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14 ATTORNEYS FOR PLAINTIFF

15  
16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE WESTERN DISTRICT OF WASHINGTON  
18 AT TACOMA

19 EQUAL EMPLOYMENT OPPORTUNITY  
20 COMMISSION,

21 Plaintiff,

22 v.

23 HOWARD S. WRIGHT CONSTRUCTION  
24 CO.,

25 Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. section 621 *et seq.* ("ADEA"), to correct unlawful employment practices on the basis of

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EQUAL EMPLOYMENT  
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1 age and to provide appropriate relief to Cecil Cheeka, who was adversely affected by such  
2 practices. The Equal Employment Opportunity Commission ("the EEOC") alleges that  
3 defendant Howard S. Wright Construction Co. (referred to herein as "Howard S. Wright" or  
4 "defendant") violated the ADEA by discriminating against Mr. Cheeka on the basis of age when  
5 it terminated him from his journeyman ironworker position.

#### 6 JURISDICTION AND VENUE

- 7
- 8 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and  
9 1345. This action is authorized and instituted pursuant to Section 7(b) of the ADEA, 29  
10 U.S.C. §626(b), which incorporates by reference Sections 16(c) and 17 of the Fair Labor  
11 Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§216(c) and 217.
- 12 2. The employment practices alleged to be unlawful were committed within the jurisdiction  
13 of the United States District Court for the Western District of Washington.

#### 14 PARTIES

- 15
- 16 3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United  
17 States of America charged with the administration, interpretation and enforcement of the  
18 ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29  
19 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat.  
20 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.
- 21 4. At all relevant times, defendant Howard S. Wright has continuously been an employer  
22 engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and  
23 (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).
- 24
- 25

- 1 5. At all relevant times, defendant Howard S. Wright has continuously been doing business  
2 in the state of Washington and has continuously had at least 20 employees.

3 CONCILIATION

- 4 6. Prior to institution of this lawsuit, the Commission's representatives attempted to  
5 eliminate the unlawful employment practices alleged below and to effect voluntary  
6 compliance with the ADEA through informal methods of conciliation, conference, and  
7 persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. §626(b).  
8

9 STATEMENT OF CLAIMS

- 10 7. More than thirty days prior to the institution of this lawsuit, Cecil Cheeka filed a charge  
11 of discrimination with the Commission alleging a violation of the ADEA by Howard S.  
12 Wright. All conditions precedent to the institution of this lawsuit have been fulfilled.  
13  
14 8. On or about December 14, 2004 defendant engaged in unlawful employment practices at  
15 its worksites in Olympia, Washington in violation of Section 623 (a) of the ADEA, 29  
16 U.S.C. §§ 623 (a). These practices include discriminating against Mr. Cheeka by  
17 terminating him from his journeyman ironworker position after only four days because of  
18 his age.  
19  
20 9. The effect of the practices complained of in paragraph 8 above has been to deprive Mr.  
21 Cheeka of equal employment opportunities and otherwise adversely affected his status as  
22 an employee because of the discrimination that occurred.  
23  
24 10. The unlawful employment practices complained of in paragraph 8 above were and are  
25 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 and its officers, agents, successors, assigns, and all persons in active concert or participation with them, from engaging in discrimination against any of their employees.
- B. Order defendant to institute and carry out policies, practices, and programs which prevent its employees from being subjected to discrimination and which eradicate the effects of past and present unlawful employment practices.
- C. Order defendant to make whole Mr. Cheeka by providing appropriate back pay in an amount to be determined at trial, an equal sum as liquidated damages, prejudgment interest, front pay and other affirmative relief necessary to eradicate the effects of its unlawful employment practices described above.
- D. Grant such further relief as the Court deems necessary and proper in the public interest.
- E. 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.

DATED this 28th day of August, 2006.

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