

IN THE 20TH JUDICIAL CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

FRANK HUGHES,)	
)	
Plaintiff,)	Cause No.
)	
vs.)	JURY TRIAL DEMANDED
)	
FEDEX FREIGHT, INC.,)	
)	
Serve:)	
C T CORPORATION SYSTEM)	
5661 Telegraph Rd Ste 4B)	
Saint Louis, MO 63129-4275)	
)	
Defendant.)	

PETITION FOR DAMAGES

COMES NOW Plaintiff Frank Hughes, by and through his attorneys, and for his Petition for Damages against Defendant Fedex Freight, Inc. states as follows:

GENERAL ALLEGATIONS

1. This matter arises under the Missouri Human Rights Act (“MHRA”), § 213.010 *et. seq.* Plaintiff Hughes was terminated due to his disability, in retaliation for accessing FMLA leave during his employment at FedEx, and interfering with his right to take FMLA leave.
2. Plaintiff is a citizen of the state of Missouri and currently resides in Washington, Missouri.
3. Defendant FedEx Freight, Inc. is an organization or corporation providing transportation services in the state of Missouri and across the United States.
4. Defendant has the capacity to sue and be sued, and its primary business address is located in Memphis, Tennessee.

5. Defendant has a terminal location in St. Clair. Plaintiff reported to work at Defendant's St. Clair, Missouri location.

6. All facts giving rise to this cause of action occurred in or about St. Clair, Missouri in Franklin County, Missouri.

7. Venue in this Court is proper pursuant to Mo. Rev. Stat. § 508.010, Mo. Rev. Stat. § 213.111.1, and U.S. Constitution Article III, Section 1.

8. Plaintiff has satisfied the administrative requirements to file suit under the Missouri Human Rights Act § 213.111 R.S.Mo.

9. On or about February 7, 2024, Plaintiff timely filed a charge of discrimination and retaliation with the Missouri Commission on Human Rights (MCHR). The MCHR docketed Plaintiff's charge as Charge No. FE-02/24-37766.

10. On or about January 29, 2025, the MCHR issued Plaintiff a Notice of Right to Sue Letter for his charge. A copy of the Notice is attached hereto as Exhibit 1.

11. Plaintiff filed this lawsuit within ninety (90) days from the date on the Notice and within two (2) years of the last act of discrimination.

FACTS APPLICABLE TO ALL COUNTS

12. Plaintiff Hughes worked for FedEx as a driver for approximately 13 years, from approximately May 17, 2010 until the termination of his employment on about December 5, 2023.

13. Plaintiff Hughes reported to the Center Manager during his employment.

14. During his employment with Defendant, Plaintiff Hughes performed his job duties and responsibilities in a satisfactory manner.

15. During his employment, Plaintiff was diagnosed with severe arthritis.

16. Plaintiff's severe arthritis substantially impacts Plaintiff's major life activities of walking, working, concentrating, and sleeping.

17. Defendant was aware of Plaintiff's severe arthritis.

18. In or about 2019, Plaintiff properly requested and was granted intermittent and continuous FMLA leave following hip replacement surgery.

19. In or about 2020, Plaintiff properly requested and was granted FMLA leave for a knee replacement due to his arthritis.

20. As of late 2023, Defendant was aware that Plaintiff was likely to need another hip replacement due to Plaintiff's arthritis.

21. On or about December 5, 2023, Defendant terminated Plaintiff's employment.

22. Defendant claimed it terminated Plaintiff's employment because Plaintiff had reported his "delay time" incorrectly.

23. "Delay time" is pay received by drivers for the period of time they must wait for their trucks to be loaded, hitched up, and their dispatch paperwork to be completed.

24. Plaintiff entered his delay pay in the same manner the entire time he was employed by Defendant, for approximately 13 years.

25. On information and belief, other drivers at the St. Clair location logged their "delay time" in the same manner as Plaintiff Hughes.

26. On information and belief, another employee was also terminated on about December 5, 2023.

27. On information and belief, the other terminated employee was suffering from ongoing health problems related to an injury.

28. On information and belief, Defendant is self-insured.

VIOLATIONS OF LAW

COUNT I: DISABILITY DISCRIMINATION IN VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT

29. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

30. At all times relevant to the allegations contained in this Petition, Defendant was Plaintiff's employer within the meaning of § 213.010(8) R.S.Mo.

31. At all times relevant to the allegations in this Petition, Plaintiff is a disabled person or a person regarded as having a disability as defined by § 213.010(4) R.S.Mo.

32. Plaintiff's arthritis substantially impairs one or more major life activities.

33. Plaintiff's arthritis constitutes a disability under the MHRA.

34. Defendant was aware of Plaintiff's disability of arthritis.

35. Defendant took negative employment actions against Plaintiff during his employment, including the termination of his employment on or about December 5, 2023.

36. Plaintiff's disability of arthritis was a motivating factor in Defendant's actions against Plaintiff.

37. Defendant's actions constituted disability discrimination in violation of the MHRA, § 213.055.

38. Defendant's actions have caused Plaintiff Hughes to suffer lost compensation and benefits of employment.

39. Defendant's actions have caused Plaintiff Hughes to suffer emotional distress and mental anguish.

40. As a direct result of Defendant's discriminatory conduct, Plaintiff has incurred and continues to incur attorney's fees, costs, and other expenses in connection with this matter.

WHEREFORE, Plaintiff Frank Hughes prays that this Court, after trial by jury, finds for Plaintiff and against Defendants and enter judgment for Plaintiff in excess of \$25,000 for Plaintiff's lost wages and benefits of employment, emotional distress, punitive damages, attorney's fees and costs of litigation, and such other relief that this Court deems just and proper.

**COUNT II: INTERFERENCE IN VIOLATION OF THE FAMILY AND MEDICAL
LEAVE ACT**

41. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth and restated herein.

42. Plaintiff was an eligible employee under the FMLA.

43. Defendant was a covered employer under the FMLA.

44. Plaintiff suffered from a serious health condition, namely severe arthritis, which led to the need for surgeries and qualified him for FMLA leave.

45. In or about 2019, Plaintiff properly requested and was granted intermittent and continuous FMLA leave following hip replacement surgery.

46. In or about 2020, Plaintiff properly requested and was granted FMLA leave for a knee replacement due to his arthritis.

47. As of late 2023, Defendant was aware that Plaintiff was likely to need another hip replacement due to Plaintiff's arthritis.

48. Defendant interfered with Plaintiff's FMLA rights by terminating his employment on December 5, 2023.

49. Defendant's actions prevented Plaintiff from taking FMLA leave for another hip replacement.

50. Defendant's actions interfered with Plaintiff's right to take FMLA leave for another hip replacement.

51. As a direct result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer lost wages and benefits of employment.

52. As a direct result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer emotional distress and mental anguish.

53. As a direct result of Defendant's conduct and actions, Plaintiff has incurred attorneys' fees and litigation costs and will continue to incur such fees and costs.

54. Defendant's actions were willful, entitling Plaintiff to liquidated damages under the FMLA.

WHEREFORE, Plaintiff Frank Hughes, prays that this Court, after trial by jury, finds for Plaintiff and against Defendant and enter judgment for Plaintiff in excess of \$25,000 for Plaintiff's lost wages and benefits, emotional distress, liquidated damages, attorneys' fees, and costs of litigation, and such other relief that this Court deems just and proper under the circumstances.

**COUNT III: RETALIATION IN VIOLATION OF THE FAMILY AND MEDICAL
LEAVE ACT**

55. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if fully set forth and restated herein.

56. Plaintiff was an eligible employee under the FMLA.

57. Defendant was a covered employer under the FMLA.

58. Plaintiff suffered from a serious health condition, namely severe arthritis, which led to the need for surgeries and qualified him for FMLA leave.

59. In or about 2019, Plaintiff properly requested and was granted intermittent and continuous FMLA leave following hip replacement surgery.

60. In or about 2020, Plaintiff properly requested and was granted FMLA leave for a knee replacement due to his arthritis.

61. Plaintiff anticipated taking FMLA leave again in early 2024.

62. Defendant retaliated against Plaintiff for exercising his FMLA rights by terminating his employment on December 5, 2023.

63. As a direct result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer lost wages and benefits of employment.

64. As a direct result of Defendant's conduct and actions, Plaintiff has suffered and will continue to suffer emotional distress and mental anguish.

65. As a direct result of Defendant's conduct and actions, Plaintiff has incurred attorneys' fees and litigation costs and will continue to incur such fees and costs.

66. Defendant's actions were willful, entitling Plaintiff to liquidated damages under the FMLA.

WHEREFORE, Plaintiff Frank Hughes, prays that this Court, after trial by jury, finds for Plaintiff and against Defendant and enter judgment for Plaintiff in excess of \$25,000 for Plaintiff's lost wages and benefits, emotional distress, liquidated damages, attorneys' fees, and costs of litigation, and such other relief that this Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

67. Plaintiff demands trial by jury on all issues triable by a jury in this Petition.

Respectfully Submitted:

KENNEDY HUNT LAW, P. C.

By: /s/ Nicole Matlock

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