

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
CIVIL ACTION NO. 03
DIVISION 12-CI-5445

JULIAN SHULMAN
On his own behalf and on behalf of others similarly situated

PLAINTIFF

vs.

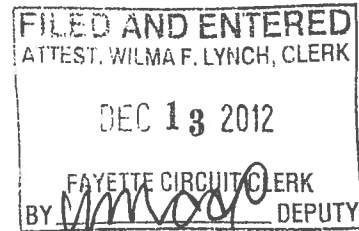
COMPLAINT

AMAZON.COM.KYDC LLC

DEFENDANTS

Serve: CSC-LAWYERS INCORPORATING SERVICE COMPANY
421 W. MAIN STREET
FRANKFORT, KY 40601

And via Kentucky Secretary of State
Pursuant to KRS 454.210



LIBERTY MUTUAL GROUP INC.

Serve: CSC-LAWYERS INCORPORATING SERVICE COMPANY
421 WEST MAIN STREET
FRANKFORT, KY 40601

And via Kentucky Secretary of State
Pursuant to KRS 454.210

AMAZON.COM, INC.

A Delaware Corporation with its principal place of business in Seattle, Washington

Serve: CORPORATION SERVICE COMPANY
300 DESCHUTES WAY STE 304
TUMWATER, WA 98501

JOHN DOES 1-25, unknown officers, employees, affiliated corporations or officers, employees of Amazon.Com, INC. and or its various subsidiary corporations

Comes the Plaintiff, Julian Shulman, pro se, and for its complaint against the Defendants AMAZON.COM.KYDC LLC, (hereafter "Amazon") and LIBERTY MUTUAL GROUP INC. (hereafter "Liberty Mutual"), alleges as follows:

I. INTRODUCTION

1. Plaintiff was employed by Defendant Amazon as a Tier 1 associate from February 2008 until his unlawful discharge in July, 2011.

2. In January, 2011 Plaintiff informed a human resources professional at Amazon, Vince Woodward, that he was working and had been working for some time with a great deal of pain in his feet and ankles.

3. In March, 2011 Plaintiff saw a Lexington Podiatrist, Dr. Nicole Freels and was diagnosed with arthritis of the feet and ankles.

4. Shortly thereafter, Plaintiff advised the human resources department of his diagnosis and was told that he could receive no accommodation at work without providing a Request for Medical Information form, completed by his doctor to Amazon

5. Dr. Freels completed the Request for Medical Information form, which called for a 50% reduction in work done standing until pain subsided.

6. Plaintiff continued to work his scheduled shifts for approximately one week with no accommodation from Amazon while wearing the ankle braces supplied by Dr. Freels.

7. After lunch one day, Plaintiff's manager Jason Thomas found Plaintiff working and conveyed to him verbally that Amazon could not have him in the building due to liability concerns, that they could not accommodate his disability, and that he must leave and that the Leave of Absence Team would contact him; he was not to return to work.

8. The Leave of Absence team shortly thereafter provided Plaintiff with a completed leave request form and instructions to file a claim with the short term disability insurance company, Liberty Mutual.

9. Plaintiff was placed on leave for approximately two months and received one month of disability benefits.

10. Plaintiff was then informed that he would be accommodated by working half shifts, the other half of his shifts to be covered by intermittent leave.

11. During June, 2011 Plaintiff's manager Jason Thomas again found Plaintiff while working and informed him that management must decide what the status of his progressive performance discipline was and would apprise him of their decision. While

working earlier that year, Plaintiff had received warnings for production and those warnings expire after 90 days. The question for management to decide was had the 90 days run while Shulman was out on the leave which he had not requested in any way but to sign the form provided to him.

12. Plaintiff informed Thomas that his pain had not subsided and that he had learned from other arthritis patients that a short time not standing every hour brought them the most relief from pain. At this point Plaintiff was working one session of two and a quarter and one session of two and a half hours each work night. Also, in order to reach the break area between these sessions, a walk of varying distance was always required. Plaintiff estimates that the walk averaged two minutes each way and that time was included in the allotted break of 15 minutes or in the case of extreme heat, 20 minutes.

13. Thomas informed Plaintiff that human resources must be involved in any additional accommodations; he could not act on his own.

14. Shortly thereafter, Plaintiff informed human resources that he needed the additional or alternate accommodation of a short time off of his feet every hour and was advised to get a new Request for Medical Information form from a doctor.

15. Plaintiff planned to contact Dr. Freels in the near future, but his employment was terminated in July, 2011, by Amazon, who cited his production performance during the week that his manager had interrupted his work to have the conversation recounted in paragraphs 11-13 of this complaint.

II. PARTIES

16. Plaintiff Julian Shulman is an adult male resident of Taycheedah, Wisconsin, formerly an employee of Amazon and formerly a resident of Lexington, Kentucky.

17. Defendant Amazon operates a large warehouse at 1850 Mercer Road in Lexington, Kentucky where hundreds of employees work.

18. Defendant Liberty Mutual is an insurance company that administers benefits for Amazon.

III. JURISDICTION AND VENUE

19. This Court has jurisdiction over the Plaintiff's claims as they arise under Kentucky Statutes, Kentucky common law and United States Law. The Defendants have designated CSC-Lawyers Incorporating Service Company as its registered agent authorized to accept service of process in the Commonwealth of Kentucky with the

Kentucky Secretary of State. Therefore, pursuant to KRS 454.210, service of process may be made upon CSC- CSC-Lawyers Incorporating Service Company directly, and via the Kentucky Secretary of State.

20. Plaintiff voluntarily submits to the in personam jurisdiction of this court in this matter. This court has in personam jurisdiction over the Defendants as they are involved in substantial, not isolated activities in the Commonwealth of Kentucky.

21. Venue is proper in Fayette County, Kentucky pursuant to KRS 452.460 as the injuries to Plaintiff occurred there and pursuant to 367.190(1) because the unlawful acts methods, acts, and/or practices of the Defendant were committed and/or felt in Fayette County, Kentucky.

III. CLAIMS

Count I

Americans With Disabilities Act

KRS 344.040(1)(a)

Implied Contract of Employment

22. Plaintiff hereby incorporates by reference paragraphs 1-21.

23. Plaintiff is authorized to pursue this action pursuant to KRS 344.450

24. Defendant Amazon's termination of plaintiff Shulman's employment is in violation of the Americans With Disabilities Act and KRS 344.040(1)(a) and breached an implied contract of continued employment.

25. The unknown defendants may be jointly or separately liable for this unlawful and wrongful termination.

Count II

EMPLOYMENT RETIREMENT INCOME SECURITY ACT

26. Plaintiff hereby incorporates by reference paragraphs 1-25.

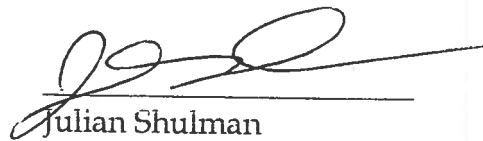
27. Defendant Liberty Mutual's failure to pay short and/or long term disability benefits to Plaintiff Shulman are in violation of the Employment Retirement Income Security Act and possibly other laws of the United States and/or the Commonwealth of Kentucky.

III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Julian Shulman, prays for the following relief,

1. Judgment that the Defendants committed willful violations of the American with Disabilities Act;
2. Judgment that the Defendants committed willful violations of the Kentucky Civil Rights Act;
3. Permanently enjoining the Defendants and their employees, officers, directors, agents, successors, assigns, affiliates, merged or acquired predecessors, parent or controlling entities, subsidiaries, and any and all persons acting in concert or participation with Defendants, from their unlawful conduct, acts and practices;
4. Awarding the Plaintiff all damages and penalties as allowed by law;
5. Trial by jury on all issues so triable;
6. Awarding any other relief which to which the Plaintiff is entitled and Court deems appropriate and just.

Respectfully submitted,



Julian Shulman

Pro se

W 4224 Kiekhacfer Pkwy.

Taycheedah, Wisconsin

54937

Telephone: 779-423-4560

AOC-S-105 Sum Code: CI
Rev. 7-99



Case Number 12-CI-05445

Court CI

County FAYETTE

Commonwealth of Kentucky
Court of Justice
CR 4.02; Cr Official Form 1

Civil Summons

Plaintiff, SHULMAN, JULIAN VS. AMAZON.COM KYDC LLC, , ET AL, Defendant

AMAZON.COM KYDC LLC,
421 W. MAIN ST.
FRANKFORT KY 40601

The Commonwealth of Kentucky to the above-named Defendant(s):

You are hereby notified that a legal action has been filed against you in this court demanding relief as shown on the document delivered to you with summons. Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days following the day this paper is delivered to you, judgement by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding such relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this summons.

Circuit/District Clerk, WILMA LYNCH

WAF

By WILMA LYNCH, DC

Date: 12/13/2012

Proof of Service

[] This Summons was served by delivering a true copy and the Complaint (or other initiating document)

To: _____

[] Not Served because: _____

Date: _____, 2 _____.

Served by



AOC-S-105 Sum Code: CI
Rev. 7-99



Case Number **12-CI-05445**

Court CI

County FAYETTE

Commonwealth of Kentucky
Court of Justice
CR 4.02; Cr Official Form 1

Civil Summons

Plaintiff, SHULMAN, JULIAN VS. AMAZON.COM KYDC LLC, , ET AL, *Defendant*

AMAZON.COM, INC.,
CORPORATION SERVICE COMPANY
300 DESCHUTES WAY STE. 304
OLYMPIA WA 98501

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Circuit/District Clerk, WILMA LYNCH

RAP

By ymmoap, DC

Date: 12/13/2012

Proof of Service

This Summons was served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 2012

Served by



AOC-S-105 Sum Code: CI
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Case Number **12-CI-05445**

Court CI

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Plaintiff, SHULMAN, JULIAN VS. AMAZON.COM KYDC LLC, , ET AL, *Defendant*

LIBERTY MUTUAL GROUP, INC.,
CSC LAWYERS INC. SERVICE CO.
421 W. MAIN ST.
FRANKFORT KY 40601

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Circuit/District Clerk, WILMA LYNCH

WAL

By *WML*, DC

Date: 12/13/2012

Proof of Service

This Summons was served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____.

Served by _____



Fayette County Random Judge Assignment Report

Court: FAYETTE CIRCUIT COURT - CIVIL CASES

Requestor: MARYJ **Reference/Case Number:** 12-CI-5445

This Case has been Assigned to: 3rd **Division**

Judge James D. Ishmael, Jr. 622224

Control Date/Time: 12/13/2012 2:30:45PM

Commonwealth of Kentucky
Fayette County
Wilma F. Lynch
Circuit Court Clerk

Receipt Number: 05-0065383-A
DATE: 12/13/2012
TIME: 03:20 PM

*** (II) CIRCUIT CIVIL-FILING/PRO SE ***

CASE NO: 12-CI-05445

RECEIVED FROM: JULIAN SHULMAN MONEY GR
ACCOUNT OF: SHULMAN V AMAZON

- 1. Civil Filing Fee (Q) 115.00
- 2. ATJ Fee (I) 20.00
- 3. Court Technology MCFO(K(CT)) 10.00
- 4. Court Facilities Fee (I) 25.00
- 5. Library Fee (L) 1.00
- 6. Jury Demand /12 CS(W(M)) 60.00

TOTAL: \$231.00

CHECK: \$231.00

*****DIFF:** 0.00

*** Check Number: 6910304389

Prepared By: Wilma Lynch/mjm
** MCFO=Money Collected for Others
** CS=Charge for Services

Filing (KYCOURTS) Page 1 of 1