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6 7	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON	
8 9	EQUAL EMPLOYMENT OPPORTUNITY) COMMISSION,	
9	Plaintiff,) V. V.	
11	MICRO ENCODER, INC.,) JURY DEMAND	
12	Defendant.	
13)	
14	NATURE OF THE ACTION	
15	This is an action under the Age Discrimination in Employment Act to correct	
16	unlawful employment practices on the basis of age and to provide appropriate relief to	
17	Brinkley Barr. The Equal Employment Opportunity Commission ("EEOC') alleges that	
18	Micro Encoder, Inc. ("Defendant") unlawfully refused to hire Mr. Barr for a vacant	
19	engineer position because of his age, despite being qualified for the job.	
20	JURISDICTION AND VENUE	
21	1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,	
22	1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b)	
23	of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b)	
24	(the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor	
25	Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.	
	U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Seattle District Office 909 First Avenue, Suite 400 Seattle, Washington 98104-1061 Telepone: (2006) 220-6883	

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

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 98532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant (the "Employer") has continuously been a
 corporation doing business in the State of Washington and has continuously had at
 least 20 employees.

At all relevant times, Defendant Employer 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).

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).

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STATEMENT OF CLAIMS

7. On or about January 20, 2004, the Defendant Employer engaged in
unlawful employment practices at its Kirkland, Washington facility, in violation of
Section 4(a)(1) of the ADEA, 29 U.S.C. § 623(a)(1). The practices include failing or

1 refusing to hire Brinkley Barr because of his age, 50.

8. The effect of the practices complained of in paragraph 7 above has been
 to deprive Mr. Barr of equal employment opportunities and otherwise adversely affect
 his status as an applicant for employment because of his age.

9. The unlawful employment practices complained of in paragraphs 7 and 8 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 Employer, its officers,
successors, assigns and all persons in active concert or participation with it, from failing
or refusing to hire individuals because of their age and any other employment practice
which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant Employer 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 Employer to pay appropriate back
wages in an amount to be determined at trial, an equal sum as liquidated damages, and
prejudgment interest to Mr. Barr whose wages are being unlawfully withheld as a result
of the acts complained of above.

D. Order Defendant Employer to make whole Mr. Barr who is 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
front pay.

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Grant such further relief as the Court deems necessary and proper in the

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1	public interest.	
2	J. Award the Commission its costs of this action.	
3	JURY TRIAL DEMAND	
4	The Commission requests a jury trial on all questions of fact raised by its	
5	complaint.	
6	DATED this <u>30th</u>	lay of <u>September,</u> 2004.
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