

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

GARY M. REHO,)	
Plaintiff,)	CIVIL ACTION NO.
)	
v.)	
)	
SACRED HEART UNIVERSITY, INC.,)	
Defendant.)	OCTOBER 11, 2016
)	

COMPLAINT

Jurisdiction

1. The jurisdiction of this Court upon 28 U.S.C. § 1331, in that the action arises under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended, and C.G.S.A. § 46a-60(a)(1).

Venue

2. Venue is proper in this district under 28 U.S.C. § 1391(b) in that a substantial part of the events or omissions giving rise to the Plaintiff's claims occurred in this district and State, and the Defendant is a resident of the State in which the district is located.

The Plaintiff

3. At all relevant times herein, the Plaintiff, Gary M. Reho (the "Plaintiff"), was an individual residing in the State of Connecticut.

The Defendant

4. At all relevant times herein, the Defendant, Sacred Heart University, Inc. (the "Defendant"), was an educational institution, with its principal place of business at 5151 Park Avenue, Fairfield, Connecticut 06825.

The Preliminary Statement

5. The Plaintiff seeks by this action to recover damages as a result of the Defendant's willful discrimination against the Plaintiff due to his disability, in violation of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101, as amended, and C.G.S.A. § 46a-60(a)(1).
6. On or about February 24, 2016, the Plaintiff filed a claim with the Connecticut Commission on Human Rights and Opportunities ("CHRO") and the United States Equal Employment Opportunity Commission ("EEOC"), claiming illegal discrimination on the basis of disability.
7. On or about September 29, 2016, the CHRO issued a Release of Jurisdiction to the Plaintiff.
8. On or about September 29, 2016, the EEOC issued a Notice of Right to Sue Letter to the Plaintiff.

Facts

9. The Plaintiff, Gary Reho, was hired by the Defendant, Sacred Heart University, Inc., as the head football coach on or about July 1, 1990.
10. On or about October 22, 1990, in the Plaintiff's first "Performance Appraisal for Administrative and Professional Employees," his supervisor stated, "In the short time you've been here you have made our department better. All of us can learn from your organizational and management skills."
11. In 1996, in addition to continuing as the head football coach, the Plaintiff accepted a position as the Associate Director of Athletics.

12. On or about July 1, 1997, the Plaintiff accepted a newly created position with the Defendant as the Director of the William H. Pitt Health and Recreation Center and Athletic Facilities (the "Pitt Center"), a new facility on the Sacred Heart University campus that housed basketball courts, training facilities, locker rooms, and offices for the Athletics Department staff.
13. As Director of the Pitt Center, the Plaintiff's responsibilities included reporting to the Dean of Students, managing and coordinating the day-to-day operations of the Pitt Center, managing and coordinating special events, supervising staff members, and developing the Pitt Center operating budget.
14. The Plaintiff never received verbal or written warnings, disciplinary actions, or reprimands during his employment with the Defendant.
15. The Plaintiff received high praise in each of his annual performance reviews.
16. In December, 2014, the Plaintiff underwent a neurologic consult examination with the Associated Neurologists of Southern Connecticut, P.C. This examination followed a number of cataract surgeries in 2013 and 2014.
17. On or about December 22, 2014, after examinations and testing by Neuropsychologist, Dr. Christine McCarthy ("Dr. McCarthy") and Dr. Srinath Kadimi ("Dr. Kadimi"), it was determined that the results of those tests were consistent with a diagnostic impression of Posterior Cortical Atrophy type of Major Neurocognitive Disorder, or, in other words, onset of Dementia.
18. On or about December 22, 2014, following an examination, Dr. McCarthy wrote, "Mr. Reho's cognitive functioning and emotional wellbeing will be improved by returning to work."

19. In January, 2015, in the spirit of full disclosure, the Plaintiff reported Dr. McCarthy's findings to the Defendant, and provided it with the Neuropsychological Evaluation Report from the Plaintiff's December 22, 2014 evaluation, which included Dr. McCarthy's recommended accommodations and modifications to the Plaintiff's job duties.
20. From February, 2015, through June, 2015, there were communications between the Human Resources Department at Sacred Heart University, including Julie Nofri ("Nofri"), the Executive Director for Human Resources, and Sally Schettino ("Schettino"), a Human Resources Project Manager, and the Associated Neurologists of Southern Connecticut, P.C. These communications included an inquiry as to whether the Plaintiff could perform the essential functions of the Plaintiff's job based on the Defendant's job description for the Plaintiff's position.
21. On or about June 10, 2015, in a letter from Dr. McCarthy to Ms. Nofri addressed the questions raised in numerous letters from the Defendant. In her letter, Dr. McCarthy states, "Mr. Reho is NOT described as an ' . . . individual who is possibly a candidate for legal conservatorship' in any portion of my report of his December 2014 neuropsychological evaluation."
22. In addition, in Dr. McCarthy's response to the May 28, 2015 letter from the Defendant claiming that the Plaintiff's doctor opined that the Plaintiff could not perform the essential functions of his job, Dr. McCarthy wrote that it was " . . . an entirely incorrect and inaccurate account of the overall gist of the professional opinions that I related over the course of our past telephone conversations."

23. The Defendants failed to engage in the interactive process required by the ADA to determine the possible accommodations that may be required.
24. On or about August 27, 2015, the Plaintiff was terminated from his position with the Defendant in a letter sent to him from Robert Hardy, the Vice President of Human Resources. The letter stated that “the position of Director of the William H. Pitt Health & Recreation Center/Athletics Facility is no longer a viable position . . .”

FIRST COUNT

- 1-23. Paragraphs 1 through 23 alleged above are incorporated by reference and made a part hereof as though fully set forth.
25. The Plaintiff is a member of a protected class based on his disability and/or perceived disability.
26. The Defendant terminated the Plaintiff from his employment on the basis of his disability in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended.
27. The Defendant further failed to make reasonable accommodations for the Plaintiff and his job responsibilities when the accommodations were necessary to avoid discrimination on the basis of his disability, in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended.
28. As evidenced in over twenty-five years of employment and excellent performance reviews, the Plaintiff was qualified for his position with the Defendant. In addition, Dr. McCarthy opined that the Plaintiff’s “. . . cognitive functioning and emotional wellbeing . . .” would improve by his returning to work.

29. As a result of the Defendant's conduct as alleged above, the Defendant violated the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended.

30. As a result of the Defendant's unlawful discrimination, the Plaintiff has suffered and continues to suffer damages.

SECOND COUNT

1-29. Paragraphs 1 through 23 of the First Count alleged above are incorporated by reference and made a part hereof as though fully set forth.

31. The Plaintiff is a member of a protected class based on his disability and/or perceived disability.

32. The Defendant terminated the Plaintiff on the basis of his disability, in violation of C.G.S.A. § 46a-60(a)(1).

33. The Defendant further failed to make reasonable accommodations for the Plaintiff in his job responsibilities when the modifications were necessary to avoid discrimination on the basis of disability, in violation of C.G.S.A. § 46a-60(a)(1).

34. As evidenced in over twenty-five years of employment and excellent performance reviews, the Plaintiff was qualified for his position with the Defendant. In addition, Dr. McCarthy opined that the Plaintiff's "... cognitive functioning and emotional wellbeing ..." would improve by returning to work.

35. As a result of the Defendant's conduct as alleged above, the Defendant violated C.G.S.A. § 46a-60(a)(1).

36. As a result of the Defendant's unlawful discrimination, the Plaintiff has suffered and continues to suffer damages.

THIRD COUNT

- 1-23. Paragraphs 1 through 23 of the First Count alleged above are incorporated by reference and made a part hereof as though fully set forth.
37. The Defendant intended to inflict emotional distress upon the Plaintiff or knew or should have known that emotional distress was a likely result of terminating the Plaintiff because the Plaintiff was a loyal employee for over twenty-five years and the Defendant was aware that continuing to and returning to work would improve his “cognitive functioning and emotional wellbeing.”
38. The Defendant’s conduct of terminating the Plaintiff after twenty-five years of exceptional work due to the Plaintiff’s disability was extreme and outrageous.
39. The Defendant’s conduct caused and still causes the Plaintiff to suffer severe emotional distress.

WHEREFORE, the Plaintiff prays this Court:

- a. Assumes jurisdiction of this action;
- b. Award the Plaintiff compensatory damages as a result of the Defendant's willful violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended;
- c. Award the Plaintiff back pay and front pay under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended;
- d. Award the Plaintiff punitive damages under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended;
- e. Award the Plaintiff reasonable attorneys' fees under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended;
- f. Award the Plaintiff compensatory damages as a result of the Defendant's willful violation of C.G.S.A. § 46a-60(a)(1);
- g. Award the Plaintiff back pay and front pay under C.G.S.A. § 46a-60(a)(1);
- h. Award the Plaintiff punitive damages under C.G.S.A. § 46a-60(a)(1);
- i. Award costs of this action;
- j. Award interest;
- k. Grant such other and further relief as may appear to this Court to be equitable, just, and proper.

THE PLAINTIFF HEREBY REQUESTS A JURY TRIAL ON ALL COUNTS.

THE PLAINTIFF,
GARY M. REHO

BY: 

Michael E. Satti (CT01311)
Michael E. Satti, Attorney at Law, LLC
185 South Broad Street, Suite 301
Pawcatuck, CT 06379
Tel.: (860) 599-5988
Fax: (860) 599-5976
HIS ATTORNEY

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GARY M. REHO

(b) County of Residence of First Listed Plaintiff New Haven
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Michael E. Satti, Attorney at Law, LLC
185 South Broad Street, Suite 301, Pawcatuck, CT 06379
(860) 599-5988

DEFENDANTS

SACRED HEART UNIVERSITY, INC.

County of Residence of First Listed Defendant Fairfield
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
James M. Sconzo, Carlton Fields Jordan Burt, P.A.
One State Street, Suite 1800, Hartford, CT 06103
(860) 392-5000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 12101

Brief description of cause:
Defendant wrongfully terminated Plaintiff because of Plaintiff's disability.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 103,276.23 CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/11/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Connecticut

Gary M. Reho

Plaintiff

v.

Sacred Heart University, Inc.

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Sacred Heart University, Inc.
5151 Park Avenue
Fairfield, CT 06825

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael E. Satti
Michael E. Satti, Attorney at Law, LLC
185 South Broad Street, Suite 301
Pawcatuck, CT06379

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the
District of Connecticut_____
Gary M. Reho

Plaintiff

v.

Sacred Heart University, Inc.

Defendant

Civil Action No. _____

WAIVER OF THE SERVICE OF SUMMONS

To: Michael E. Satti

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 10/11/2016, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party_____
Printed name of party waiving service of summons_____
Printed name_____
Address_____
E-mail address_____
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.