

**LEGISTAR NO.**

**150928**

**IN THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, STATE OF FLORIDA  
CIVIL DIVISION**

**CHARLOTTE DE WAAL,**

**Plaintiff,**

**vs.**

**Case No.**

**CITY OF GAINESVILLE, FLORIDA,**

**Defendant.**

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, CHARLOTTE DE WAAL ("Plaintiff") hereby sues Defendant, CITY OF GAINESVILLE, FLORIDA ("Defendant"), and alleges:

**INTRODUCTION**

1. This is an action for damages under Title I of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12101 et seq. ("ADA"), the value of which exceeds \$15,000.

**JURISDICTION AND VENUE**

2. Plaintiff was a resident of Alachua County, Florida at times material hereto.
3. Defendant has its principal place of business in Alachua County, Florida.
4. Plaintiff was qualified to be employed as a transit operator by Defendant.
5. The unlawful conduct complained of herein occurred in Alachua County, Florida.

**ADMINISTRATIVE PROCEEDINGS**

6. Plaintiff timely filed an administrative complaint with the FCHR and the Equal Employment Opportunity Commission alleging unlawful discrimination on the basis

of disability.

7. Plaintiff has complied with all conditions precedent necessary to bring and maintain this action.

### **FACTUAL BACKGROUND**

8. Plaintiff was hired by Defendant as a transit operator trainee on or about December 4, 2013.
9. Plaintiff's employment as a trainee was conditioned on a medical examination and receipt of a CDL Class B License. A Class B CDL allows a driver to operate commercial trucks that have an attached cab and cargo area with a combined weight greater than 26,000 pounds, as well as trucks with a detached towed cargo vehicle that weighs less than 10,000 pounds.
10. Plaintiff was diagnosed with a medical condition in December 2013.
11. Plaintiff received a three-month DOT certification card in January 2014 so that Plaintiff's condition would be monitored.
12. Defendant terminated Plaintiff from employment as a trainee due to an actual or perceived disability. Defendant refused to train Plaintiff because of a mere possibility that she may not receive a one-year card.
13. Defendant's purported requirement that trainees receive a one-year or two-year DOT medical certification card as a condition is a "qualification standard." The ADA prohibits an employer from applying a qualification standard that screens out or tends to screen out disabled persons.

**COUNT I - DISABILITY DISCRIMINATION UNDER THE ADA**

14. Plaintiff realleges paragraphs 1 through 13 as if fully set forth herein.
15. Plaintiff's offer of employment was rescinded based on Defendant's unlawful job qualification standards which tended to and did screen Plaintiff based on her actual or perceived disability.
16. Plaintiff was damaged by the conduct of Defendant.

WHEREFORE, Plaintiff requests this Honorable Court to:

- A. Grant a judgment requiring Defendant to pay to Plaintiff any back wages and back benefits found to be due and owing at the time of trial, compensatory damages in an amount to be proved at trial, and prejudgment interest thereon; and
- B. Grant Plaintiff costs and an award of reasonable attorney's fees under the ADA.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands trial by jury.

Respectfully submitted,

BERMAN LAW FIRM, P.A.

By: /s/ Craig L. Berman

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