

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY
ELEVENTH JUDICIAL CIRCUIT
STATE OF MISSOURI

DUSTIN JANES,)	
)	
Plaintiff,)	
)	
v.)	Cause No:
)	
O’FALLON CASTING,)	
Serve:)	
Registered Agent:)	
Susan Boyle)	
600 Cannonball Lane)	
O’Fallon, MO 63366)	
)	
Defendant.)	JURY TRIAL DEMANDED

PETITION

COMES NOW Dustin Janes, by and through his attorneys, and for his petition against Defendant O’Fallon Casting, states as follows:

Introduction

1. Plaintiff Dustin Janes (“Plaintiff”) brings this action against Defendant O’Fallon Casting (“Defendant”) pursuant to the Missouri Human Rights Act (“MHRA”), § 213.010 R.S.Mo. *et seq*; the Americans with Disabilities Act (“ADA”) as amended, 42 U.S.C. § 12101 *et seq.*; and the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, *et seq*.

Jurisdiction and Venue

2. Plaintiff invokes this Court’s jurisdiction under Mo. Rev. Stat. § 213.111.1.

3. Plaintiff invokes this Court’s concurrent jurisdiction to hear federal civil rights claims under the Americans with Disabilities Act (“ADA”) as amended, 42 U.S.C. § 12101 *et seq*.

4. Plaintiff invokes this Court’s concurrent jurisdiction to hear federal claims under the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, *et seq.*

5. Pursuant to Mo. Rev. Stat. § 508.010 and Mo. Rev. Stat. § 213.111.1 venue in this Court is proper because the allegations that gave rise to this action occurred in St. Charles County, Missouri.

6. On July 16, 2024, Plaintiff cross-filed a charge against Defendant with the Missouri Commission on Human Rights (“MCHR”) and the Equal Employment Opportunity Commission (“EEOC”), alleging disability discrimination.

7. The MCHR docketed Plaintiff’s charge as Charge No. FE-07/24-38538.

8. The EEOC docketed Plaintiff’s charge as Charge No. 560-2024-03478.

9. On December 8, 2015, the MCHR issued a Notice of Right to Sue for Charge No. FE-07/24-38538, attached hereto as Exhibit 1.

10. On December 17, 2025, the EEOC issued a Notice of Right to Sue for Charge No. 560-2024-03478, attached hereto as Exhibit 2.

11. Plaintiff filed this action within ninety (90) days of the aforementioned Notices.

12. This action is filed within two years of the alleged wrongful conduct.

13. Plaintiff has complied with the administrative exhaustion requirements of the MHRA and ADA.

Parties

14. Plaintiff Dustin Janes is a male citizen of the state of Missouri and currently resides in St. Charles County, Missouri.

15. Defendant O’Fallon Casting is a corporation in the state of Missouri at 600 Cannonball Lane, O’Fallon, Missouri 63366.

16. Defendant has the capacity to sue and be sued and is located in St. Charles County, Missouri.

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

18. At all times relevant to the allegations in this Petition, Defendant was Plaintiff's employer within the meaning of 42 U.S.C. § 12111(5).

19. At all times relevant herein, Defendant employed at least fifteen employees.

Statement of Facts Common to All Counts

20. Plaintiff worked as a Puller Pourer for Defendant from about January 2018 until the termination of his employment on or about January 30, 2024.

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

22. Plaintiff has the medical condition of migraines as a result of a head trauma sustained in 2010.

23. Plaintiff's condition of migraines substantially affects his major life activities, including the activities of concentrating, vision, and working.

24. Plaintiff's condition of migraines constitutes a disability under the MHRA.

25. Plaintiff's condition of migraines constitutes a disability under the ADA.

26. Plaintiff was able to perform his job responsibilities with or without reasonable accommodation.

27. At all times relevant to the allegations in this lawsuit, Defendant was aware of Plaintiff's migraines.

28. Since approximately 2019, Defendant approved Plaintiff for intermittent FMLA time off work due to his migraines.

29. Plaintiff's intermittent FMLA allowed him to take off work if he had migraines and was unable to work due to his condition.

30. Plaintiff reported to Mike Brown during most of his employment, but then Plaintiff started reporting to a new supervisor, Allen Fussener, starting in about November 2023.

31. On one or more occasions, supervisor Fussener told Plaintiff that production suffered on days when Plaintiff was off work on FMLA.

32. Fussener noted to Plaintiff that they needed him on the days he was off work.

33. On one or more occasions, Fussener suggested to Plaintiff that maybe Plaintiff should not be working at Defendant's foundry location.

34. On or about January 23, 2024, Fussener suggested that Plaintiff work on the third shift. Plaintiff informed Fussener that he could not work that shift because of his need to take his migraine medication. Fussener appeared angry and said that he had already told the production manager the Plaintiff would take the job on third shift.

35. On or about January 29, 2024, Defendant falsely accused Plaintiff of yelling and cursing at his supervisor, Fussener.

36. On or about January 30, 2024, Defendant terminated Plaintiff's employment.

37. At the hearing for Plaintiff's unemployment benefits, the representative for Defendant noted the number of days Plaintiff was off work on FMLA as relevant to Plaintiff's termination.

38. On information and belief, Defendant has terminated one or more other employees who were utilizing FMLA since Plaintiff's termination.

COUNT I

DISABILITY DISCRIMINATION IN VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT

39. Plaintiff hereby incorporates by reference as if set out fully herein all previous paragraphs of his petition.

40. At all times relevant herein, Plaintiff was an employee of Defendant.

41. Defendant is an employer, as defined by the Missouri Human Rights Act (“MHRA”), Mo. Rev. Stat. § 213.010(8), in that Defendant O’Fallon Casting employs six (6) or more persons in the State of Missouri.

42. During his time at Defendant O’Fallon Casting, Plaintiff suffered from a disability.

43. Plaintiff’s condition of migraines constitutes an actual disability under the Missouri Human Rights Act, in that it is a physical impairment that substantially limits his ability to perform major life activities.

44. At all relevant times, Plaintiff’s disability substantially impaired his major life activities, requiring reasonable accommodations, including time off work.

45. At all relevant times, Defendant also perceived Plaintiff as disabled under the MHRA due to Plaintiff’s migraines.

46. At all relevant times, Plaintiff was able to perform his job responsibilities with or without reasonable accommodation.

47. Defendant took negative employment actions against Plaintiff during his employment, as described above, including the termination of his employment on or about January 30, 2024.

48. Plaintiff's disability was a motivating factor in Defendant's decision to terminate Plaintiff's employment, and such act constituted discrimination against Plaintiff in violation of Mo. Rev. Stat. § 213.055.

49. As a result of Defendant's illegal conduct and actions, Plaintiff has suffered lost wages and benefits of employment.

50. As a result of Defendant's illegal conduct and actions, Plaintiff has suffered emotional distress and mental anguish.

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

52. Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to Plaintiff's rights not to be discriminated against based on his disability and is conduct for which punitive damages are warranted.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, enter judgment for Plaintiff and against Defendant, in an amount to exceed \$25,000, for Plaintiff's past and future lost wages and benefits of employment, and pre-judgment interest thereupon, for emotional distress damages, for punitive damages, for attorneys' fees and costs of litigation, and for such other relief this court deems just and proper.

COUNT II

DISABILITY DISCRIMINATION IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

53. Plaintiff hereby incorporates by reference as if set out fully herein all previous paragraphs of his petition.

54. At all times relevant herein, Plaintiff was an employee of Defendant.

55. Defendant is an employer, as defined by the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12111(5), in that Defendant O’Fallon Casting employs fifteen (15) or more persons.

56. During his time at Defendant O’Fallon Casting, Plaintiff suffered from a disability.

57. Plaintiff’s condition of migraines constitutes an actual disability under the ADA, in that it is a physical impairment that substantially limits his ability to perform major life activities.

58. At all relevant times, Plaintiff’s disability substantially impaired his major life activities, requiring reasonable accommodations, including time off work.

59. At all relevant times, Defendant also perceived Plaintiff as disabled under the ADA due to Plaintiff’s migraines.

60. At all relevant times, Plaintiff was able to perform his job responsibilities with or without reasonable accommodation.

61. Defendant took negative employment actions against Plaintiff during his employment, as described above, including the termination of his employment on or about January 30, 2024.

62. Plaintiff’s disability was a motivating factor in Defendant’s decision to terminate Plaintiff’s employment, and such act constituted discrimination against Plaintiff in violation of 42 U.S.C. § 12111.

63. As a result of Defendant’s illegal conduct and actions, Plaintiff has suffered lost wages and benefits of employment.

64. As a result of Defendant's illegal conduct and actions, Plaintiff has suffered emotional distress and mental anguish.

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

66. Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to Plaintiff's rights not to be discriminated against based on his disability and is conduct for which punitive damages are warranted.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, enter judgment for Plaintiff and against Defendant, in an amount to exceed \$25,000, for Plaintiff's past and future lost wages and benefits of employment, and pre-judgment interest thereupon, for emotional distress damages, for punitive damages, for attorneys' fees and costs of litigation, and for such other relief this court deems just and proper.

COUNT III

FAMILY AND MEDICAL LEAVE ACT RETALIATION

67. Plaintiff hereby incorporates by reference as if set out fully herein all previous paragraphs of his petition.

68. At the time of Plaintiff's termination, Plaintiff was an eligible employee within the meaning of the FMLA.

69. Plaintiff was eligible for and received intermittent FMLA leave.

70. Defendant discharged Plaintiff in retaliation for his exercise of rights under the FMLA.

71. In discharging Plaintiff, Defendant willfully violated 29 U.S.C. § 2615.

72. As a result of Defendant's termination, Plaintiff suffered lost wages and benefits of employment.

73. In terminating Plaintiff's employment in retaliation for exercising his right to utilize leave under the FMLA, Defendant did not act in good faith and engaged in conduct for which liquidated damages are warranted.

WHEREFORE, Plaintiff prays that this Court, after trial by jury, enter judgment for Plaintiff and against Defendant, in an amount to exceed \$25,000, for Plaintiff's past and future lost wages and benefits of employment, and pre-judgment interest thereupon, and for liquidated damages as permitted under the FMLA.

Prayer for Relief

WHEREFORE, Plaintiff prays that after trial by jury, this Court finds for Plaintiff and against Defendant and enters judgment for Plaintiff for the wages and benefits of employment that he has lost and is reasonably certain to lose in the future and prejudgment interest on same; for emotional distress damages, punitive damages, liquidated damages, attorneys' fees and costs of litigation, and such other relief that this Court deems just and proper.

Jury Demand

Plaintiff respectfully requests a trial by jury of all issues triable by a jury.

Respectfully submitted,

/s/ Meredith Berwick

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