

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

MARYLOU ASTLE,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 02-5759
	:	
ELWYN, INC.,	:	
Defendant.	:	

ORDER

AND NOW, this day of December, 2002, upon consideration of the Motion of Defendant Elwyn, Inc. to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) ("Defendant's Motion to Dismiss"), filed August 19, 2002, it is hereby ORDERED that Defendant's Motion is DENIED for the reasons set forth below.

Plaintiff's Complaint alleges that Defendant discriminated against her on the basis of a disability in violation of the Americans with Disabilities Act ("ADA"), Title VII of the Civil Rights Act ("Title VII"), the Pennsylvania Human Relations Act ("PHRA"), and the Rehabilitation Act ("Rehab Act"). Defendant argues that Plaintiff's Complaint should be dismissed pursuant to Rule 12(b)(6) ("for failure of the pleading to state a claim upon which relief can be granted") because "Plaintiff has failed to meet her burden of establishing a *prima facie* case of unlawful disability discrimination." Defendant's Memorandum of Law in Support of Defendant's Motion to Dismiss at 5. Specifically, Defendant contends that Plaintiff's Complaint fails to show that Plaintiff is a disabled person, and fails to show that Plaintiff

suffered an adverse employment decision.

“A motion to dismiss for failure to state a claim may be granted only if, accepting all well-pleaded allegations in the complaint as true, and viewing them in the light most favorable to plaintiff, the plaintiff is not entitled to relief.” Gavura v. Pennsylvania State House of Representatives, 2002 WL 31781092, at 2 (3rd Cir. 2002). “Accordingly, a federal court may dismiss a complaint for failure to state a claim only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.” Id. Complaints in employment discrimination cases must satisfy Fed. R. Civ. P. 8(a), which requires only a short and plain statement showing a right to relief. Id. at 3. Thus, an employment discrimination complaint need not include specific facts establishing a *prima facie* case of discrimination. Id.

This is a minimum notice pleading standard “which relies on liberal discovery rules and summary judgment motions to . . . dispose of unmeritorious claims.” Claims lacking merit are more appropriately dealt with through summary judgment pursuant to Rule 56. If a defendant feels that a pleading fails to provide sufficient notice, he or she may move for a more definite statement pursuant to Rule 12(e) before fashioning a response.

Cruz v. Northwest Airlines, Inc., 2002 WL 31375730, at 1 (E.D. Pa. 2002) (citations omitted).

Plaintiff’s Complaint alleges: (1) that Plaintiff is severely allergic to psyllium and that this allergy constitutes a “disability”; (2) that Plaintiff was “at all times a qualified individual with a disability who, with a reasonable accommodation, could perform the essential duties of her job”; (3) that Plaintiff was constructively discharged from her position working as a nurse for Defendant because she was unable to administer the product Metamucil, which contains psyllium; and (4) that “Plaintiff was constructively discharged from her employment wholly because of her disability, in violation of [the ADA, Title VII, the PHRA, and the Rehab Act].”

Plaintiff's Complaint at 2-7.

Accepting the allegations in the Complaint as true, and viewing them in the light most favorable to Plaintiff, the Court concludes that Plaintiff's Complaint is sufficient to withstand Defendant's Motion to Dismiss pursuant to the standards set forth above. See Cruz, 2002 WL 31375730, at 1-2 (holding plaintiff's complaint sufficient where plaintiff alleged that he was a qualified individual with a disability and that he was denied employment based on his disability in violation of the ADA, and where plaintiff described the events surrounding the alleged violation and provided the relevant dates).

BY THE COURT:

Legrome D. Davis