

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
04 SEP 28 PM 1:00
SOUTH DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
PROTIS EXECUTIVE INNOVATIONS, INC.,)
)
Defendant.)
_____)

CIVIL ACTION NO.
1:04-cv-1585-DFH-TAB

COMPLAINT
JURY TRIAL DEMAND

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the “Commission”) brings this action against Protis Executive Innovations, Inc. (“Protis”) pursuant to the Age Discrimination in Employment Act (“ADEA”) to correct unlawful employment practices on the basis of age and to provide appropriate relief to a class of individuals who, because of their age, were not referred for jobs. As alleged with greater particularity in paragraph six below, the Commission alleges that since at least 1998, Protis, an employment agency, in continuing violation of the ADEA, has engaged in a pattern or practice of failing to refer job applicants for jobs because of the applicants’ 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 and are now being committed within the jurisdiction of the United States District Court for the Southern District of Indiana, Indianapolis Division.

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, Protis, (the “Employment Agency”), has procured employees for employers and has been an employment agency within the meaning of Section 11(c) of the ADEA, 29 U.S.C. § 630(c).

CONCILIATION

5. 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

6. Since at least January 1, 1998, the Defendant Employment Agency has engaged in unlawful employment practices at its Avon and Indianapolis facilities, in continuing violation of Section 4(b) of the ADEA, 29 U.S.C. § 623(b). These practices include a pattern and practice of failing or refusing to refer individuals for employment because of their age.

7. The effect of the practices complained of in paragraph 6 above has been to deprive a class of individuals, denied employment referrals because of their age, of equal employment opportunities and to otherwise adversely affect their status as applicants for employment, because of their age.

8. The unlawful employment practices complained of in paragraphs 6 and 7 above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employment Agency, its officers, successors, assigns and all persons in active concert or participation with it, from failing or refusing to refer individuals age 40 or older for employment because of their age and from engaging in any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant Employment Agency 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 Employment Agency to pay appropriate back wages in an amount to be determined at trial, and an equal sum as liquidated damages, and prejudgment interest, to individuals whose wages are being unlawfully withheld as a result of the acts complained of above, including but not limited to the class of individuals denied employment referrals because of their age.

D. Order Defendant Employment Agency to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to the referral of individuals age 40 or older for employment without respect to such individuals' age.

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

F. Award the Commission its costs of this action.

JURY TRIAL DEMAND

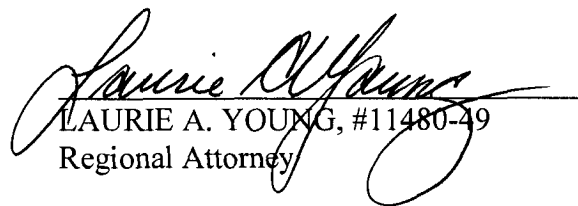
The Commission requests a jury trial on all questions of fact raised by its complaint.

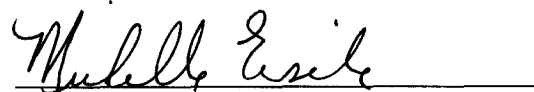
Respectfully submitted,

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