

22. Defendant discriminated against Plaintiff and engaged in retaliatory conduct directed towards Plaintiff without cause based on his disability.

23. These actions on the part of Defendant were wholly inconsistent with the ADA in that Defendant terminated Plaintiff after Plaintiff requested accommodations due to his disability.

24. Defendant acted knowingly and willfully in violation of the ADA for which Plaintiff seeks relief under said statute, including damages for back pay, front pay, benefits, future pecuniary losses and compensatory damages. Because Defendant's discrimination was willful, Plaintiff is entitled to recover liquidated damages, attorneys' fees and costs under 42 U.S.C. § 12101, *et. seq.*

VII. LIQUIDATED DAMAGES

25. Plaintiff requests an award of liquidated damages pursuant to the ADA as Defendant willfully violated his federally-protected rights.

VIII. ATTORNEYS' FEES

26. Defendant's wrongful conduct has made it necessary for Plaintiff to retain the undersigned attorneys to represent him in bringing and prosecuting this action, and, if necessary, for legal representation in appeal. Plaintiff therefore seeks recovery of all reasonable attorneys' fees and costs pursuant to the ADA.

**IX.
PRAYER**

27. The allegations contained in Paragraphs 1-26 are incorporated herein by reference, the same as fully set forth verbatim.

28. As a direct and proximate result of Defendant's unlawful and discriminatory actions, Plaintiff has suffered injuries for which he seeks monetary compensation in the following non-exclusive areas:

- a. Judgment for past and future mental anguish, anxiety, emotional distress, humiliation, and injury to reputation;
- b. Judgment for actual damages in the amount of past and future back pay, loss of earnings and benefits, sick and/or annual leave and loss of earning capacity;
- c. Liquidated damages for Defendant's willful violation of Plaintiff's federally-protected rights under the ADA;
- d. Pre-judgment and post-judgment interest at the maximum legal rate;
- e. A declaratory judgment that the acts, policies and practices complained herein are in violation of the ADA;
- f. That the Court enjoin Defendant from continuing its acts, policies, and practices which violate the ADA;
- g. Reasonable attorneys' fees;
- h. All costs of court; and
- i. All other relief to which Plaintiff may be entitled.

Dated: December 16, 2022.

Respectfully submitted,

LAW OFFICE OF MATTHEW BOBO, PLLC.

/s/ Matthew W. Bobo

Matthew W. Bobo

State Bar No. 24006860

Katy L. Hart

State Bar No. 24049983

4916 Camp Bowie Blvd.

Fort Worth, Texas 76107

Telephone: (817) 529-0774

Facsimile: (817) 698-9401

mbobo@mwblawyer.com

katy@mwblawyer.com

ATTORNEYS FOR PLAINTIFF

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Jeremy W. Collier**
8704 California ct
JOSHUA, TX 76058

From: **Dallas District Office**
207 S. Houston Street, 3rd Floor
Dallas, TX 75202

EEOC Charge No.
450-2022-03155

EEOC Representative
Terance Hobbs,
E.O. Investigator

Telephone No.
9729183628

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

TAMMY JOHNSON Digitally signed by TAMMY JOHNSON
Date: 2022.09.09 09:50:45 -05'00'

/for

Enclosures(s)

Travis Nicholson
District Director

cc: **Chandria Mercer, Sr. Ethics & Compliance Specialist**
Bell Textron Inc.
PO BOX 482
Fort Worth, TX 76101

Matthew Bobo, Attorney
Law Office of Matthew Bobo, PLLC
4916 Camp Bowie Boulevard
Fort Worth, TX 76107

Katy Hart, Attorney
Matthew Bobo PLLC
4916 Camp Bowie Blvd
Fort Worth, TX 76107

EXHIBIT A

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.