

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CAROL JOHNSON,)
)
 Plaintiff,)
)
 v.) CIVIL ACTION No. 00-1670
)
 LEHIGH COUNTY, et al.,)
)
 Defendants.)

MEMORANDUM

Padova, J.

July , 2000

Plaintiff, Carol Johnson, brings this action under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 et seq., and the Pennsylvania Human Relations Act (“PHRA”), 43 Pa. Cons. Stat. § 951 et seq. Before the Court is a Motion to Dismiss filed by Defendant Lehigh County Office of Mental Health/Mental Retardation, Drug and Alcohol. For the reasons that follow, the Court will grant the instant Motion.

I. BACKGROUND

Plaintiff was employed by Defendant. The Complaint alleges that although Defendant was aware that Plaintiff suffers from impairments that limit a major life activity, it refused her requests for reasonable accommodation. Plaintiff contends that she lost her job as a result of this refusal.

Plaintiff filed this Complaint on March 30, 2000. On June 5, 2000, Defendant filed this Motion to Dismiss, which is now ready for decision.

II. LEGAL STANDARD

A claim may be dismissed under Federal Rule of Civil Procedure 12(b)(6) only if the plaintiff

can prove no set of facts in support of the claim that would entitle him to relief. ALA, Inc. v. CCAIR, Inc., 29 F.3d 855, 859 (3d Cir. 1994). The reviewing court must consider only those facts alleged in the complaint and accept all of the allegations as true. Id.; see also Rocks v. Philadelphia, 868 F.2d 644, 645 (3d Cir. 1989) (holding that in deciding a motion to dismiss for failure to state a claim, the court must "accept as true all allegations in the complaint and all reasonable inferences that can be drawn therefrom, and view them in the light most favorable to the nonmoving party"). However, "conclusory allegations that fail to give a defendant notice of the material elements of a claim are insufficient." McCann v. Catholic Health Initiative, No. Civ. A. 98-1919, 1998 WL 575259, at *1 (E.D. Pa. Sept. 8, 1998).

III. DISCUSSION

In support of its Motion to Dismiss, Defendant asserts that Plaintiff has provided no facts in her Complaint to indicate she has a disability under the ADA, but merely makes bald conclusory allegations. Defendant argues that not only is the Complaint silent about the specific nature of Plaintiff's disability, but it also provides no specifics about what major life activities are limited as a result of the impairment and about what accommodation Plaintiff requested. Defendant further argues that because the Complaint thus is too vague to state a claim under the ADA, the pendant state law claims also should be dismissed.

Plaintiff counters that she has provided a sufficient statement of her claims to meet the notice pleading requirements of Fed. R. Civ. P. 8(a). Therefore, Plaintiff contends that her claims survive Defendants' Rule 12(b)(6) Motion. Plaintiff justifies her refusal to provide specific information about her disability on the grounds that she does not want to disclose the details of her condition publicly. (Plf. Mem. at 4.)

The ADA proscribes discrimination in the terms, conditions, and privileges of employment against qualified individuals with disabilities, because of such disabilities. 42 U.S.C. § 12112(a).

A “disability” is defined as:

- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (B) a record of such impairment; or
- (C) being regarded as having such an impairment.

42 U.S.C. § 12102(2). A qualified individual with a disability is defined as an individual who, “with or without reasonable accommodation, can perform essential functions of the employment position that such individual holds or desires.” 42 U.S.C. § 12111(8).

In order to state an ADA claim, a plaintiff must allege (1) that she has a “disability,” (2) that she is a “qualified individual,” and (3) that she has suffered adverse employment action because of that disability. Deane v. Pocono Medical Center, 142 F.3d 138, 142 (3d Cir. 1998). In the instant Complaint, Plaintiff merely states that she has a disability and was refused reasonable accommodation without providing more specific information about the nature of the disability and accommodation requested. The Court finds that even under notice pleading, this Complaint is too vague to state a claim under the ADA. See McCann, 1998 WL 575259, at *2 (finding that a complaint that simply restated the language of the statute and gave no description of the plaintiff’s disability failed to state a claim under the ADA).

Nevertheless, the Court will allow Plaintiff twenty days to file an Amended Complaint. Failure to file an Amended Complaint shall result in dismissal of this action. An appropriate Order follows.

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)	
Defendants.)	

ORDER

AND NOW, this day of July, 2000, upon consideration of Defendant's Motion to Dismiss (Doc. No. 2) and Plaintiff's Response thereto (Doc. No. 4), **IT IS HEREBY ORDERED** that:

1. Said Motion (Doc. No. 2) is **GRANTED**;
2. Plaintiff may file an Amended Complaint in accordance with the accompanying Memorandum within twenty (20) days of the date of this Order. Failure to file an Amended Complaint shall result in dismissal of this action.

BY THE COURT:

John R. Padova, J.