

## AN 81-PAGE COMPLAINT AGAINST GM FAILS TO OFFER SUBSTANTIAL FACTS



Employees who sue their current or former bosses are required to provide evidence in court to substantiate their claims.

However, the initial complaint for filing a lawsuit must include facts to verify the authenticity of the allegations being made. One former employee of General Motors (GM) never made it past the complaint stage of his suit. The man had been employed at GM for years and over time had developed physical conditions that limited his ability at work. The GM physician, however, cleared the employee for full-time work with no restrictions. The man believed he would be better suited as a team leader but his request for a corresponding position was denied, and he claims that he was placed in a job beyond his physical capability. He was later hospitalized for work-related injuries and was fired shortly thereafter. He filed a complaint with the EEOC (Equal Employment Opportunity Commission), alleging disability discrimination. He was issued a Right-to-Sue letter, and he filed a pro se complaint (a complaint without legal representation) in an Ohio district court. His initial complaint was a mere four sentences long, asserting that he'd been required to work full-time with no physical restrictions. However, he included no additional facts or cause of action and didn't state any claim to relief – in other words, he offered no substantial facts to justify his complaint. The district court found the complaint insufficient and ordered the man to amend it, supporting his claims with facts. He was even directed to a guidebook for pro se complainants in helping draft the revised complaint. One month later, he had expanded his four sentences to 81 pages. The updated complaint, which alleged violations of the Americans with Disabilities Act (ADA), included ADA quotes, medical bills and records, and workers' compensation proceedings records, but failed to cite a cause of action (no specific legal wrong that GM had committed).



GM made a motion for judgment on the pleadings – one in which judgment is rendered prior to a judge considering evidence.

The district court granted the motion and further denied the man's motion for appointment of counsel. The former employee filed an appeal. To state an ADA claim, a plaintiff must show that he/she is disabled, qualified to perform the job functions with or without reasonable accommodations and would not have been terminated if not for the disability. Appellate judges noted "lenient treatment" for complainants without legal representation but added that the man's amended complaint could not be accepted, "no matter how liberally construed." Any pleading, whether or not it is prepared by an attorney, must specify the relief that is being sought, and it is not the district court's responsibility "to conjure up claims" that are not included in the formal complaint. Because the man's modified complaint was improper and not legally sound, the appeals court affirmed GM's motion for dismissal and the district court's denial of the former employee's motion for appointment of counsel.