

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARA KORE
801 South Glenwood Avenue
Lima, Ohio 45805,

Plaintiff,

v.

KELLY SERVICES, INC.
Anna Engine Plant
12500 Meranda Road
Anna, Ohio 45302,

Serve Also:

KELLY SERVICES, INC.
c/o CT Corporation System
Registered Agent
4400 Easton Commons Way
Columbus, Ohio 43219

and

HONDA DEVELOPMENT &
MANUFACTURING OF AMERICA LLC
Anna Engine Plant
12500 Meranda Road
Anna, Ohio 45302,

Serve Also:

HONDA DEVELOPMENT &
MANUFACTURING OF AMERICA
LLC
c/o Corporation Service Company
Registered Agent
1160 Dublin Road, Suite 400
Columbus, Ohio 43215,

Defendants.

CASE NO. ++++

JUDGE: ++++

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

**JURY DEMAND ENDORSED
HEREIN**

Plaintiff, Mara Kore, by and through undersigned counsel, as her Complaint against Kelly Services, Inc. (“Kelly Services”) and Honda Development & Manufacturing, LLC (“Honda”), states and avers the following:

PARTIES, JURISDICTION, AND VENUE

1. Kore is a resident of the City of Lima, Allen County, Ohio.
2. At all times herein, Kore was acting in the course and scope of her employment.
3. Kelly Services is a domestic limited liability company that does business at Anna Engine Plant, 12500 Meranda Road, Anna, Ohio 45302.
4. Kelly Services is and, at all times herein, was an employer within the meaning of R.C. § 4112.01 et seq.
5. Honda is a domestic limited liability company that does business at Anna Engine Plant, 12500 Meranda Road, Anna, Ohio 45302.
6. Honda is and, at all times herein, was an employer within the meaning of R.C. § 4112.01 et seq.
7. All of the material events alleged in this complaint occurred in Shelby County.
8. Within 300 days of the conduct alleged below, Kore filed Charges of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), Charge Nos. 473-2024-02009 and 22A-2024-01753, against Kelly Services and Honda (“Kore EEOC Charges”).
9. On or about August 16, 2024, and October 3, 2024, the EEOC issued Notice of Right to Sue letters to Kore regarding the Kore EEOC Charges.
10. Kore received her Right to Sue letters from the EEOC in accordance with 42 U.S.C. § 2000e-5(f)(1).
11. Kore has properly exhausted her administrative remedies pursuant to 29 C.F.R. § 1614.407(b).

12. Kore has properly exhausted her administrative remedies pursuant to R.C. § 4112.052.

FACTS

13. On or about September 4, 2023, Kore applied for a position with Kelly Services as an Assembly Worker at Honda Development & Manufacturing, LLC (“Honda”).

14. Kelly Services is a staffing agency.

15. Honda is a client of Kelly Services.

16. Kelly Services interviewed Kore.

17. Kelly Services would have issued Kore’s paychecks.

18. Kelly Services would have assigned Kore to work at Honda.

19. Honda would have assigned Kore’s day-to-day work.

20. Honda would have provided Kore with her schedule.

21. Honda supervisors would have supervised Kore’s day-to-day work.

22. Kelly Services would have maintained a supervisory role at Honda to monitor Kore’s work for Honda.

23. Kelly Services would have had authority to discipline Kore.

24. Honda would have had authority to discipline Kore.

25. Kelly Services had authority to hire Kore.

26. Honda had authority to hire Kore.

27. Kore was a qualified, experienced candidate who was capable of performing the essential functions of the job.

28. Kore suffers from an amputated finger on her left hand (“Disability”).

29. Kore’s Disability constitutes a physical impairment.

30. In the alternative, Defendants perceived Kore’s Disability to be a physical impairment.

31. As a result of suffering from her Disability, Kore is and was disabled within the meaning of the ADA 42 U.S.C. 126 § 12101 *et seq.*
32. As a result of suffering from her Disability, Kore is and was disabled within the meaning of R.C. § 4112.01 *et seq.*
33. In the alternative, Defendants perceived Kore as being disabled.
34. In the alternative, Defendants perceived that Kore's Disability constituted a physical impairment.
35. In the alternative, Defendants perceived that Kore's Disability substantially impaired one or more of her major life activities, including working.
36. On or about September 4, 2023, Kore was given a conditional offer of employment by Defendants.
37. On September 5, 2023, Kore was referred to a doctor affiliated with Honda for a physical examination.
38. When the doctor discovered that Kore had an amputated left finger, she was immediately deemed unfit for the job.
39. Kore explained that she is right-handed and able to perform the job duties that her position would require.
40. Kore explained that she is more than capable of using drills and other tools that require pulling triggers with her right hand.
41. Despite her actual ability to perform the job, Defendants refused to hire Kore after learning about her amputated finger.
42. On or about September 6, 2023, Defendants rescinded Kore's offer of employment ("Discriminatory Failure to Hire").

43. In rescinding her offer of employment based on her disability, Defendants discriminated against Kore due to her disability.
44. In rescinding her offer of employment based on her perceived disability, Defendants discriminated against Kore due to her disability.
45. Kore subsequently complained about disability discrimination to Kelly Services Human Resources (“Complaint of Discrimination”).
46. Kelly Services has a policy against Disability Discrimination (“Disability Discrimination Policy”).
47. The Discriminatory Failure to Hire violates the Discrimination Policy.
48. Kelly Services has a policy to investigate reports of violations of their Discrimination Policy.
49. Alternatively, Kelly Services does not investigate reports of violations of their Discrimination Policy.
50. An investigation should include interviewing the complainant.
51. An investigation should include interviewing the subject of the complaint.
52. An investigation should include interviewing the subject of the reported discrimination.
53. An investigation should include interviewing witnesses to the reported discrimination.
54. An investigation should include getting a written statement from the complainant.
55. An investigation should include getting a written statement from the subject of the complaint.
56. An investigation should include getting a written statement from the subject of the reported discrimination.
57. In response to Kore’s Complaint of Discrimination, Kelly Services did not interview Kore.
58. In response to Kore’s Complaint of Discrimination, Kelly Services did not interview witnesses.

59. In response to Kore's Complaint of Discrimination, Kelly Services did not get a written statement from Kore.
60. In response to Kore's Complaint of Discrimination, Kelly Services did not get a written statement from witnesses.
61. Kelly Services did not investigate Kore's Complaint of Discrimination.
62. By failing to investigate the Complaint of Discrimination, Kelly Services ratified the harassment and discriminatory treatment.
63. Kelly Services' Discriminatory Failure to Hire based on Kore's disability violates the Disability Discrimination Policy.
64. Kelly Services' Discriminatory Failure to Hire based on Kore's perceived disability violates the Disability Discrimination Policy.
65. Defendants knowingly took an adverse employment action against Kore.
66. Defendants knowingly took an adverse action against Kore.
67. Defendants intentionally took an adverse employment action against Kore.
68. Defendants intentionally took an adverse action against Kore.
69. Defendants willfully took an adverse employment action against Kore.
70. Defendants willfully took an adverse action against Kore.
71. Defendants failed to hire Kore based on her disability.
72. Defendants failed to hire Kore based on her perceived disability.
73. As a direct and proximate result of Defendants' conduct, Kore suffered and will continue to suffer damages.

COUNT I: DISABILITY DISCRIMINATION IN VIOLATION OF THE ADA
(as against Defendants Kelly Services and Honda)

74. Kore restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
75. Defendants treated Kore differently than other similarly-situated employees based on her disabling condition.
76. Defendants treated Kore differently than other similarly-situated employees based on her perceived disabling condition.
77. On or about September 6, 2023, Defendants failed to hire Kore's without just cause.
78. Defendants failed to hire Kore based on her disability.
79. Defendants failed to hire Kore based on her perceived disability.
80. Defendants violated the ADA when it failed to hire Kore based on her disability.
81. Defendants violated the ADA when it failed to hire Kore based on her perceived disability.
82. Defendants violated the ADA by discriminating against Kore based on her disabling condition.
83. Defendants violated the ADA by discriminating against Kore based on her perceived disabling condition.
84. As a direct and proximate result of Defendants' conduct, Kore suffered and will continue to suffer damages.

COUNT II: DISABILITY DISCRIMINATION IN VIOLATION OF
R.C. 4112.01 et seq
(as against Defendants Kelly Services and Honda)

85. Kore restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
86. Defendants treated Kore differently than other similarly-situated employees based on her disabling condition.

87. Defendants treated Kore differently than other similarly-situated employees based on her perceived disabling condition.

88. On or about September 6, 2023, Defendants rescinded Kore's offer of employment without just cause.

89. Defendants failed to hire Kore based on her disability.

90. Defendants failed to hire Kore based on her perceived disability.

91. Defendants violated R.C. § 4112.02 when it failed to hire Kore based on her disability.

92. Defendants violated R.C. § 4112.02 when it failed to hire Kore based on her perceived disability.

93. Defendants violated R.C. § 4112.02 by discriminating against Kore based on her disabling condition.

94. Defendants violated R.C. § 4112.02 by discriminating against Kore based on her perceived disabling condition.

95. As a direct and proximate result of Defendants' conduct, Kore suffered and will continue to suffer damages.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff Mara Kore respectfully requests that this Honorable Court grant the following relief:

(a) Issue a permanent injunction:

- (i) Requiring Defendants to abolish discrimination, harassment, and retaliation;
- (ii) Requiring allocation of significant funding and trained staff to implement all changes within two years;

- (iii) Requiring removal or demotion of all supervisors who have engaged in discrimination, harassment, or retaliation, and failed to meet their legal responsibility to investigate complaints promptly and/or take effective action to stop and deter prohibited personnel practices against employees;
 - (iv) Creating a process for the prompt investigation of discrimination, harassment, or retaliation complaints; and
 - (v) Requiring mandatory and effective training for all employees and supervisors on discrimination, harassment, and retaliation issues, investigations, and appropriate corrective actions;
- (b) An award against Defendants of compensatory and monetary damages to compensate Kore for physical injury, physical sickness, lost wages, emotional distress, and other consequential damages, in an amount in excess of \$25,000 per claim to be proven at trial;
- (c) An award of punitive damages against Defendants in an amount in excess of \$25,000;
- (d) An award of reasonable attorneys' fees and non-taxable costs for Kore claims as allowable under law;
- (e) An award of the taxable costs of this action; and
- (f) An award of such other relief as this Court may deem necessary and proper.

Respectfully submitted,

/s/ Trisha Breedlove

Trisha Breedlove (0095852)

Hannah Martin (0095552)

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Attorneys for Plaintiff Mara Kore

JURY DEMAND

Plaintiff Mara Kore demands a trial by jury by the maximum number of jurors permitted.

/s/ Trisha Breedlove

Trisha Breedlove (0095852)

Hannah Martin (0095552)