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U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

SALT LAKE CITY DIVISION

DAVID CROSSETT, Plaintiff

v.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, Defendant

Case No. 1:24-cv-00205-JCB

## PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT

### I. INTRODUCTION

Plaintiff David Crossett (‘‘Plaintiff’’) respectfully moves this Court for partial summary judgment against Defendant The Church of Jesus Christ of Latter-day Saints (‘‘Defendant’’) pursuant to Rule 56 of the Federal Rules of Civil Procedure. This motion seeks a judgment as a matter of law regarding Defendant’s violation of the Americans with Disabilities Act (‘‘ADA’’), specifically its failure to engage in the mandatory interactive process in response to Plaintiff’s reasonable accommodation request.

### II. STATEMENT OF FACTS

1. On December 7, 2024, Plaintiff submitted a formal request to Defendant, through a phone call and written email correspondence to Breanne, representing the McConkie Law Firm, asking for a reasonable accommodation to have his name removed from all Church records, consistent with Defendant’s handbook policies.
2. Plaintiff is a qualified individual under the ADA due to his disability, which necessitates the requested accommodation.

3. Defendant has acknowledged its obligation, through its handbook, to remove individuals' names from its records upon formal resignation requests.
4. Defendant failed to respond, engage in dialogue, or initiate any communication regarding the request within 30 days, as required by ADA guidelines.
5. As of the filing date of this motion, more than 50 days have elapsed since Plaintiff's request, and Defendant has provided no response, nor has it engaged in any interactive process.
6. Plaintiff has suffered emotional distress, mental strain, and incurred expenses due to Defendant's inaction.

### III. LEGAL STANDARD

Under Rule 56 of the Federal Rules of Civil Procedure, summary judgment is appropriate when there is no genuine dispute as to any material fact, and the moving party is entitled to judgment as a matter of law. A partial summary judgment can be used to resolve specific claims or issues without addressing the entire case.

### IV. ARGUMENT

#### A. Defendant Violated the ADA by Failing to Engage in the Interactive Process

The ADA requires public entities and organizations to engage in a good-faith interactive process to address reasonable accommodation requests. The 2008 ADA Amendments Act (ADAAA) clarified that such engagement is mandatory and must occur within a reasonable time.

Defendant's complete failure to respond to Plaintiff's December 7th, 2024, request, despite its clear and unambiguous nature, constitutes a direct violation of this mandate. Courts have consistently held that failure to engage in the interactive process violates the ADA, regardless of whether the

ultimate accommodation is granted (Taylor v. Phoenixville School District, 184 F.3d 296).

#### B. Defendant's Delay Exceeds Reasonable Timeframes

The Equal Employment Opportunity Commission (EEOC) and federal courts interpret the ADA as requiring timely responses. Delays exceeding two to four weeks without substantial justification are generally deemed unreasonable. Defendant's silence for over 50 days demonstrates bad faith and a disregard for its legal obligations.

#### C. Defendant's Policy Contradicts Its Actions

Defendant's handbook explicitly states that name-removal requests will be honored. By failing to follow its own policies, Defendant has further demonstrated bad faith, compounding its violation of the ADA.

#### D. Plaintiff Has Suffered Significant Harm Due to Defendant's Inaction

Defendant's failure to engage has caused Plaintiff emotional distress, mental anguish, and financial burdens. The ongoing delay exacerbates these harms, necessitating immediate judicial intervention.

#### E. Defendant's Conduct Warrants Damages

Given Defendant's blatant disregard for its obligations under the ADA and the harm caused to Plaintiff, this Court should award:

1. \$1,000,000 in punitive damages to deter Defendant and similar organizations from future violations.
2. \$40,000 in compensatory damages for expenses, mental anguish, and emotional distress caused by Defendant's inaction.

#### V. RELIEF REQUESTED

Plaintiff respectfully requests that this Court:

1. Grant partial summary judgment in favor of Plaintiff, finding that Defendant violated the ADA by failing to engage in the interactive process.
2. Award Plaintiff \$1,000,000 in punitive damages and \$40,000 in compensatory damages.
3. Grant any additional relief the Court deems appropriate.

## VI. CONCLUSION

For the reasons stated above, Plaintiff respectfully requests that this Court grant the motion for partial summary judgment and award the requested damages.

Dated: January 28, 2025

Respectfully Submitted,

David Crossett

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Bountiful Utah City,

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Pro Se Plaintiff

## CITED CASES

1. Taylor v. Phoenixville School District, 184 F.3d 296 (3d Cir. 1999): Held that the interactive process is a mandatory obligation and failure to engage can lead to liability under the ADA.
2. EEOC v. Sears, Roebuck & Co., 417 F.3d 789 (7th Cir. 2005): Found that delays or failure to respond in a timely manner undermine the purpose of the ADA and constitute noncompliance.

3. *Bultemeyer v. Fort Wayne Community Schools*, 100 F.3d 1281 (7th Cir. 1996): Emphasized the necessity of engaging in the interactive process to identify reasonable accommodations and noted that failure to do so is a violation of the ADA.
4. *Cravens v. Blue Cross and Blue Shield of Kansas City*, 214 F.3d 1011 (8th Cir. 2000): Clarified that both parties must engage in the interactive process in good faith, and failure to do so is actionable.
5. *Gile v. United Airlines, Inc.*, 213 F.3d 365 (7th Cir. 2000): Highlighted the employer's obligation to actively participate in the interactive process in good faith when accommodations are requested.
6. *Hernandez v. Hughes Missile Systems Co.*, 362 F.3d 564 (9th Cir. 2004): Reiterated that failure to engage in the interactive process constitutes discrimination under the ADA.
7. *E.E.O.C. v. L.B. Foster Co.*, 123 F.3d 746 (3d Cir. 1997): Confirmed that engaging in the interactive process is a fundamental component of ADA compliance, and failure to do so creates liability.
8. *EEOC v. Convergys Customer Management Group, Inc.*, 491 F.3d 790 (8th Cir. 2007): Determined that failure to engage in the interactive process violates the ADA when sufficient notice of accommodation needs is provided.
9. *Humphrey v. Memorial Hospitals Association*, 239 F.3d 1128 (9th Cir. 2001): Reaffirmed that the interactive process is essential for ADA compliance and failure to engage creates liability.
10. *Barber v. Nabors Drilling USA, Inc.*, 130 F.3d 702 (5th Cir. 1997): Held that failure to engage in a timely and reasonable interactive process violates the ADA and creates grounds for legal action.

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