

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JONATHON H. BEDFORD,

Plaintiff,

v.

NEIGHBORHOOD CONNECTIONS, INC.;

Defendant.

ORDER

04-C-978-C

Plaintiff Jonathon Bedford is proceeding in this action on his claims that defendant terminated his employment because of his race and sex in violation of Title VII of the 1964 Civil Rights Act. In addition, although it was not entirely clear from plaintiff's complaint, it appeared he was alleging that defendant fired him because of a disability (alcoholism) it perceived plaintiff to have, in violation of the Americans with Disabilities Act.

On February 24, 2005, defendant moved to dismiss plaintiff's claim under the American with Disabilities Act, asserting that plaintiff had failed to exhaust his administrative remedies as required under the Act. Plaintiff responded to defendant's motion with a flurry of filings. First, on March 14, 2005, he filed a document titled, "Motion to Include Charges of the Following (A) Obstruction - (B) Conspiracy - (C)

Retaliation Against Defendant Neighborhood Connections” (Dkt. #15). On March 15, 2005, he filed a document titled “Motion to Continue Disability Discrimination Claim” (Dkt. #13). Finally, on March 29, 2005, plaintiff filed a document titled “Motion to Continue Disability Discrimination Claim Along with Motions of Obstruction, Conspiracy and Retaliation Against Defendant Neighborhood Connections, Inc.” (Dkt. #16).

I am construing plaintiff’s “motions” docketed nos. 13 and 16 together as a brief in opposition to defendant’s motion to dismiss his disability claim. Plaintiff’s “Motion to Include Charges of the Following” (Dkt. #15), appears to be an attempt by plaintiff to amend his complaint to add new claims to his lawsuit. However, there are two reasons plaintiff’s motion will be denied.

First, plaintiff’s motion cannot be construed as a proposed amended complaint because it fails to allege certain facts included in plaintiff’s original complaint that are critical to his Title VII claims against the defendant. In addition, plaintiff’s submission is made up primarily of unauthenticated documents that are generally not allowed as part of a pleading. See Fed. R. Civ. P. 8(e) (pleadings to be concise and direct). Second, even if plaintiff had submitted his proposed amended complaint in proper form, his allegations supporting his claims of “obstruction,” “conspiracy” and “retaliation” do not appear to involve matters over which this court has jurisdiction. Specifically, plaintiff suggests that employees of defendant obstructed justice when they lied during interviews with a police officer and the Department

of Work Force Development Division of Unemployment Insurance about plaintiff's termination that he was the target of a "conspiracy" at a household meeting and in connection with the removal of a Neighborhood Connections, Inc. client from his home and that defendant "retaliated" against him by "switch[ing] emphasis" of the performance of two of defendant's employees to the removal of defendant's client from plaintiff's home at a household meeting and by telling plaintiff's potential new employer that plaintiff "was hard to get along with." To the extent that plaintiff believes the facts surrounding these incidents support his claims under Title VII in this court, he is free to raise them in connection with a motion for summary judgment.

ORDER

IT IS ORDERED that plaintiff's "Motion to Include Charges of the Following (A) Obstruction - (B) Conspiracy - (C) Retaliation Against Defendant Neighborhood

Connections” (Dkt. #15), which is construed as a motion to amend his complaint, is
DENIED.

Entered this 5th day of May, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge