

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DIVISION OF ILLINOIS
EASTERN DIVISION

RYAN CHRISTANSON,)
Plaintiff,)
)
v.)
)
BICYCLE MESSENGERS, INC., and)
YAMAHAHONDA, INC.)
Defendants.)
)
)

Judge: Michael J. McSherry
Case No.: 2009-cv-3243

**DEFENDANT BICYCLE MESSENGERS ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

NOW COMES, Defendant Bicycle Messengers, by its undersigned counsel, for its
Answers to Plaintiff's First Set of Interrogatories answers as follows:

1. State all of the reasons for which Christianson was not allowed to return to work in the
position of Bicycle Messenger and identify all individuals who may have knowledge of
any facts regarding such.

ANSWER:

Plaintiff was unable to work from March 5, 2008 until May 9, 2009. During Plaintiff's
absence, Bicycle Messengers was required to fill Plaintiff's position to meet demands. Once
Plaintiff was able to return to Bicycle Messengers as a Bicycle Messenger, there were no
available positions for him. Furthermore, Bicycle Messengers states that Plaintiff did not
meet Bicycle Messenger's expectations regarding job performance during his employment
with Bicycle Messengers. Finally, Plaintiff never "re-applied" for the position or formally or
informally requested any reasonable accommodation at any time to any agent or
representative of Bicycle Messenger nor was Bicycle Messenger, its agents or representatives
aware that Plaintiff desired such an accommodation.

2. Describe in detail all handicap/disability discrimination charge(s), lawsuit(s), and/or complaint(s), including internal complaints and grievances, made against Defendant or any of its employees from 2003 to the present. In your description of each such matter, state:
 - a. The name of the complaining party, charging party or plaintiff;
 - b. The name of the agency or court with whom the charge or suit was filed;
 - c. The charge number, case number or any other identifying number of each such claim;
 - d. The acts of discrimination alleged;
 - e. The disposition of the matter.

ANSWER:

The plaintiff filed a charge with the EEOC on 15 May 2009 in his own name against Bicycle Messengers, Inc., alleging employment discrimination in the form of termination of employment based on the disability of being an AK amputee. The charge was assigned the number 09-ADA-003467. The EEOC issued a "right-to-sue" letter on 1 September 2009, having made no findings on the charge.

3. Identify all persons who were involved in the Defendant's decision to not re-hire Christianson for the position of Bicycle Messenger for which he re-applied after sustaining the injuries spelled out in the complaint and explain each such person's involvement.

ANSWER:

Scott David Blake is the owner of Bicycle Messengers and determined that Plaintiff's position needed to be filled. Bicycle Messengers denies that Plaintiff ever "re-applied" for any position

within Bicycle Messengers. Scott David Blake was the sole decision maker and was responsible for determining that no position was available for the Plaintiff in May 2009.

4. Describe in detail Defendant's formal and informal policies regarding disability/handicap and the provision of reasonable accommodation for disabled or disabled employees.

ANSWER:

Bicycle Messengers adopts and abides by the Americans with Disabilities Act, 42 U.S.C. § 12112. Bicycle Messenger does not discriminate based on any protected class, including disabilities. Provisions of the ADA are posted at Bicycle Messengers place of business and strictly adhered to by its owners, agents, and representatives. Furthermore, Bicycle Messengers maintains that if any employee seeks a reasonable accommodation due to a disability he or she must first seek such an accommodation by requesting the same either informally or formally and that said accommodation must not impose an undue hardship on Bicycle Messengers.. Bicycle Messengers maintains that Plaintiff never sought any form of a reasonable accommodation.

5. Identify each individual that was hired as a Bicycle Messenger from 2007 to the present.

ANSWER:

Bicycle Messengers states that three individuals that worked for Bicycle Messengers in 2007 no longer work for Bicycle Messengers. Those three employees are:

- Brad Pautsch
- Ryan Herera
- Ryan Christianson

Bicycle Messengers states that the following three individuals were hired to replace those individuals:

- Brad Pautsch – John Barker
- Ryan Herera – Ben Murphy
- Ryan Christianson – Denny Garvis.

Bicycle Messengers also employs seasonal workers who are not included on this list. At the time Ryan Christianson came to Bicycle Messengers in May 2009, the seasonal-worker positions had been filled for that time.

6. State the experience requirements for the position of Bicycle Messenger with Defendant, including:

ANSWER:

Bicycle Messengers does not have any formal “experience requirements.” Informal requirements include the ability to ride a bike quickly, effectively, and safely and to carry packages. Bicycle messengers also need to have knowledge of Chicago and have the ability to climb stairs and maneuver in and out of buildings. Moreover, bicycle messengers need the ability to work long hours and maintain a physically demanding pace. Bicycle messengers also need to be courteous and conscientious and to attend work regularly.

7. Describe the qualifications for the job that Plaintiff applied for, including:

- a. All formal education qualifications;
- b. All training qualifications;
- c. All skill qualifications;
- d. All physical qualifications;

ANSWER:

- a) A bicycle messenger does not need any formal education;
- b) A bicycle messenger does not need any training;
- c) See answer to interrogatory number 6 and part (d) below;
- d) Bicycle messengers need to ride a bike quickly, effectively, and safely and to carry packages. Bicycle messengers also need to have knowledge of Chicago and have the ability to climb stairs and maneuver in and out of buildings. Moreover, bicycle messengers need the ability to work long hours and maintain a physically demanding pace. Bicycle messengers also need to be courteous and conscientious and to attend work regularly.

8. If Defendant contends that Christianson lacked any qualification required or preferred for the position of Bicycle Messenger, please state in regard to each such qualification that Christianson allegedly lacked:

- a. A description of the qualification;

- b. Whether the qualification was required or preferred; and
- c. Whether any individual has been hired for the position of Bicycle Messenger which Christianson applied for who lacked such qualification.

ANSWER:

a) Before his injury Christianson was not a premiere bicycle messenger as he was often slower in responding to customer demands. This was reflected by customer reports and by Bicycle Messengers's records. With only one leg, Christianson cannot ride a bicycle safely in Chicago rush-hour traffic. He cannot ride as fast as he must to meet scheduled deliveries. He cannot climb stairs while carrying packages safely and quickly. His disability will be evident to customers and will impair the reputation of Bicycle Messengers for having only extremely fit messengers.

b) These qualifications are essential.

c) No individual had been hired prior to Ryan Christianson leaving Bicycle Messenger who did not possess superior Bicycle messenger skills.

9. State how many full time employees you currently employ, and how many full time employees you have averaged over the last 52 weeks.

ANSWER:

Bicycle Messengers stipulates that it is statutorily subject to the provisions of the ADA and the exact number of employees is irrelevant.

10. Was Plaintiff ever disciplined while working for Bicycle Messengers? If so, state the nature of the discipline and the date?

ANSWER:

Plaintiff was never formally disciplined, however, on December 8, 2007, Plaintiff did arrive to work with alcohol on his breath although the dispatcher never informed Mr. Blake of this fact until after his deposition.