

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**CELEYSA JOHNSON**  
3806 Flowerton Rd.  
Baltimore, Maryland 21229

*Plaintiff,*

v.

Civil Action No. \_\_\_\_\_

**PLANNED PARENTHOOD OF  
MARYLAND, INC.**  
330 North Howard St.  
Baltimore, Maryland 21201

**SERVE ON:**  
John Nugent  
330 North Howard St.  
Baltimore, Maryland 21201

*Defendant.*

**COMPLAINT AND JURY DEMAND**

Plaintiff Celeysa Johnson (“Plaintiff” or “Ms. Johnson”), by and through her undersigned counsel, James M Ray, II and Ray Legal Group, LLC, hereby files suit against Planned Parenthood of Maryland, Inc. and states as follows:

**THE NATURE OF THE ACTION**

This is Ms. Johnson’s civil action against Planned Parenthood of Maryland, Inc., seeking damages and/or other legal relief for the Defendant’s violation of Ms. Johnson’s rights under the Americans with Disability Act of 1990, as amended by the ADA Amendments Act of 2008 (codified at 42 U.S.C. § 12101, *et seq.* (the “ADA”)), and Section 504 of the Rehabilitation Act of 1973, 87 Stat. 355, as amended, codified at 29 U.S.C § 794 (the “Rehabilitation Act”).

**THE PARTIES**

1. Plaintiff Celeysa Johnson is a Maryland citizen and a resident of Baltimore City, Maryland.

2. Defendant Planned Parenthood of Maryland, Inc. is a Maryland company with its principal office located in Baltimore City, Maryland and with offices in other counties including Anne Arundel County.

3. The Defendant, at all times, was acting through its employees, servants, agents, or other affiliates as to the matters alleged herein.

**JURISDICTION & VENUE**

4. The Court has subject matter jurisdiction of this case under 28 U.S.C. §1331 as a matter arising under federal law, specifically under 42 U.S.C. §12117, as a case arising under the ADA, and under 29 U.S.C § 794, as a case arising under the Rehabilitation Act.

5. Venue is proper in the District of Maryland, as the material events and omissions giving rise to the claim are alleged to have occurred in or near Baltimore City, Maryland and/or Anne Arundel County.

6. The Plaintiff's ADA cause of action is authorized by 42 U.S.C., § 12117. The Plaintiff has a right to jury trial in this ADA discrimination action pursuant to 42 U.S.C. § 1981a.

7. The Plaintiff's Rehabilitation Act cause of action is authorized by 29 U.S.C. § 794a.

8. The Plaintiff has a right to trial by jury for her ADA and Rehabilitation Act claims pursuant to 42 U.S.C. § 1981a.

9. On November 12, 2020, the Plaintiff filed a charge with the EEOC, alleging disability discrimination, failure to accommodate, and retaliation claims under the ADA. Charge No. 531-2021-00425. On December 7, 2020, the EEOC issued a "Notice of Right to Sue" letter

to the Plaintiff.<sup>1</sup>

10. The Plaintiff has complied with all conditions precedent, administrative requirements, and/or legal preconditions to properly file and pursue this civil action and has exhausted any and all required administrative remedies. This civil action is lawfully filed in this Court. All conditions precedent have occurred or been performed.

**FACTS COMMON TO ALL COUNTS**

11. Ms. Johnson began her employment with the Defendant on November 14, 2018.

12. Ms. Johnson was employed as a Medical Assistant. During her employment with the Defendant, Ms. Johnson always performed her job duties in a competent manner and met Defendant's reasonable expectations.

13. Ms. Johnson suffers chronic sarcoidosis, which causes inflammation and is a type of autoimmune disease. Ms. Johnson's chronic sarcoidosis can create lung and respiratory issues for her that cause fatigue and difficulty with walking and sleeping. She also is also given intravenous infusion treatments every six (6) weeks, which suppress her immune system for two (2) weeks after each treatment, and require her to avoid being near persons who are sick. In addition, Ms. Johnson is a recent cervical cancer survivor, who underwent her last radiation treatment only one month before she began working with the Defendant. At all times relevant, the Defendant was aware of Ms. Johnson's medical conditions and/or disabilities.

14. In March 2020, Ms. Johnson was evaluated by her physician, Dr. Jeffrey A. Potter of Arthritis and Rheumatism Associates, P.C. in Olney, Maryland, who medically prohibited Ms.

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<sup>1</sup> The Plaintiff intends to amend this Complaint to bring disability discrimination, failure to accommodate and retaliation claims under the Maryland Fair Employment Practices Act ("FEPA"), Md. Code Ann., State Government § 20-606. However, the Plaintiff cannot file a claim under FEPA until "at least 180 days have elapsed since the filing of the [November 12, 2020] administrative charge or complaint."

Johnson from working “in person” because her chronic health conditions made her immunocompromised and/or more susceptible to complications from COVID-19. Ms. Johnson immediately notified the Defendant, provided the necessary medical documentation from her physician, and asked the Defendant for a reasonable accommodation: working remotely. The Defendant approved her request shortly thereafter. Ms. Johnson was required to provide updated medical documentation from her physician, which Ms. Johnson did every month. While working remotely over the next seven (7) months, Ms. Johnson performed her duties as a Medical Assistant (which included making phone calls with patients, taking patient co-pays, confirming appointments, taking patient medical histories and checking in patients over the phone and, later, taking calls from the Defendant’s “call center” which received calls from all seven (7) of the Defendant’s locations) and was meeting the Defendant’s legitimate expectations in the performance of those duties over those seven (7) months.

15. On October 5, 2020, the Defendant told Ms. Johnson that she was no longer allowed to work remotely and that she was required to return in person to the Defendant’s office located at 929 West Street, Suite 200, Annapolis, Maryland 21401 by October 19, 2020. On October 6, 2020, the Defendant provided Ms. Johnson with a return to work form that she was required to have her physician fill out in order for her to return to work in person. However, Ms. Johnson’s physician indicated that she was still prohibited from returning to work in person due to her medical conditions in light of the COVID-19 pandemic. Therefore, on or around October 6, 2020, Ms. Johnson again requested reasonable accommodations, including but not limited to, being allowed to continue working from home. However, the Defendant denied Ms. Johnson’s request for reasonable accommodations and indicated that if Ms. Johnson did not return to work in person by October 23, 2020, that she would need to begin using her accrued leave. On Friday, October 23,

2020, the Defendant terminated Ms. Johnson when the Defendant stopped paying her.

16. Ms. Johnson would have been able to return to work once she was able to receive a COVID-19 vaccine and/or once the pandemic conditions improved such that her doctor determined that she could safely return notwithstanding her conditions.

17. Maryland renewed its State of Emergency on October 6, October 30, November 25 and December 23, 2020. On November 10, 2020, Maryland Governor Lawrence J. Hogan, Jr. issued an order reducing indoor operations at bars and restaurants from 75% to 50%. On November 10, 2020, the Maryland Department of Health issued an advisory that indoor gatherings should be limited to twenty-five (25) or less persons and that Marylanders should refrain from non-essential travel outside of Maryland. State agencies were to return to mandatory teleworking except for essential personnel.

18. On November 25, 2020, the Defendant, through an email from the Defendant's counsel to Ms. Johnson's counsel, made a conditional offer of re-employment to Ms. Johnson. Under the Defendant's offer, Ms. Johnson would be permitted to work remotely through March 31, 2021, but would be required to dismiss her EEOC charge, acknowledge that the Defendant would not guarantee any employment after March 31, 2021, agree not to file any federal or state disability claim arising from the termination of her employment after March 31, 2021, and agree that her employment through March 31, 2021 would not be used as a basis for argument that the Defendant failed to provide a reasonable accommodation. Ms. Johnson did not accept the Defendant's conditional offer.

19. The Defendant's actions were discriminatory and/or in retaliation for Ms. Johnson engaging in protected activity and/or because she requested reasonable accommodations.

20. Any non-discriminatory justification for Ms. Johnson's termination was a pretext.

Ms. Johnson's supervisors frequently commented on their happiness and satisfaction with her productivity and work.

**COUNT I**

**ADA Failure to Make Reasonable Accommodations -- § 42 U.S.C. § 12112(b)(5)(A)**

21. The Plaintiff incorporates the preceding paragraphs as if set fully herein.

22. The Defendant is an "employer" covered by the ADA as it is "engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year." *See* 42 U.S.C. § 12111(5).

23. The Plaintiff is an "employee" under the ADA as she was employed by the Defendant. *See* 42 U.S.C. § 12111(4). The Defendant also is a "covered entity" under 42 U.S.C. § 12111(4) ("The term 'covered entity' means an employer, employment agency, labor organization, or joint labor-management committee.").

24. 42 U.S.C. § 12112(a) provides that "[n]o covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." "[T]he term 'discriminate against a qualified individual on the basis of disability' includes...not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;..." 42 U.S.C. § 12112(b)(5)(A).

25. Ms. Johnson has a "disability," as defined under 42 U.S.C. § 12102, because she has (a) a physical impairment (her chronic sarcoidosis and her prior cancer which are chronic health conditions that make her immunocompromised and/or more susceptible to complications

from COVID-19) that substantially limit one or more of her major life activities (including suffering from lung and respiratory issues, fatigue, difficulty walking and sleeping and being unable to work in the office because of her conditions during the COVID-19 pandemic), (b) a record of these physical impairments and/or (c) been regarded by the Defendant as having a such a physical impairment.

26. Ms. Johnson is a “qualified individual” because she, with or without reasonable accommodation, can perform the essential functions of Medical Assistant position (including making phone calls with patients, taking patient co-pays, confirming appointments, taking patient medical histories and checking in patients over the phone) and/or the “call center” position. Ms. Johnson has been able to perform all of these duties and essential functions remotely since March 2020.

27. By not continuing to allow Ms. Johnson to continue to work remotely and perform the same duties that she had been performing remotely since March 2020, the Defendant failed to reasonably accommodate Ms. Johnson’s disability. But for Ms. Johnson's disabilities, the Defendant would not have discriminated against Ms. Johnson.

28. As a direct and proximate cause of Defendant’s unlawful actions, Ms. Johnson was prejudiced, including having her employment terminated by the Defendant, and has suffered substantial pecuniary losses and other damages.

**COUNT II**  
**ADA Discrimination -- § 42 U.S.C. § 12112(b)(1)(A)**

29. The Plaintiff incorporates the preceding paragraphs as if set fully herein.

30. The Defendant is an “employer” covered by the ADA as it is “engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.” *See* 42 U.S.C. § 12111(5).

31. The Plaintiff is an “employee” under the ADA as she was employed by the Defendant. *See* 42 U.S.C. § 12111(4). The Defendant also is a “covered entity” under 42 U.S.C. § 12111(4) (“The term ‘covered entity’ means an employer, employment agency, labor organization, or joint labor-management committee.”).

32. 42 U.S.C. § 12112(a) provides that “[n]o covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” “[T]he term ‘discriminate against a qualified individual on the basis of disability’ includes... limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;...” 42 U.S.C. § 12112(b)(1).

33. Ms. Johnson has a “disability,” as defined under 42 U.S.C. § 12102, because she has (a) a physical impairment (her chronic sarcoidosis and her prior cancer which are chronic health conditions that make her immunocompromised and/or more susceptible to complications from COVID-19) that substantially limit one or more of her major life activities (including suffering from lung and respiratory issues, fatigue, difficulty walking and sleeping and being unable to work in the office because of her conditions during the COVID-19 pandemic), (b) a record of these physical impairments and/or (c) been regarded by the Defendant as having a such a physical impairment.

34. Ms. Johnson is a “qualified individual” because she, with or without reasonable accommodation, can perform the essential functions of Medical Assistant position (including making phone calls with patients, taking patient co-pays, confirming appointments, taking patient medical histories and checking in patients over the phone) and/or the “call center” position. Ms.

Johnson has been able to perform all of these duties and essential functions remotely since March 2020.

35. The Defendant terminated Ms. Johnson's employment because of her disabilities. But for Ms. Johnson's disabilities, the Defendant would not have discriminated against Ms. Johnson.

36. As a direct and proximate cause of Defendant's unlawful actions, Ms. Johnson was prejudiced, including having her employment terminated by the Defendant, and has suffered substantial pecuniary losses and other damages.

**COUNT III**  
**ADA Retaliation -- § 42 U.S.C. § 12003**

37. The Plaintiff incorporates the preceding paragraphs as if set fully herein.

38. The Defendant is an "employer" covered by the ADA as it is "engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year." *See* 42 U.S.C. § 12111(5).

39. The Plaintiff is an "employee" under the ADA as she was employed by the Defendant. *See* 42 U.S.C. § 12111(4). The Defendant also is a "covered entity" under 42 U.S.C. § 12111(4) ("The term 'covered entity' means an employer, employment agency, labor organization, or joint labor-management committee.").

40. 42 U.S.C. § 12203(a) provides that "[n]o person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter [126 Equal Opportunity for Individuals with Disabilities]."

41. Ms. Johnson engaged in protected activity when she requested in October 2020 that

she be accommodated by continuing to be allowed to work remotely because of her disabilities as she had been doing since March 2020 and due to her doctor's order and when she filed a charge with the EEOC.

42. The Defendant terminated Ms. Johnson's employment because she requested the same, continued accommodations due to her disabilities and did not re-employ Ms. Johnson solely because she has filed a charge with the EEOC. But for Ms. Johnson's disabilities, the Defendant would not have discriminated against Ms. Johnson.

43. As a direct and proximate cause of Defendant's unlawful actions, Ms. Johnson was prejudiced, including having her employment terminated by the Defendant, and has suffered substantial pecuniary losses and other damages.

#### **COUNT IV**

##### **Rehabilitation Act Failure to Make Reasonable Accommodations -- § 29 U.S.C. § 794**

44. The Plaintiff incorporates the preceding paragraphs as if set fully herein.

45. 29 U.S.C. § 794 provides that "[n]o otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

46. The Defendant is a "program or activity receiving Federal financial assistance" under 29 U.S.C § 794. Specifically, the Defendant is a "corporation [where Federal financial] assistance is extended to such corporation...as a whole" and also is a "corporation...which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation." 29 U.S.C. §794(b)(3).

47. 29 U.S.C. § 705(20) provides that the term "individual with a disability" means

“any person who has a disability as defined in section 12102 of Title 42.”

48. Ms. Johnson has a “disability,” under defined under 42 U.S.C. § 12102, because she has (a) a physical impairment (her chronic sarcoidosis and her prior cancer which are chronic health conditions that make her immunocompromised and/or more susceptible to complications from COVID-19) that substantially limit one or more of her major life activities (including suffering from lung and respiratory issues, fatigue, difficulty walking and sleeping and being unable to work in the office because of her conditions during the COVID-19 pandemic), (b) has a record of these physical impairments and/or (c) has been regarded by the Defendant as having a such a physical impairment.

49. Ms. Johnson is a “qualified individual” because she, with or without reasonable accommodation, can perform the essential functions of Medical Assistant position (including making phone calls with patients, taking patient co-pays, confirming appointments, taking patient medical histories and checking in patients over the phone) and/or the “call center” position. Ms. Johnson has been able to perform all of these duties and essential functions remotely since March 2020.

50. By not continuing to allow Ms. Johnson to continue to work remotely and perform the same duties that she had been performing remotely since March 2020, the Defendant failed to reasonably accommodate Ms. Johnson’s disability. The Defendant actions were solely the result of Ms. Johnson’s disabilities and her request for reasonable accommodations due to her disabilities. But for Ms. Johnson’s disabilities, the Defendant would not have discriminated against Ms. Johnson.

51. As a direct and proximate cause of Defendant’s unlawful actions, Ms. Johnson was prejudiced, including having her employment terminated by the Defendant, and has suffered

substantial pecuniary losses and other damages.

**COUNT V**

**Rehabilitation Act Discrimination -- § 29 U.S.C. § 794**

52. The Plaintiff incorporates the preceding paragraphs as if set fully herein.

53. 29 U.S.C. § 794 provides that “[n]o otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”

54. The Defendant is a “program or activity receiving Federal financial assistance” under 29 U.S.C § 794. Specifically, the Defendant is a “corporation [where Federal financial] assistance is extended to such corporation...as a whole” and also is a “corporation...which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation.” 29 U.S.C. §794(b)(3).

55. 29 U.S.C. § 705(20) provides that the term “individual with a disability” means “any person who has a disability as defined in section 12102 of Title 42.”

56. Ms. Johnson has a “disability,” under defined under 42 U.S.C. § 12102, because she has (a) a physical impairment (her chronic sarcoidosis and her prior cancer which are chronic health conditions that make her immunocompromised and/or more susceptible to complications from COVID-19) that substantially limit one or more of her major life activities (including suffering from lung and respiratory issues, fatigue, difficulty walking and sleeping and being unable to work in the office because of her conditions during the COVID-19 pandemic), (b) a record of these physical impairments and/or (c) been regarded by the Defendant as having a such a physical impairment.

57. Ms. Johnson is a “qualified individual” because she, with or without reasonable accommodation, can perform the essential functions of Medical Assistant position (including making phone calls with patients, taking patient co-pays, confirming appointments, taking patient medical histories and checking in patients over the phone) and/or the “call center” position. Ms. Johnson has been able to perform all of these duties and essential functions remotely since March 2020.

58. The Defendant terminated Ms. Johnson’s employment solely because of her disabilities. But for Ms. Johnson’s disabilities, the Defendant would not have discriminated against Ms. Johnson.

59. As a direct and proximate cause of Defendant’s unlawful actions, Ms. Johnson was prejudiced, including having her employment terminated by the Defendant, and has suffered substantial pecuniary losses and other damages.

**COUNT VI**  
**Rehabilitation Act Retaliation -- § 29 U.S.C. § 794**

60. The Plaintiff incorporates the preceding paragraphs as if set fully herein.

61. 29 U.S.C. § 794 provides that “[n]o otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”

62. The Defendant is a “program or activity receiving Federal financial assistance” under 29 U.S.C § 794. Specifically, the Defendant is a “corporation [where Federal financial] assistance is extended to such corporation...as a whole” and also is a “corporation...which is principally engaged in the business of providing education, health care, housing, social services,

or parks and recreation.” 29 U.S.C. §794(b)(3).

63. 29 U.S.C. § 705(20) provides that the term “individual with a disability” means “any person who has a disability as defined in section 12102 of Title 42.”

64. Ms. Johnson engaged in protected activity when she requested in October 2020 that she be accommodated by continuing to be allowed to work remotely as she had been doing since March 2020 because of her disabilities and due to her doctor’s order and when she filed a charge with the EEOC.

65. The Defendant terminated Ms. Johnson’s employment solely because she requested the same, continued accommodations due to her disabilities and did not re-employ Ms. Johnson solely because she has filed a charge with the EEOC. But for Ms. Johnson’s disabilities, the Defendant would not have discriminated against Ms. Johnson.

66. As a direct and proximate cause of Defendant’s unlawful actions, Ms. Johnson was prejudiced, including having her employment terminated by the Defendant, and has suffered substantial pecuniary losses and other damages.

WHEREFORE, Plaintiff Celeysa Johnson respectfully prays that this Court grant the following relief:

- a. An order permanently enjoining and restraining the Defendant, their agents, officers, servants and employees from discriminating, interfering and/or retaliating against other employees due to their disabilities;
- b. Compensation for back pay, front pay, and compensation for other lost employment benefits, liquidated damages, compensatory damages, punitive damages, and costs and reasonable attorneys’ fees against the Defendant in the amount in excess of Seventy-Five Thousand Dollars (\$75,000.00);

- c. Reinstatement; and
- d. Any and all additional relief as the Court may deem just and proper.

Respectfully Submitted,

**RAY LEGAL GROUP, LLC**

By: /s/ James M. Ray

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*Attorneys for Plaintiff*

**PRAYER FOR JURY TRIAL**

Plaintiff Celeysa Johnson demands a trial by jury as to all issues so triable.

/s/ James M. Ray, II  
James M. Ray, II