

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

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U.S. DISTRICT COURT
WESTERN DISTRICT MICH.
[Signature]

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
PASCAL, CO. INC.,)
)
Defendant.)
_____)

HON. Richard Alan Enslin
U.S. District Judge
CIVIL ACTION NO. 03-
DATED: 1:03 CV0442
COMPLAINT
AND JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act ("ADEA") to correct unlawful employment practices on the basis of age and to make whole James Thorndill, a former employee. Pascal, Co., Inc. subjected Thorndill to age-based discrimination when he was involuntarily terminated from his employment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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. Section 621, et seq. (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Sections 216(c) and 217.

2. The unlawful employment practices alleged below were and are now being

committed within the jurisdiction of the United States District Court for the Western District of Michigan.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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. Section 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, Pascal, Co., Inc. (the "Employer"), has continuously been a Washington Corporation doing business in the State of Michigan and the City of Grand Rapids, and has continuously had and does now have at least twenty five employees.

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

CONCILIATION

6. Prior to the institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices hereinafter alleged 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. Section 626(b).

STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, James Thorndill

filed a charge with the Commission alleging violations of the ADEA by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least October 1, 2001, Defendant Employer has engaged in unlawful employment practices at its Bellevue, Washington facility in violation of Section 4(a)(1) of the ADEA, 29 U.S.C. Section 623(a)(1). Specifically, the Defendant Employer terminated James Thorndill from his position as a National Accounts Manager because of his age, fifty-two (52).

9. The effect of the practices complained of above has been to deprive James Thorndill of equal employment opportunities and otherwise adversely affect his status as an employee because of his age.

10. The unlawful employment practices complained of above were and are willful within the meaning of the ADEA.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of age.

B. ORDER Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for persons who are at least age forty, and which eradicate the effects of its past and present unlawful employment practices.

C. ORDER Defendant Employer to provide training regarding the Age Discrimination in Employment Act, its prohibitions against age discrimination and to all current and future employees;

D. ORDER Defendant Employer to make whole James Thorndill by affording him other affirmative relief necessary to eradicate the effects of Defendant Employer's unlawful employment practices, including reinstatement to his former position; and by providing him with appropriate back pay with prejudgment interest and lost benefits, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful practices.

E. ORDER Defendant Employer to pay liquidated damages in amounts to be determined at trial.

F. GRANT such further relief as the Court deems necessary and proper, including mandatory EEO training of employee personnel.

G. AWARD the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted,

NICHOLAS M. INZEO
Acting Deputy General Counsel

Equal Employment Opportunity Commission
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7/1/03
DATE

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