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***HOWARD V ALLSTATE***  
**(ALL-IN-ONE)**

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**DISCRIMINATION LAWSUITS FILED AGAINST**  
**ALLSTATE INSURANCE COMPANY**

**SOVEREIGN:** US | Federal

**CIRCUIT:** 11<sup>th</sup> Circuit

**DISTRICT:** USFLMD



0013-01

HOWARD v ALLSTATE

8:01-CV-00513

**CAPTION:** *Howard v Allstate*, 8:01-cv-00513 (USFLMD 2001)

**DISTRICT:** USFLMD

**CASE NO:** 8:01-cv-00513

**CASE TYPE:** Employment Discrimination

**CHARGES:** dis

**WEBPAGE:** 0013\_01.html

**DOCKET:** <https://ecf.flmd.uscourts.gov>

**DOCKET ENTRY:** {#1}

**DOCUMENT:** Complaint

**DATE:** 3/9/2001

**PAGES:** 5



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FILED  
DOK  
01 MAR -9 AM 9:56  
CLERK U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

PHRANCES HOWARD

Plaintiff,

vs.

CASE NO. 8:01CV513-T-27  
MSS

ALLSTATE INSURANCE  
COMPANY,

Defendant.

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Phrances Howard ("Howard"), hereby sues Defendant, Allstate Insurance Company, and demands trial by jury, and states as follows:

**Nature of the Case**

1. This action is brought to remedy violations of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.* ("the ADA").

**Jurisdiction and Venue**

2. This court has subject matter jurisdiction over the claims asserted by Howard for violations of the ADA pursuant to 42 U.S.C. § 12117.

3. Venue is proper in this judicial district for the ADA claims pursuant to 42 U.S.C. § 12117 and § 2000e-5(f)(3) because the discriminatory acts complained of occurred within the Middle District of Florida.

4. Howard filed a timely charge of discrimination with the Equal Employment Opportunity Commission ("the EEOC"), and brings this action within ninety (90) days of

T9111  
\$150.00

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the receipt of her Notice of Right to Sue. A copy of Howard's Notice of Right to Sue is attached hereto as Exhibit "A".

**The Parties**

5. Howard is a citizen of the United States and a resident of St. Petersburg, Florida.

6. Howard is a member of a protected class under ADA because she has a physical impairment that substantially limits one or more of her major life activities, as defined by 42 U.S.C. § 12111(2).

7. Howard's disability was the result of a work-related injury for which she received workers compensation coverage.

8. Allstate Insurance Company is an employer within the meaning of 29 U.S.C. § 2611(4), 42 U.S.C. § 12111, and 42 U.S.C. § 2000e(b).

9. Allstate Insurance Company is a corporation authorized to and doing business through its office located in Pinellas County, Florida, where Plaintiff was employed at all times relevant hereto.

**General Allegations**

10. Howard was employed as a Claims Representative Administrator by Allstate Insurance Company.

11. In 1996, Howard suffered a work related injury, and received workers compensation benefits, including treatment by a workers compensation physician.

12. As a result of the injury, Howard suffered severe neck and back pain caused by herniated disks and injury to the lumbar region, excruciating headaches, and severe pain in her right arm, all of which resulted in a permanent disability.

13. Howard repeatedly requested specific accommodations by her employer, including but not limited to the purchase of a different type of telephone head set, as the assigned head set caused pressure which increased her headache pain, and a chair which would provide support for her back injury.

14. Allstate Insurance Company refused to purchase the headset or a new chair.

15. Howard also requested a modified work schedule, so that she could take frequent breaks to alleviate the back and arm pain which was aggravated by long periods of sitting and repetitive motion work processing information on a computer keyboard, which requests were also refused.

16. Despite continuing medical treatment, Howard's condition worsened and, in August 1997, she requested and received medical leave.

17. Howard made repeated requests that she be permitted to return to work on a reduced work schedule, a part-time basis, or with frequent breaks during her working hours, and was told by her employer that she would not be permitted to return unless and until she could put in a full eight hour day as a Claims Representative Administrator.

18. However, at that time and subsequent thereto, Allstate Insurance Company did in fact hire other individuals in the position of Claims Representative Administrator to work on a part-time basis.

19. Howard's employment was terminated effective August 15, 1999, purportedly for failure to return to work.

20. It has become necessary for Howard to retain an attorney, and she has agreed to pay her attorney a reasonable fee.

21. All conditions precedent to the commencement of this action have been satisfied.

**Count I**

22. This is an action against the Defendant for discrimination based on violations of the ADA.

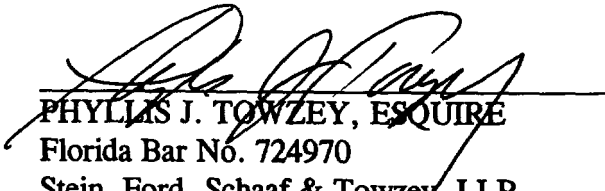
23. Paragraphs 1 through 21 are incorporated herein by reference.

24. Howard is a member of a protected class under the ADA.

25. The failure of Allstate Insurance Company to make a reasonable accommodation for Howard's disability, and her consequent termination of employment, is a violation of rights guaranteed to Howard under the ADA.

26 Howard suffered damages as a direct result of this violation of the ADA, including but not limited to loss of employment.

**WHEREFORE**, Howard requests this Court award reinstatement, back wages, compensatory and punitive damages to the full extent permitted by law, a reasonable attorneys fee, the costs of this action and all other proper relief.

  
PHYLLIS J. TOWZEY, ESQUIRE  
Florida Bar No. 724970  
Stein, Ford, Schaaf & Towzey, LLP  
501 First Avenue North, Suite 1000  
St. Petersburg, FL 33701  
(813) 894-4333  
Attorneys for the Plaintiff

Dated: March 8, 2001



DISMISSAL AND NOTICE OF RIGHTS

To:

Phrances Y. Howard
675 Newton Ave. S.
St. Petersburg FL 33701

From:

U. S. Equal Employment Opportunity Commission
Tampa Area Office
501 E. Polk Street, Room 1020
Tampa FL 33602

[ ] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
15GA00137

EEOC Representative
Elaine M. McArthur, Investigator

Telephone No.
(813) 228-2310

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- [ ] The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
[ ] Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
[ ] The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
[ ] We cannot investigate your charge because it was not filed within the time limit required by law.
[ ] Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
[ ] While reasonable efforts were made to locate you, we were not able to do so.
[ ] You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
[X] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
[ ] The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
[ ] Other (briefly state)

-- NOTICE OF SUIT RIGHTS --

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may pursue this matter further by bringing suit in federal or state court against the respondent(s) named in the charge. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice. Otherwise your right to sue based on the above-numbered charge will be lost.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible. (If you file suit, please send a copy of your court complaint to this office.)

On behalf of the Commission,

Manuel Zurita, Area Director

12/6/00
(Date Mailed)

Enclosure
Copy of Charge

cc: Diane Maze
Human Resources Staff Representative
Allstate Insurance Company
800 Carrillon Parkway
St. Petersburg FL 33762

Phyllis J. Towzey
Law Offices of Stein, Ford, et al
501 First Avenue N.
Suite 1000
St. Petersburg FL 33701

APPENDIX



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Congratulations! You're now **booked up** on this discrimination lawsuit that was filed against Allstate Insurance Company!

