

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SHIRLEY COHEN AND HANNAH COHEN

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Plaintiffs,

VS.

No. 2:16-cv-2529

TRANSPORTATION SECURITY ADMINISTRATION,
MEMPHIS AND SHELBY COUNTY AIRPORT AUTHORITY,
AND MEMPHIS INTERNATIONAL AIRPORT POLICE
DEPARTMENT

Defendants.

COMPLAINT FOR RELIEF UNDER THE AMERICANS WITH DISABILITIES ACT
AND FOR OTHER RELIEF

INTRODUCTION

The Plaintiffs bring this cause of action pursuant to the Americans With Disabilities Act , 42 U.S.C 12101 et. seq.

They also bring state-law causes of action for Tennessee common-law intentional and negligent infliction of emotional distress.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the Federal Claim pursuant to 28 U.S.C 1331.
2. This Court also has jurisdiction over the Federal Claim pursuant to 28 U.S.C 1343(4).
3. This Court has jurisdiction over the Tennessee common-law causes of action pursuant to United Mine Workers v. Gibbs, 383 U.S. 715 (1966).
4. Venue is proper in this Court pursuant to 28 U.S.C. 1391.

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PARTIES

5. The Plaintiff, Hannah Cohen, is a natural person living in Chattanooga, Tennessee.

6. The Plaintiff, Shirley Cohen, is a natural person living in Chattanooga Tennessee and is the mother and legal best friend of Hannah Cohen.

7. The Defendant, Transportation Safety Administration (TSA), is a United States governmental entity charged with security for airline passengers. It has servants and agents at the Memphis International Airport.

8. The Defendant, Memphis and Shelby County Airport Authority (MSCAA), is an independent governmental authority established by the County of Shelby, Tennessee and the City of Memphis, Tennessee, to operate the Memphis International Airport.

9. The Memphis International Airport Police Department (MIAPD) is the official police for the Memphis International Airport and is in charge of policing the airport campus.

FACTUAL AVERMENTS

10. The Plaintiff, Hannah Cohen, is an individual who has a physical and mental impairment that substantially limit one or more of her life activities and has a record of such impairment. She had this physical and mental impairment on June 30, 2015 and before.

11. More particularly, the Plaintiff, Hannah Cohen, has damage from radiation and removal of a brain tumor that substantially limits her ability to speak, walk, stand, see, hear, care for herself, learn and work, think, concentrate, and interact with others.

12. This substantial limitation on her life activity by the radiation and removal of the brain tumor causes her to be significantly limited in the ability the life activities listed above compared to the manner, duration, and conditions under which individuals are able to perform these activities. This substantial limitation is obvious upon sight and was obvious on June 30, 2015.

13. On June 30, 2015, the Plaintiff, Hannah Cohen, and the Plaintiff, Shirley Cohen, were on the campus of the Memphis International Airport, Memphis, Tennessee, after receiving treatment at St. Jude Children's Research Hospital and planning to embark on an airplane home to Chattanooga, Tennessee. Both Plaintiffs were required to proceed through a security

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checkpoint manned by servants and agents of the Defendant, Memphis International Airport Police Department and the Defendant, Transportation Safety Administration, to be screened for contraband and weapons before being allowed to board their flight.

14. As the Plaintiff, Hannah Cohen, went through this screening process at the airport campus, a warning alarm went off. This warning alarm was to warn the Airport Police and Transportation Safety administration personnel manning the security checkpoint there was either some kind of contraband on the party being screened or a weapon on the party being screened. The Plaintiff, Hannah Cohen, however carried no contraband or weapon when she went through the screening at the Memphis International Airport campus on June 30, 2015.

15. However, the Plaintiff, Hannah Cohen, became disorientated and confused by the warning alarm and the actions of the personnel manning the security checkpoint to try to search her person because of her disability. The security personnel failed to recognize that she was confused because of her obvious disability and was unable to cooperate with the search.

16. The Plaintiff, Shirley Cohen, repeatedly tried to tell the personnel manning the security checkpoint of her daughter's brain tumor and disabilities. However, the personnel at the security checkpoint refused to listen to the Plaintiff, Shirley Cohen, concerning her daughter's disability. They proceeded to assault the Plaintiff, Hannah Cohen, at the checkpoint, causing her physical and emotional injury as well as emotional injury to Plaintiff, Shirley Cohen as she witnessed the assault on her daughter.

17. The Plaintiff, Shirley Cohen, witnessed this assault on her daughter by the personnel at the security checkpoint. This caused her extreme emotional injury as she watched the personnel assault her daughter.

18. The security personnel at the checkpoint arrested the Plaintiff, Hannah Cohen, and she was transferred to the Memphis Police Department. She was arraigned for various charges and these charges were later dismissed in their entirety.

CAUSES OF ACTION

19. The defendants are liable to the Plaintiff, Hannah Cohen, for discriminatory acts on June 30, 2015, at the security checkpoint where officers, servants and agents of the

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Transportation Safety Administration and the Memphis Airport Police, discriminated against the Plaintiff, Hannah Cohen, because of her disability. These acts of discrimination were intentional.

20. More particularly, the Transportation Safety Administration and Memphis Airport Police officers did not provide any reasonable accommodation for screening for the disability of the Plaintiff, Hannah Cohen, and did not screen her providing for her disability at the checkpoint. The Defendant, Memphis and Shelby County Airport Authority, is liable for failure to properly supervise the personnel at the security checkpoint and provide proper regulation of the campus of the Memphis International Airport as required by the Americans With Disabilities Act.

21. The Defendants, Transportation Safety Administration and Memphis Airport Police are liable to the Plaintiff, Hannah Cohen, for intentional or negligent infliction of emotional distress, because the acts of their servants and agents of assaulting her in an airport without cause and arresting her for no cause. These acts were either done intentionally or with reckless indifference or negligence, entitling the Plaintiff, Hannah Cohen, to damages.

22. The Defendants, Transportation Safety Administration and Memphis Airport Police, are liable also the Plaintiff, Shirley Cohen, for intentional or negligent infliction of emotional distress, because the acts performed to her daughter were performed in her presence, causing her severe emotional distress.

23. The Defendant, Memphis and Shelby County Airport Authority, is liable for the intentional infliction and negligent infliction of emotional distress by the personnel at the security checkpoint because of its failure to properly manage the campus of the Memphis International Airport and the personnel at the security checkpoint.

DAMAGES

24. The Plaintiffs have suffered medical expenses, personal injury, emotional injury, pain and suffering, and embarrassment from the actions of the Defendants, their servants and agents.

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25. The Plaintiffs are entitled to punitive damages because the actions of the Defendants, their servants and agents, were done maliciously, intentionally, and with reckless disregard to the rights of the Plaintiffs.

26. The Plaintiffs are entitled to their reasonable attorney fees and costs.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs pray for damages in a reasonable sum not exceeding \$100,000.00 (One Hundred Thousand Dollars) and costs. The Plaintiffs pray for all other relief they are entitled to under the law and the facts.

Respectfully submitted,

/s/William Hardwick

William G. Hardwick II

Attorney at Law

4745 Poplar Avenue, Suite 201

Memphis, Tennessee 38117

#13264 901-683-3292

wgh38119@yahoo.com

/s/Kelly Pearson

Kelly Pearson

Attorney at Law

4745 Poplar Avenue, Suite 212

Memphis, Tennessee 38117

#032300 901-338-2638

kellyeasonpearson@gmail.com