

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Baltimore District Office
10 S. Howard Street, 3rd Floor
Baltimore, Maryland 21201

Plaintiff,

JFM 04 CV 3113

v.

CIVIL ACTION NO

JURY TRIAL DEMAND

BANKRUPTCY AUTHORITIES, INC t/a
STICKS 'N' STUFF,
8647 Pulaski Highway
Rosedale, Maryland 21237

Defendant.

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment
to correct unlawful employment practices on the basis of age
and to provide appropriate relief to Murray Ross. The Commission
alleges that on or around March 26, 2004, Mr. Ross, age 82, was
informed that he was terminated from his position of furniture
salesperson for Defendant Bankruptcy Authorities Inc t/a
Sticks 'N' Stuff, a position which he had been performing for the
previous three years. His district manager told him that at his
he should be retired and that the store was hiring younger
people. The Commission alleges that Mr. Ross's termination was
based on his age.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA" which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 the "FLSA" as amended, 29 U.S.C. §§ 216(c) and 217

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission" is the agency of the United States of America charged with the administration, interpretation, and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984 98 Stat. 2705

4 At all relevant times, Defendant Bankruptcy Authorities, Inc. t/a Sticks 'N' Stuff ("Defendant"), has continuously been an Alabama corporation doing business in the State of Maryland and has continuously had at least 20 employees

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

CONCILIATION

6 Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

Since at least March 26, 2004, Defendant has engaged in unlawful employment practices at its Rosedale, Maryland store, in violation of Section 4(a)(1) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623(a)(1) (the "ADEA" 29 U.S.C. § 623). The practices include terminating Murray Ross, age 82, because Defendant believed that at his age he should be retired and that the store needed to hire younger employees.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Murray Ross of equal employment opportunities and otherwise adversely affect his status as an employee because of his

9 The unlawful employment practices complained of in paragraph 7 above were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b)

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, officers, successors, assigns and all persons in active concert or participation with it, from engaging in terminating its older workers and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older

B. Order Defendant to institute and carry out policies practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices

C. Grant a judgment requiring Defendant to pay appropriate back wages in an amount to be determined at trial, an equal as liquidated damages, and prejudgment interest to Murray Ross whose wages are being unlawfully withheld as a result of the acts complained of above.

D Order Defendant to make whole Murray Ross, whose wages are being unlawfully withheld as a result of the acts complained of above, by restraining the continued withholding of amounts

owing as back wages with prejudgment interest, in amounts to be determined at trial.

B. Order Defendant to make whole Murray Ross, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to his rightful place reinstatement and/or front pay

F Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action

JURY TRIAL DEMAND

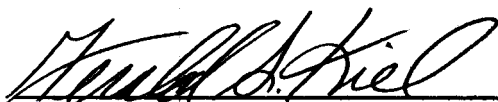
The Commission requests a jury trial on all questions of fact raised by its complaint


Respectfully submitted,

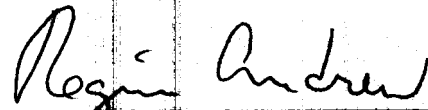
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