

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

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

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

7 PRAYER FOR RELIEF

8 Wherefore, the Commission respectfully requests that this Court:

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

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

17 C. Grant a judgment requiring Defendant Employer to pay appropriate back
18 wages in an amount to be determined at trial, an equal sum as liquidated damages, and
19 prejudgment interest to Mr. Barr whose wages are being unlawfully withheld as a result
20 of the acts complained of above.

21 D. Order Defendant Employer to make whole Mr. Barr who is adversely
22 affected by the unlawful practices described above, by providing the affirmative relief
23 necessary to eradicate the effects of its unlawful practices, including but not limited to
24 front pay.

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

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 30th day of September, 2004.

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