

Updated Mediation Strategy Workshop for Spring 2025

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Case: Thomas Coates v. Cox Communications, Inc.

Subject: ADA Discrimination, Retaliation, and Fiduciary Violations

I. Opening Statement (5–8 minutes)

Good morning. I want to begin by thanking everyone for being here today and acknowledging the importance of this Mediation Strategy Workshop and the value of this process. I come here with a clear goal—not just for myself, but for the broader impact my case represents.

This is not just about resolving a single dispute. This is about systemic misconduct, repeated violations of the ADA, retaliation against employees who exercise their rights, and fiduciary irresponsibility with far-reaching consequences.

Sidebar Story: The AI-Driven Investigation and Behavioral Tracking

"This is not a typical employee dispute. I was not just another call center worker—I was someone who had spent years studying and implementing behavioral integration between customer interactions and agent performance. At AT&T and AT&T Labs, I was involved in the early development of systems that seamlessly combined human decision-making with predictive analytics, systematically supporting both the agent and the customer experience. These frameworks were designed to recognize patterns, anticipate needs, and ensure compliance with operational policies."

"That experience gave me a unique perspective when I witnessed ADA violations and retaliation firsthand. While most employees might feel powerless, I saw an opportunity to apply the same principles I had used in corporate behavioral tracking—but this time, not for sales performance or service optimization. Instead, I applied them to exposing systematic corporate misconduct."

"The AI model I developed is an advanced legal and compliance tracking system. It synthesizes historical case law, my own employment records, Cox's internal policy documents, and real-time data from payroll, HR systems, and legal precedents. It employs dynamic statistical sampling and predictive regression modeling to uncover hidden patterns—patterns that reveal how ADA accommodation requests are processed, delayed, or outright denied."

"For instance, using path regression analysis, my system identified that ADA accommodations at Cox were granted only 22% of the time upon request but were later revoked in 78% of cases following a managerial change—mirroring my own experience. This isn't an oversight. This is a deliberate and structured failure to uphold legally required protections for employees with disabilities."

"The implications of this extend well beyond my case. This system can be leveraged by similarly situated employees, using publicly available data, internal records, and legal frameworks to track and expose corporate noncompliance on a scale previously thought impossible. Today's struggle isn't just about my rights—it's about establishing a precedent that will define how these cases are handled moving forward."

Legal Points:

- The ADA (42 U.S.C. § 12112(b)(5)(A)) mandates reasonable accommodation and prohibits retaliation for protected activity.
- Employees have the right to document and disclose workplace discrimination to advocates, regulators, and oversight bodies, provided confidentiality and privacy are respected.¹
- Courts have recognized the use of statistical and pattern evidence to prove systemic discrimination and retaliation (see *Teamsters v. United States*, 431 U.S. 324 (1977)).

See EEOC Enforcement Guidance: Retaliation and Related Issues (2016), Q&A #24. Teamsters v. United States, 431 U.S. 324 (1977); see also 29 C.F.R. § 1601.15(b) (statistical evidence admissible).

II. Mediation Agenda & Key Topics for Discussion

1. Formal Acknowledgment of Retaliation & ADA Failures

- Recognition that previously granted ADA accommodations were revoked without justification.
- Addressing the retroactive retaliation against me for making good-faith accommodation requests.
- Explanation of why Cox Communications failed to engage in the required Interactive Process under the ADA.

Evidence Presented:

- ✓Timestamped HR records showing ADA approvals and subsequent removals.
- ✓Executive emails showing internal discussions about denying my accommodations.
- ✓Comparisons to McLendon's case to highlight Cox's pattern of behavior.

Legal Points:

- The ADA requires an "interactive process" (29 C.F.R. § 1630.2(o)(3)), and failure to engage is itself a violation.²
- Retaliation for protected ADA activity is actionable regardless of whether the underlying request is ultimately granted.³
- Repeated denial or revocation of accommodations after managerial changes can establish a pattern of discrimination and pretext.

See EEOC v. Ford Motor Co., 782 F.3d 753 (6th Cir. 2015) (en banc). Burlington N. & Santa Fe Ry. Co. v. White, 548 U.S. 53 (2006). Raytheon Co. v. Hernandez, 540 U.S. 44 (2003); EEOC Compliance Manual § 902.4(a).

2. Release of Key Data & Information to Support Investigation

- Workday, payroll, and HR system audit logs.
- Internal email correspondence regarding my case.
- Prior EEOC and ADA discrimination complaints against Cox.
- System logs documenting how ADA requests were handled and modified.
- Full disclosure of Cox's legal risk assessment on ADA compliance.

Sidebar Story: Workday Audit & Executive Communications

"A critical component of this case is Cox's internal data handling—specifically how Workday payroll processes, audits, and compliance systems were manipulated. Workday logs every transaction, every payroll modification, and every status change, all with timestamps and user IDs attached. These records can show not only what happened, but exactly when, and who authorized it."

"Additionally, communications surrounding my case went all the way to the highest levels of Cox leadership. Over ten critical correspondences, including discussions about retaliation, ADA violations, and policy inconsistencies, were sent directly to Cox's President and members of his executive team. These emails are not speculative—they are documented, timestamped, and show that Cox's leadership had explicit knowledge of what was occurring. This establishes that ADA violations were not just an HR-level failure, but a company-wide failure at the executive level."

Leverage Point:

Refusal to release Workday and executive email records will indicate a deliberate effort to conceal key evidence, increasing Cox's exposure in future legal action.

Legal Points:

- Under 29 C.F.R. § 1602.14, employers must preserve and produce personnel and payroll records relevant to discrimination claims.
- The EEOC and courts can compel production of internal audit logs and email records if relevant to the claim.⁴
- Failure to produce such evidence may result in adverse inference or sanctions (see *Butler v. DHS*, EEOC Appeal No. 07200900010).

29 C.F.R. § 1602.14 (record retention and production). EEOC v. JetStream Ground Services, Inc., 878 F.3d 960 (10th Cir. 2017). Butler v. DHS, EEOC Appeal No. 07200900010 (May 27, 2010).

3. Cox's Fiduciary Failures & SEC Disclosure Issues

- Cox's failure to report employment-related liabilities to shareholders.
- The escalation of this case to Cox's President & Executive Leadership, which constitutes a willful breach of corporate fiduciary duties.
- SEC implications: Has Cox accurately disclosed ADA-related legal risks in its financial statements?

New Key Component: Systematic Revenue & Commission Reporting Discrepancies

I have also uncovered and alerted management to systematic discrepancies between the reporting and application of customer results and commission structures—specifically, how those figures show statistical variance from Cox’s billing and customer ordering systems. This has major fiduciary implications, as these inconsistencies suggest a misrepresentation of expense and revenue recognition that could rise to the level of improper financial disclosures.

Action Request:

Cox must release internal reports or risk disclosures related to ADA compliance failures to verify whether they were properly disclosed to investors.

Legal Points:

- Public companies and other businesses who contract with the Federal Government must disclose material legal risks and contingent liabilities in SEC filings (see 17 C.F.R. § 229.103, Item 103).
- Failure to disclose known legal risks or liabilities can constitute securities fraud under Section 10(b) of the Securities Exchange Act.⁵
- Internal audit discrepancies affecting financial reporting may trigger SEC investigation and shareholder action.

17 C.F.R. § 229.103 (SEC litigation disclosure requirements). Basic Inc. v. Levinson, 485 U.S. 224 (1988). SEC v. WorldCom, Inc., 273 F. Supp. 2d 431 (S.D.N.Y. 2003).

4. Cox’s Existing Case History & Implications for Broader Employee Rights

- Cross-referencing Cox’s history of ADA cases to prove a pattern of misconduct.
- Identifying cases with nearly identical fact patterns to mine.
- Legal precedent showing Cox’s continued failure to comply with employment law.

Implication:

This is no longer just my case—this is a systemic labor law violation that Cox has failed to address.

Legal Points:

- The EEOC tracks and publishes data on repeat ADA violators; patterns of noncompliance can result in enhanced penalties and class-wide remedies.
- Courts may use “pattern or practice” evidence to shift the burden of proof to the employer (see *Int’l Bhd. of Teamsters*, 431 U.S. 324).
- Failure to address known compliance gaps increases exposure to class actions and regulatory intervention.⁶

EEOC Enforcement Guidance: Pattern or Practice Discrimination, § II. Int’l Bhd. of Teamsters v. United States, 431 U.S. 324 (1977). Dukes v. Wal-Mart Stores, Inc., 964 F. Supp. 2d 1115 (N.D. Cal. 2013).

5. Media & Regulatory Exposure Considerations

- My engagement with key regulatory bodies (EEOC, SEC, DOJ, and DOL).

- The potential media narrative surrounding this case.
- Cox's risk exposure if litigation moves forward instead of a mediated resolution.

Counterintuitive Leverage:

Instead of focusing only on monetary damages, I am emphasizing systemic change, regulatory intervention, and corporate accountability.

Cox has the opportunity today to avoid unnecessary external scrutiny—but only if meaningful resolutions are reached.

Legal Points:

- Whistleblower protections (29 U.S.C. § 218c; 18 U.S.C. § 1514A) ensure employees can report misconduct to regulators and the media without retaliation.⁷
- Media and regulatory scrutiny often lead to parallel investigations and increased settlement pressure.
- Courts and agencies may view proactive, good-faith settlements as mitigating factors in enforcement actions.

29 U.S.C. § 218c (FLSA whistleblower); 18 U.S.C. § 1514A (SOX whistleblower). See "SEC and DOJ Coordination on Whistleblower Cases," U.S. DOJ Press Release, 2023. EEOC Mediation Guide, "Benefits of Early Resolution," 2022.

III. Five Major Risks for Cox If They Shrink from their Responsibilities

- 1. SEC Investigation into Cox's Failure to Disclose Legal Risks**
SEC enforcement actions can result in significant financial penalties and mandatory corrective disclosures.
 - 2. Multi-Agency Action from EEOC, DOJ, and DOL**
Coordinated investigations can lead to consent decrees, monitoring, and broad injunctive relief.
 - 3. Media Attention on Cox's Systematic Retaliation Against Disabled Employees**
Public exposure increases reputational risk and impacts investor and customer confidence.
 - 4. Expansion of AI-Driven Investigations Into Other Employees' Cases**
Pattern recognition tools can uncover additional violations, leading to class actions or regulatory sweeps.
 - 5. Litigation That Establishes Legal Precedent Against Cox, Increasing Future Liability**
Adverse precedent can raise the cost of future settlements and compliance for Cox and its affiliates.
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IV. Closing Strategy: What Cox Must Do Today to Avoid Escalation

- Release of key employment and payroll data related to my claims.
- Acknowledgment of ADA compliance failures and a corrective action plan.
- Non-disclosure agreement (NDA) carve-outs so I am not prohibited from reporting misconduct to regulators.

- Compensatory and punitive damages in line with similar cases.
- HR policy changes to prevent future ADA retaliation.

Final Warning: If Cox wants to engage in good-faith negotiations, I am here. If they want to gamble on avoiding accountability, they will lose more than they can afford. Cox's decision today will determine which path we take.

Footnotes:

¹ See EEOC Enforcement Guidance: Retaliation and Related Issues (2016), Q&A #24; 42 U.S.C. § 12112(b)(5)(A); 29 C.F.R. § 1601.15(b).

² 29 C.F.R. § 1630.2(o)(3); EEOC v. Ford Motor Co., 782 F.3d 753 (6th Cir. 2015).

³ Burlington N. & Santa Fe Ry. Co. v. White, 548 U.S. 53 (2006); Raytheon Co. v. Hernandez, 540 U.S. 44 (2003).

⁴ 29 C.F.R. § 1602.14; EEOC v. JetStream Ground Services, Inc., 878 F.3d 960 (10th Cir. 2017); Butler v. DHS, EEOC Appeal No. 07200900010 (May 27, 2010).

⁵ 17 C.F.R. § 229.103; Basic Inc. v. Levinson, 485 U.S. 224 (1988); SEC v. WorldCom, Inc., 273 F. Supp. 2d 431 (S.D.N.Y. 2003).

⁶ EEOC Enforcement Guidance: Pattern or Practice Discrimination, § II; Int'l Bhd. of Teamsters v. United States, 431 U.S. 324 (1977); Dukes v. Wal-Mart Stores, Inc., 964 F. Supp. 2d 1115 (N.D. Cal. 2013).

⁷ 29 U.S.C. § 218c; 18 U.S.C. § 1514A; EEOC Mediation Guide, "Benefits of Early Resolution," 2022.