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6 **IN THE UNITED STATES DISTRICT COURT**
 7 **FOR THE DISTRICT OF KANSAS**

8 PERRY APSLEY, BOB BAILEY, JACOB) Case No.: 05-1368
 9 BAKK, GARY BALL, CHARLES L. BEAN)
 10 JR., PEGGY S. BELL, THOMAS BELTON,) FIFTH AMENDED COMPLAINT
 VERNON L. BENTLEY, MELONDA)
 11 BIRCHER, JERRY L. BRANSTETTER,)
 MICHAEL E. BURGARDT, ROCKY R.)
 12 BURRIS, FRANK CASH, BETTY)
 CHILDERS, REDELL COLEMAN, LARRY)
 13 E. COMBS, HARVEY J. CONYAC, LOREN)
 W. COX, PHYLLIS A. COX, LINDA L.)
 14 DEZARN, WILLIAM D. DOSHIER,)
 CHARLES D. ELDER, ALAN S.)
 15 EPPERSON, LLOYD C. FANSLER,)
 JERALD J. GILBERT, CHIP GILCHRIST II,)
 16 RICHARD GOTTHARD, BRIAN GROOM,)
 JAMES HAMMON, JANET S. HANSEN,)
 17 DENISE A. HARRIS, ALLEN C.)
 HATCHER, RON W. HENDERSHOT,)
 18 Verna J. Houston, Larry W. James,)
 19 DALE C. JAYNE JR., GARY L. JOHNSON,)
 MELVYN J. JOHNSON, DONALD R.)
 20 JONES, RALPH O. KEENER, DANNY R.)
 KENNEDY, MELVIN E. KERNS, GORDON)
 21 B. KINKEAD, JIMMY LE, CARLTON D.)
 LEE, STEPHEN L. LINCK, JERRY L.)
 22 MCKINNEY, FREDDY J. MCCOLPIN,)
 23 MARK MCCURDY, CATHY J. MUNSELL,)
 JAN W. MURRAY, STEVEN NGO, HUYEN)
 24 T. NGUYEN, LUYEN D. NGUYEN,)
 BARBARA A. ODOM, KENT W. OWEN,)
 25 LOWANDA J. PATTON, PAUL D. PETE,)
 26 BA PHAM, BRENT L. POPP, JAMES E.)
 PORTER, JAY E. POWELL, WILLARD J.)
 RATCHFORD, VERONICA RIOS,)

RICHARD D. ROEDER, ALBERT
 SCHLOETZER, JOSEPH E. SCHROEDER,
 STEVEN M. SCHWIND, WILLIAM H.
 SETCHELL, JAMES C. SHEPPARD,
 TEDDY E. SILL, SAMMY J. SMITH,
 SHARON A. SOUTHERN, LINDA C.
 SPARRER, CHARLES STARK, DONALD
 E. TITUS, ABEL L. VASQUEZ, HENRY F.
 VICTOR, JAMES R. WALLACE, JIMMY
 WALLACE, RICHARD A. WALLIN,
 MICHAEL B. WELSH, CAROLYN Y.
 WHEATON, SYLVESTER WILLIAMS II,
 JANET M. WILSON, WALTER WOODS,
 AND BETTY R. YOUNG,

Plaintiffs,

vs.

THE BOEING COMPANY and SPIRIT
 AEROSYSTEMS,

Defendants.

FIFTH AMENDED COMPLAINT

COMES NOW Plaintiffs individually by and through their counsel, Lawrence W. Williamson, Jr. and James E Gore of Williamson Law Firm, LLC, and for their cause of action against Defendants, allege and state as follows:

I. GENERAL ALLEGATIONS

1. Each Plaintiff was a member of a properly certified class. As such, the plaintiffs seek injunctive relief and equitable relief in this matter.

2. Boeing and Spirit kept decisions a secret. The defendants kept the names of the subsidiaries secret until after the decisions were made against the plaintiffs. In furtherance of these secrets, Boeing provided a code name "Project Lloyd." Only certain personnel were provided access to the folders under this database. This database was at least 7.59 MB in size. The defendants have also kept the true relationship between Boeing, Onex, Midwestern, and Spirit AeroSystems a secret.

3. One act that was no secret was the termination of the plaintiffs. Instead of informing the employees when decisions were made, it tortured employees and put families and individuals through unexplainable feelings while they waited to see if they would receive a "pink slip." In announcing these terminations, the employees of Boeing were entitled to more respect than the insult of throwing "insult slips" into the driveways of the individuals who helped Boeing prosper throughout the years. The humiliation for workers did not end here. Nigel Wright, of Onex, acting on behalf of Spirit, publicly stated that the workers who were not offered positions were individuals with bad attitudes, troublemakers, and/or deadbeats. Some employees were even escorted off of the premises as if they were common criminals.

4. How much less dignity can someone have, than for a delivery truck to throw an envelope out onto the driveway? Each plaintiff deserved much more than that and at the very least deserved to know "why" they were terminated. In failing to adequately protect the rights of the older workers, the defendants have injured not only these employees, but their families and loved ones as well. As Plaintiff Pete has noted, "Life isn't always fair but, why is Boeing playing with the people and their family's lives!?"

1 5. Instead of accepting responsibility for the treatment the defendants have
2 perpetrated, defendants have begun playing “pin the tail on the other.” At the EEOC stage,
3 Defendant Boeing stated that it did not have anything to do with the decisions made against the
4 employees. However, there were notes sent from Onex representatives that stated that Boeing’s
5 managers were to help pick and choose who was staying for the new company (Spirit).
6 Additionally, plaintiffs have indisputable proof that Boeing’s managers indeed had significant
7 input into the wrongful terminations of the plaintiffs.

8 6. Employees who had believed the myth of job security that Boeing professed over
9 the years were, after 20 years, forced to enter the job market, tainted as worker’s not good
10 enough to make the grade. Plaintiffs, such as Plaintiff James’ dreams of retiring at a certain age
11 were taken away from them.

12 7. Additionally, the laid off workers were denied the right to vote when time came
13 to protest the actions of Defendants.

14 8. As another sign of defendants’ bad faith, Nigel Wright stated that as a gesture of
15 good will to the machinists union, when the company needs to hire again that they would first
16 hire back the laid off workers. However, Spirit has not honored that promise. Indeed, many of
17 the plaintiffs have applied for numerous positions that they are qualified for and have held for
18 years, and have not been offered a position. In some cases plaintiffs have been rejected as
19 “unqualified.” Additionally, Spirit AeroSystems has set arbitrary standards regarding being
20 hired into the company so that former workers could almost never receive a job offer.

21 9. The alleged system was subjective, arbitrary, non-substantive, dishonest, and
22 inaccurate. Additionally, the system was:

- 23 a. Biased against older (over age 40) workers; and
24 b. Inequitable and inappropriate because of pool size and composition.

25 **II. JURISDICTION AND VENUE**
26

10. This is a civil action over which original jurisdiction is vested in this Court by 28 U.S.C. § 1331 and 1343(a) and 29 U.S.C. § 626(f)(3). This Court also is vested with exclusive subject matter jurisdiction over plaintiffs' claims under ERISA pursuant to 29 U.S.C. § 1132(e)(1) and (f)(2). This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over all other claims that are so related to claims within its original or exclusive jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Venue is appropriate in this Court under 28 U.S.C. § 1391 and 29 U.S.C. § 1132(e)(2) as it is brought in a judicial district in which the defendants reside or may be found at the time the action is commenced. Further, many of the plaintiffs reside in the State of Kansas.

11. Plaintiffs have exhausted and satisfied all conditions precedent to filing this action. Additionally, plaintiffs invoke the single file rule as defendants were placed on sufficient notice of the multiple plaintiff nature of the action. Moreover each Plaintiff was a Class member in case 05-1368, thereby tolling their claims. Multiple plaintiffs filed a class-wide charge of age discrimination with the US. Equal Employment Commission ("EEOC"), which was cross-filed with the Kansas Human Rights Commission ("KHRC"). Each Plaintiff has consented to join this action. The Consent to Sue forms for the named have been filed in 05-1368 and are incorporated herein by reference.

III. PARTIES

A. General Allegations as to all Plaintiffs

12. At all pertinent times, each of the plaintiffs in this action was an employee of the defendants within the meaning of the ADEA, 29 U.S.C. § 630 and a participant in and/or beneficiary of the Plans within the meaning of ERISA, 29 U.S.C. 1002(7) and (8).

13. The plaintiffs, and each of them, suffered from an adverse action by Defendants.

B. Specific Allegations as to Individual Plaintiffs

1 14. Plaintiff Perry Apsley ("Plaintiff Apsley") is a resident of the State of Kansas who was
2 born on May 5, 1955, and who, as of May 20, 2005, was employed by Boeing at its Wichita,
3 Kansas facility. Plaintiff Apsley was employed by Boeing for twenty (20) years. Plaintiff
4 Apsley was qualified to hold his position as a Strechpress operator. Thus, Plaintiff Apsley filed a
5 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
6 remedies.

7 15. Plaintiff was at least forty years old at the time of the adverse employment decision.
8 Additionally, Plaintiff was performing all job requirements satisfactorily or better. Moreover,
9 Plaintiff consistently received good to great performance reviews. Plaintiff also never received
10 any complaints about their work performance in 20 years. A younger worker was also tasked to
11 fulfill the job requirements that Plaintiff performed prior to the adverse employment decision.
12 Also, there was a continued need for the duties that Plaintiff performed and younger comparators
13 kept their jobs, were recommended, and/or were not adversely affected. This combination of
14 facts supports an inference of discrimination under all relevant case law.

15 16. Plaintiff Bob Bailey ("Plaintiff Bailey") is a resident of the State of Kansas who
16 was born on January 1, 1953, and who, as of June 10, 2005, was employed by Boeing at its
17 Wichita, Kansas facility. Plaintiff Bailey was employed by Boeing for eighteen (18) years.
18 Plaintiff Bailey was qualified to hold his position as an equipment maintenance electrician.
19 Thus, Plaintiff Bailey filed a timely EEOC compliant, received a notice of the right to sue and
20 has exhausted all administrative remedies.

21 17. Plaintiff was at least forty years old at the time of the adverse employment
22 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
23 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
24 received any complaints about their work performance in 18 years. A younger worker was also
25 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
26 decision. Also, there was a continued need for the duties that Plaintiff performed and younger

1 comparators kept their jobs, were recommended, and/or were not adversely affected. This
2 combination of facts supports an inference of discrimination under all relevant case law.

3 18. Plaintiff Jacob A. Bakk (“Plaintiff Bakk”) is a resident of the State of Kansas who
4 was born on March 6, 1954, and who, as of May 16, 2005, was employed by Boeing at its
5 Wichita, Kansas facility. Plaintiff Bakk was employed by Boeing for twenty-five (25) years.
6 Plaintiff Bakk was qualified to hold his position as a chief metal machine operator. Thus,
7 Plaintiff Bakk filed a timely EEOC compliant, received a notice of the right to sue and has
8 exhausted all administrative remedies.

9 19. Plaintiff was at least forty years old at the time of the adverse employment decision.
10 Additionally, Plaintiff was performing all job requirements satisfactorily or better. Moreover,
11 Plaintiff consistently received positive performance reviews. Plaintiff also never received any
12 complaints about their work performance in 25 years. A younger worker was also tasked to
13 fulfill the job requirements that Plaintiff performed prior to the adverse employment decision.
14 Also, there was a continued need for the duties that Plaintiff performed and younger comparators
15 kept their jobs, were recommended, and/or were not adversely affected. This combination of
16 facts supports an inference of discrimination under all relevant case law.

17 20. Plaintiff Gary Ball (“Plaintiff Ball”) is a resident of the State of Kansas who was
18 born on September 26, 1946, and who, as of May 20, 2005, was employed by Boeing at its
19 Wichita, Kansas facility. Boeing employed plaintiff Ball for eighteen (18) years. Plaintiff Ball
20 was qualified to hold his position as a plumber/boiler employee. Thus, Plaintiff Ball filed a
21 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
22 remedies.

23 21. Plaintiff Ball was at least forty years old at the time of the adverse employment decision.
24 Additionally, Plaintiff was performing all job requirements satisfactorily or better. Moreover,
25 Plaintiff consistently received good to great performance reviews. Plaintiff also never received
26 any complaints about their work performance in 18 years. A younger worker was also tasked to

1 fulfill the job requirements that Plaintiff performed prior to the adverse employment decision.
2 Also, there was a continued need for the duties that Plaintiff performed and younger comparators
3 kept their jobs, were recommended, and/or were not adversely affected. This combination of
4 facts supports an inference of discrimination under all relevant case law.

5 22. Plaintiff Charles L. Bean Jr. ("Plaintiff Bean") is a resident of the State of Kansas
6 who was born on January 24, 1952, and who, as of May 2005, was employed by Boeing at its
7 Wichita, Kansas facility. Plaintiff Bean was employed by Boeing for seventeen (17) years.
8 Plaintiff Bean was qualified to hold his position as on the move crew.

9 23. Plaintiff Bean was at least forty years old at the time of the adverse employment
10 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
11 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
12 received any complaints about their work performance in 17 years. A younger worker was also
13 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
14 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
15 comparators kept their jobs, were recommended, and/or were not adversely affected. This
16 combination of facts supports an inference of discrimination under all relevant case law.

17 24. Plaintiff Peggy S. Bell ("Plaintiff Bell") is a resident of the State of Kansas who
18 was born on April 2, 1951, and who, as of May 20, 2005, was employed by Boeing at its
19 Wichita, Kansas facility. Boeing employed plaintiff Bell for more than twenty (20) years.
20 Plaintiff Bell was qualified to hold her position as a material processor. Thus, Plaintiff Bell filed
21 a timely EEOC complaint, received a notice of the right to sue and has exhausted all
22 administrative remedies.

23 25. Plaintiff Bell was at least forty years old at the time of the adverse employment
24 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
25 Moreover, Plaintiff consistently received great performance reviews. Plaintiff also never
26 received any complaints about their work performance in 20 years. A younger worker was also

1 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
2 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
3 comparators kept their jobs, were recommended, and/or were not adversely affected. This
4 combination of facts supports an inference of discrimination under all relevant case law.

5 26. Plaintiff Thomas Belton ("Plaintiff Belton") is a resident of the State of Kansas
6 who was born on March 23, 1950, and who, as of May 20, 2005, was employed by Boeing at its
7 Wichita, Kansas facility. Plaintiff Belton was employed by Boeing for more than eighteen (18)
8 years. Plaintiff Belton was qualified to hold his position as a plumber/boiler employee. Plaintiff
9 Belton filed a timely EEOC complaint, received a notice of the right to sue and has exhausted all
10 administrative remedies.

11 27. Plaintiff Belton was at least forty years old at the time of the adverse employment
12 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
13 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
14 received any complaints about their work performance in 18 years. A younger worker was also
15 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
16 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
17 comparators kept their jobs, were recommended, and/or were not adversely affected. This
18 combination of facts supports an inference of discrimination under all relevant case law.

19 28. Plaintiff Vernon L. Bentley ("Plaintiff Bentley") is a resident of the State of
20 Kansas who was born on November 12, 1952, and who, as of August 8, 2005, was employed by
21 Boeing at its Wichita, Kansas facility. Plaintiff Bentley was employed by Boeing for more than
22 nineteen (19) years. Plaintiff Bentley was qualified to hold his position as an aluminum heat
23 treater employee.

24 29. Plaintiff Bentley was at least forty years old at the time of the adverse employment
25 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
26 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never

1 received any complaints about their work performance in 19 years. A younger worker was also
2 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
3 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
4 comparators kept their jobs, were recommended, and/or were not adversely affected. This
5 combination of facts supports an inference of discrimination under all relevant case law.

6 30. Plaintiff McLonda Bircher ("Plaintiff Bircher") is a resident of the State of Kansas
7 who was born on December 20, 1960, and who, as of June 3, 2005, was employed by Boeing at
8 its Wichita, Kansas facility. Plaintiff Bircher was employed by Boeing for twenty-two (22)
9 years. Plaintiff Bircher was qualified to hold her position as an asset manager. Plaintiff Bircher
10 filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
11 administrative remedies.

12 31. Plaintiff Bircher was at least forty years old at the time of the adverse employment
13 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
14 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
15 received any complaints about their work performance in 22 years. A younger worker was also
16 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
17 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
18 comparators kept their jobs, were recommended, and/or were not adversely affected. This
19 combination of facts supports an inference of discrimination under all relevant case law.

20 32. Plaintiff Jerry L. Branstetter ("Plaintiff Branstetter") is a resident of the State of
21 Kansas who was born on July 11, 1945, and who, as of June 3, 2005, was employed by Boeing at
22 its Wichita, Kansas facility. Plaintiff Branstetter was employed by Boeing for more than twenty-
23 seven (27) years. Plaintiff Branstetter was qualified to hold the power district electrician
24 position. Thus, Plaintiff Branstetter filed a timely EEOC compliant, received a notice of the
25 right to sue and has exhausted all administrative remedies.
26

1 33. Plaintiff Branstetter was at least forty years old at the time of the adverse
2 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
3 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
4 also never received any complaints about their work performance in 27 years. A younger worker
5 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
6 employment decision. Also, there was a continued need for the duties that Plaintiff performed
7 and younger comparators kept their jobs, were recommended, and/or were not adversely
8 affected. This combination of facts supports an inference of discrimination under all relevant
9 case law.

10 34. Plaintiff Michael E. Burgardt ("Plaintiff Burgardt") is a resident of the State of
11 Kansas who was born on January 26, 1952, and who, as of May 24, 2005, was employed by
12 Boeing at its Wichita, Kansas facility. Plaintiff Burgardt was employed by Boeing for thirty (31)
13 years. Plaintiff Burgardt was qualified to hold his position as a power feed drill technician.
14 Thus, Plaintiff Burgardt filed a timely EEOC complaint, received a notice of the right to sue and
15 has exhausted all administrative remedies.

16 35. Plaintiff Burgardt was at least forty years old at the time of the adverse
17 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
18 or better. Moreover, Plaintiff consistently received well to great performance reviews. Plaintiff
19 also never received any complaints about their work performance in 31 years. A younger worker
20 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
21 employment decision. Also, there was a continued need for the duties that Plaintiff performed
22 and younger comparators kept their jobs, were recommended, and/or were not adversely
23 affected. This combination of facts supports an inference of discrimination under all relevant
24 case law.

25 36. Plaintiff Rocky R. Burris ("Plaintiff Burris") is a resident of the State of Kansas
26 who was born on January 8, 1950, and who, as of May 20, 2005, was employed by Boeing at its

1 Wichita, Kansas facility. Plaintiff Burris was employed by Boeing for twenty (20) years.
2 Plaintiff Burris was qualified to hold his position as a plumber. Thus, Plaintiff Burris filed a
3 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
4 remedies.

5 37. Plaintiff Burris was at least forty years old at the time of the adverse employment
6 decision. Additionally, Plaintiff Burris was performing all job requirements satisfactorily or
7 better. Moreover, Plaintiff Burris consistently received good to great performance reviews.
8 Plaintiff also never received any complaints about their work performance in 20 years. A
9 younger worker was also tasked to fulfill the job requirements that Plaintiff performed prior to
10 the adverse employment decision. Also, there was a continued need for the duties that Plaintiff
11 performed and younger comparators kept their jobs, were recommended, and/or were not
12 adversely affected. This combination of facts supports an inference of discrimination under all
13 relevant case law.

14 38. Plaintiff Frank Cash ("Plaintiff Cash") is a resident of the State of Kansas who
15 was born on October 11, 1946, and who, as of May 20, 2005, was employed by Boeing at its
16 Wichita, Kansas facility. Plaintiff Cash was employed by Boeing for more than eighteen (18)
17 years. Plaintiff Cash was qualified to hold his position as a driveomatic.

18 39. Plaintiff Cash was at least forty years old at the time of the adverse employment
19 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
20 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
21 received any complaints about their work performance in 18 years. A younger worker was also
22 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
23 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
24 comparators kept their jobs, were recommended, and/or were not adversely affected. This
25 combination of facts supports an inference of discrimination under all relevant case law.
26

1 40. Plaintiff Betty Childers (“Plaintiff Childers”) is a resident of the State of Kansas
2 who was born on July 19, 1953, and who, as of May 20, 2005, was employed by Boeing at its
3 Wichita, Kansas facility. Plaintiff Childers was employed by Boeing for twenty-six (26) years.
4 Plaintiff Childers was qualified to hold her position as a material processor. Thus, Plaintiff
5 Childers filed a timely EEOC complaint, received a notice of the right to sue and has exhausted
6 all administrative remedies.

7 41. Plaintiff Childers was at least forty years old at the time of the adverse
8 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
9 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
10 also never received any complaints about their work performance in 26 years. A younger worker
11 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
12 employment decision. Also, there was a continued need for the duties that Plaintiff performed
13 and younger comparators kept their jobs, were recommended, and/or were not adversely
14 affected. This combination of facts supports an inference of discrimination under all relevant
15 case law.

16 42. Plaintiff Redell Coleman (“Plaintiff Coleman”) is a resident of the State of Kansas
17 who was born on April 9, 1946, and who, as of June 2005, was employed by Boeing at its
18 Wichita, Kansas facility. Plaintiff Coleman was employed by Boeing for more than thirty one
19 (31) years. Plaintiff Coleman was qualified to hold his position as a bench mechanic.

20 43. Plaintiff Coleman was at least forty years old at the time of the adverse
21 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
22 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
23 also never received any complaints about their work performance in 31 years. A younger worker
24 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
25 employment decision. Also, there was a continued need for the duties that Plaintiff performed
26 and younger comparators kept their jobs, were recommended, and/or were not adversely

1 affected. This combination of facts supports an inference of discrimination under all relevant
2 case law.

3 44. Plaintiff Larry E. Combs (“Plaintiff Combs”) was a resident of the State of Kansas
4 during the stated allegations. Plaintiff Combs was born on September 9, 1948, and as of June 3,
5 2005, was employed by Boeing at its Wichita, Kansas facility. Plaintiff Combs was employed
6 by Boeing for twenty (20) years. Plaintiff Combs was qualified to hold his position as a business
7 process analyst. Thus, Plaintiff Combs filed a timely EEOC compliant, received a notice of the
8 right to sue and has exhausted all administrative remedies.

9 45. Plaintiff Combs was at least forty years old at the time of the adverse employment
10 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
11 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
12 received any complaints about their work performance in 20 years. A younger worker was also
13 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
14 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
15 comparators kept their jobs, were recommended, and/or were not adversely affected. This
16 combination of facts supports an inference of discrimination under all relevant case law.

17 46. Plaintiff Harvey J. Conyac (“Plaintiff Conyac”) is a resident of the State of Kansas
18 who was born on January 15, 1945, and who, as of May 27, 2005, was employed by Boeing at its
19 Wichita, Kansas facility. Plaintiff Conyac was employed by Boeing for twenty-seven (27) years.
20 Plaintiff Conyac was qualified to hold his position. Thus, Plaintiff Conyac filed a timely EEOC
21 compliant, received a notice of the right to sue and has exhausted all administrative remedies.

22 47. Plaintiff was at least forty years old at the time of the adverse employment
23 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
24 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
25 received any complaints about their work performance in 27 years. A younger worker was also
26 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment

1 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
2 comparators kept their jobs, were recommended, and/or were not adversely affected. This
3 combination of facts supports an inference of discrimination under all relevant case law.

4 48. Plaintiff Loren W. Cox ("Plaintiff Cox") is a resident of the State of Kansas who
5 was born on July 21, 1955, and who, as of May 20, 2005, was employed by Boeing at its
6 Wichita, Kansas facility. Plaintiff Cox was employed by Boeing for more than twenty-four (24)
7 years. Plaintiff Cox was qualified to hold her position as a bench mechanic.

8 49. Plaintiff Cox was at least forty years old at the time of the adverse employment
9 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
10 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
11 received any complaints about their work performance in 24 years. A younger worker was also
12 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
13 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
14 comparators kept their jobs, were recommended, and/or were not adversely affected. This
15 combination of facts supports an inference of discrimination under all relevant case law.

16 50. Plaintiff Phyllis A. Cox ("Plaintiff P. Cox") is a resident of the State of Kansas
17 who was born on January 1, 1949, and who, as of June 20, 2005, was employed by Boeing at its
18 Wichita, Kansas facility. Plaintiff P. Cox was employed by Boeing for eighteen (18) years.
19 Plaintiff P. Cox was qualified to hold her position as a sheet metal machinist. Thus, Plaintiff P.
20 Cox filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
21 administrative remedies.

22 51. Plaintiff P. Cox was at least forty years old at the time of the adverse employment
23 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
24 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
25 received any complaints about their work performance in 18 years. A younger worker was also
26 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment

1 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
2 comparators kept their jobs, were recommended, and/or were not adversely affected. This
3 combination of facts supports an inference of discrimination under all relevant case law.

4 52. Plaintiff Linda L. DeZarn (“Plaintiff DeZarn”) is a resident of the State of Kansas
5 who was born on June 16, 1956, and who, as of June 16, 2005, was employed by Boeing at its
6 Wichita, Kansas facility. Plaintiff DeZarn was employed by Boeing for ten (10) years. Plaintiff
7 DeZarn was qualified to hold her position as a certified solder. Thus Plaintiff DeZarn filed a
8 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
9 remedies.

10 53. Plaintiff DeZarn was at least forty years old at the time of the adverse employment
11 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
12 Moreover, Plaintiff consistently received great performance reviews. Plaintiff had not received
13 any complaints about her work performance in 10 years. A younger worker was also tasked to
14 fulfill the job requirements that Plaintiff performed prior to the adverse employment decision.
15 Also, there was a continued need for the duties that Plaintiff performed and younger comparators
16 kept their jobs, were recommended, and/or were not adversely affected. This combination of
17 facts supports an inference of discrimination under all relevant case law.

18 54. Plaintiff William D. Doshier (“Plaintiff Doshier”) is a resident of the State of
19 Kansas who was born on December 6, 1953, and who, as of June 17, 2005, was employed by
20 Boeing at its Wichita, Kansas facility. Plaintiff Doshier was employed by Boeing for more than
21 twenty-nine (29) years. Plaintiff Doshier was qualified to hold his position as a equipment
22 operator.

23 55. Plaintiff Doshier was at least forty years old at the time of the adverse
24 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
25 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
26 also never received any complaints about their work performance in 29 years. A younger worker

1 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
2 employment decision. Also, there was a continued need for the duties that Plaintiff performed
3 and younger comparators kept their jobs, were recommended, and/or were not adversely
4 affected. This combination of facts supports an inference of discrimination under all relevant
5 case law.

6 56. Plaintiff Charles D. Elder (“Plaintiff Elder”) is a resident of the State of Kansas
7 who was born on February 28, 1952, and who, as of June 2005, was employed by Boeing at its
8 Wichita, Kansas facility. Plaintiff Elder was employed by Boeing for more than twenty-six (26)
9 years. Plaintiff Elder was qualified to hold his position as a materials processor employee.

10 57. Plaintiff Elder was at least forty years old at the time of the adverse employment
11 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
12 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
13 received any complaints about their work performance in 26 years. A younger worker was also
14 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
15 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
16 comparators kept their jobs, were recommended, and/or were not adversely affected. This
17 combination of facts supports an inference of discrimination under all relevant case law.

18 58. Plaintiff Alan S. Epperson (“Plaintiff Epperson”) is a resident of the State of
19 Kansas who was born on August 22, 1964, and who, as of May 20, 2005, was employed by
20 Boeing at its Wichita, Kansas facility. Plaintiff Epperson was employed by Boeing for sixteen
21 (16) years. Plaintiff Epperson was qualified to hold his position as an inspector. Thus, Plaintiff
22 Epperson filed a timely EEOC compliant, received a notice of the right to sue and has exhausted
23 all administrative remedies.

24 59. Plaintiff Epperson was at least forty years old at the time of the adverse
25 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
26 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff

1 also never received any complaints about their work performance in 16 years. A younger worker
2 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
3 employment decision. Also, there was a continued need for the duties that Plaintiff performed
4 and younger comparators kept their jobs, were recommended, and/or were not adversely
5 affected. This combination of facts supports an inference of discrimination under all relevant
6 case law.

7 60. Plaintiff Lloyd C. Fansler ("Plaintiff Fansler") is a resident of the State of Kansas
8 who was born on August 5, 1946, and who, as of May 20, 2005, was employed by Boeing at its
9 Wichita, Kansas facility. Plaintiff Fansler was employed by Boeing for thirty-one (31) years.
10 Plaintiff Fansler was qualified to hold his position as a skin and spar area person.

11 61. Plaintiff Fansler was at least forty years old at the time of the adverse employment
12 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
13 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
14 received any complaints about their work performance in 31 years. A younger worker was also
15 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
16 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
17 comparators kept their jobs, were recommended, and/or were not adversely affected. This
18 combination of facts supports an inference of discrimination under all relevant case law.

19 62. Plaintiff Jerald J. Gilbert ("Plaintiff Gilbert") is a resident of the State of Kansas
20 who was born on April 20, 1950, and who, as of May 19, 2005, was employed by Boeing at its
21 Wichita, Kansas facility. Plaintiff Gilbert was employed by Boeing for seventeen (17) years.
22 Plaintiff Gilbert was qualified to hold his position as sheet metal mechanic. Thus, Plaintiff
23 Gilbert filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
24 administrative remedies.

25 63. Plaintiff Gilbert was at least forty years old at the time of the adverse employment
26 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.

Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never received any complaints about their work performance in 17 years. A younger worker was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment decision. Also, there was a continued need for the duties that Plaintiff performed and younger comparators kept their jobs, were recommended, and/or were not adversely affected. This combination of facts supports an inference of discrimination under all relevant case law.

64. Plaintiff Chip Gilchrist II (“Plaintiff Gilchrist”) is a resident of the State of Kansas who was born on August 30, 1956, and who, as of June 2005, was employed by Boeing at its Wichita, Kansas facility. Plaintiff Gilchrist was employed by Boeing for more than twenty (20) years. Plaintiff Gilchrist was qualified to hold his position as a sheet metal mechanic employee.

65. Plaintiff Gilchrist was at least forty years old at the time of the adverse employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never received any complaints about their work performance in 20 years. A younger worker was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment decision. Also, there was a continued need for the duties that Plaintiff performed and younger comparators kept their jobs, were recommended, and/or were not adversely affected. This combination of facts supports an inference of discrimination under all relevant case law.

66. Plaintiff Richard Gotthard (“Plaintiff Gotthard”) is a resident of the State of Kansas who was born on December 23, 1956, and who, as of May 20, 2005, was employed by Boeing at its Wichita, Kansas facility. Boeing employed plaintiff Gotthard for twenty-five (25) years. Plaintiff Gotthard was qualified to hold his position as a machinist. Thus, Plaintiff Gotthard filed a timely EEOC complaint, received a notice of the right to sue and has exhausted all administrative remedies.

1 67. Plaintiff Gotthard was at least forty years old at the time of the adverse
2 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
3 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
4 also never received any complaints about their work performance in 25 years. A younger worker
5 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
6 employment decision. Also, there was a continued need for the duties that Plaintiff performed
7 and younger comparators kept their jobs, were recommended, and/or were not adversely
8 affected. This combination of facts supports an inference of discrimination under all relevant
9 case law.

10 68. Plaintiff Brian Groom (“Plaintiff Groom”) is a resident of the State of Kansas who
11 was born on October 2, 1958, and who, as of May 20, 2005, was employed by Boeing at its
12 Wichita, Kansas facility. Plaintiff Groom was employed by Boeing for more than twenty-four
13 (24) years. Plaintiff Groom was qualified to hold his position as a plastics bench mechanic.
14 Thus, Plaintiff Groom filed a timely EEOC complaint, received a notice of the right to sue and
15 has exhausted all administrative remedies.

16 69. Plaintiff Groom was at least forty years old at the time of the adverse employment
17 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
18 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
19 received any complaints about their work performance in 24 years. A younger worker was also
20 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
21 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
22 comparators kept their jobs, were recommended, and/or were not adversely affected. This
23 combination of facts supports an inference of discrimination under all relevant case law.

24 70. Plaintiff James Hammon (“Plaintiff Hammon”) is a resident of the State of Kansas who
25 was born on April 25, 1951, and who, as of May 20, 2005, was employed by Boeing at its
26 Wichita, Kansas facility. Plaintiff Hammon was employed by Boeing for thirty-one (31) years.

1 Plaintiff Hammon was qualified to hold his position in transportation. Thus, Plaintiff Hammon
2 filed a timely EEOC complaint, received a notice of the right to sue and has exhausted all
3 administrative remedies.

4 71. Plaintiff was at least forty years old at the time of the adverse employment decision.
5 Additionally, Plaintiff was performing all job requirements satisfactorily or better. Moreover,
6 Plaintiff consistently received good to great performance reviews. Plaintiff also never received
7 any complaints about their work performance in 31 years. A younger worker was also tasked to
8 fulfill the job requirements that Plaintiff performed prior to the adverse employment decision.
9 Also, there was a continued need for the duties that Plaintiff performed and younger comparators
10 kept their jobs, were recommended, and/or were not adversely affected. This combination of
11 facts supports an inference of discrimination under all relevant case law.

12 72. Plaintiff Janet S. Hansen ("Plaintiff Hansen") is a resident of the State of Kansas
13 who was born on July 4, 1960, and who, as of May 20, 2005, was employed by Boeing at its
14 Wichita, Kansas facility. Plaintiff Hansen was employed by Boeing for more than twenty-one
15 (21) years. Plaintiff Hansen was qualified to hold her position as a transportation employee.

16 73. Plaintiff Hansen was at least forty years old at the time of the adverse employment
17 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
18 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
19 received any complaints about their work performance in 21 years. A younger worker was also
20 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
21 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
22 comparators kept their jobs, were recommended, and/or were not adversely affected. This
23 combination of facts supports an inference of discrimination under all relevant case law.

24 74. Plaintiff Denise A. Harris ("Plaintiff Harris") is a resident of the State of Kansas
25 who was born on August 10, 1954, and who, as of May 20, 2005, was employed by Boeing at its
26

1 Wichita, Kansas facility. Plaintiff Harris was employed by Boeing for more than twenty-nine
2 (29) years. Plaintiff Harris was qualified to hold her position as a factory clerk.

3 75. Plaintiff Harris was at least forty years old at the time of the adverse employment
4 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
5 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
6 received any complaints about their work performance in 29 years. A younger worker was also
7 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
8 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
9 comparators kept their jobs, were recommended, and/or were not adversely affected. This
10 combination of facts supports an inference of discrimination under all relevant case law.

11 76. Plaintiff Allen C. Hatcher (“Plaintiff Hatcher”) is a resident of the State of Kansas
12 who was born on April 13, 1949, and who, as of May 20, 2005, was employed by Boeing at its
13 Wichita, Kansas facility. Boeing employed plaintiff Hatcher for more than nineteen (19) years.
14 Plaintiff Hatcher was qualified to hold his position as an inspector.

15 77. Plaintiff Hatcher was at least forty years old at the time of the adverse
16 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
17 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
18 also never received any complaints about their work performance in 19 years. A younger worker
19 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
20 employment decision. Also, there was a continued need for the duties that Plaintiff performed
21 and younger comparators kept their jobs, were recommended, and/or were not adversely
22 affected. This combination of facts supports an inference of discrimination under all relevant
23 case law.

24 78. Plaintiff Ron W. Hendershot (“Plaintiff Hendershot”) is a resident of the State of
25 Kansas who was born on March 10, 1957, and who, as of May 20, 2005, was employed by
26 Boeing at its Wichita, Kansas facility. Plaintiff Hendershot was employed by Boeing for twenty-

1 seven (27) years. Plaintiff Hendershot was qualified to hold his position as a carpenter
2 millwright specialist.

3 79. Plaintiff Hendershot was at least forty years old at the time of the adverse
4 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
5 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
6 also never received any complaints about their work performance in 27 years. A younger worker
7 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
8 employment decision. Also, there was a continued need for the duties that Plaintiff performed
9 and younger comparators kept their jobs, were recommended, and/or were not adversely
10 affected. This combination of facts supports an inference of discrimination under all relevant
11 case law.

12 80. Plaintiff Verna J. Houston ("Plaintiff Houston") is a resident of the State of
13 Kansas who was born on March 26, 1949, and who, as of May 18, 2005, was employed by
14 Boeing at its Wichita, Kansas facility. Plaintiff Houston was employed by Boeing for ten years.
15 Plaintiff Houston was qualified to hold her position as a sealer. Thus, Plaintiff Houston filed a
16 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
17 remedies.

18 81. Plaintiff Houston was at least forty years old at the time of the adverse
19 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
20 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
21 also never received any complaints about their work performance in 10 years. A younger worker
22 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
23 employment decision. Also, there was a continued need for the duties that Plaintiff performed
24 and younger comparators kept their jobs, were recommended, and/or were not adversely
25 affected. This combination of facts supports an inference of discrimination under all relevant
26 case law.

1 82. Plaintiff Larry W. James (“Plaintiff L. James”) is a resident of the State of Kansas
2 who was born on June 26, 1958, and who, as of May 20, 2005, was employed by Boeing at its
3 Wichita, Kansas facility. Plaintiff James was employed by Boeing for more than twenty-four
4 (24) years. Plaintiff James was qualified to hold his position as a material processor. Thus,
5 Plaintiff James filed a timely EEOC compliant, received a notice of the right to sue and has
6 exhausted all administrative remedies.

7 83. Plaintiff James was at least forty years old at the time of the adverse employment
8 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
9 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
10 received any complaints about their work performance in 24 years. A younger worker was also
11 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
12 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
13 comparators kept their jobs, were recommended, and/or were not adversely affected. This
14 combination of facts supports an inference of discrimination under all relevant case law.

15 84. Plaintiff Dale C. Jayne Jr. (“Plaintiff Jayne”) is a resident of the State of Kansas
16 who was born on May 28, 1950, and who, as of June 16, 2005, was employed by Boeing at its
17 Wichita, Kansas facility. Plaintiff Jayne was employed by Boeing for more than nineteen (19)
18 years. Plaintiff Jayne was qualified to hold his position as a tool maker.

19 85. Plaintiff Jayne was at least forty years old at the time of the adverse employment
20 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
21 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
22 received any complaints about their work performance in 19 years. A younger worker was also
23 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
24 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
25 comparators kept their jobs, were recommended, and/or were not adversely affected. This
26 combination of facts supports an inference of discrimination under all relevant case law.

1 86. Plaintiff Gary L. Johnson (“Plaintiff Johnson”) is a resident of the State of Kansas
2 who was born on August 6, 1952, and who, as of May 20, 2005, was employed by Boeing at its
3 Wichita, Kansas facility. Plaintiff Johnson was employed by Boeing for more than twenty-five
4 (25) years. Plaintiff Johnson was qualified to hold his position. Thus, Plaintiff Johnson filed a
5 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
6 remedies.

7 87. Plaintiff Johnson was at least forty years old at the time of the adverse
8 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
9 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
10 also never received any complaints about their work performance in 25 years. A younger worker
11 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
12 employment decision. Also, there was a continued need for the duties that Plaintiff performed
13 and younger comparators kept their jobs, were recommended, and/or were not adversely
14 affected. This combination of facts supports an inference of discrimination under all relevant
15 case law.

16 88. Plaintiff Melvyn J. Johnson (“Plaintiff M. Johnson”) is a resident of the State of
17 Kansas who was born on April 28, 1953, and who, as of June 20, 2005, was employed by Boeing
18 at its Wichita, Kansas facility. Plaintiff M. Johnson was employed by Boeing for more than
19 twenty-seven (27) years. Plaintiff M. Johnson was qualified to hold his position as a laminator.
20 Thus, Plaintiff M. Johnson filed a timely EEOC compliant, received a notice of the right to sue
21 and has exhausted all administrative remedies.

22 89. Plaintiff Johnson was at least forty years old at the time of the adverse
23 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
24 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
25 also never received any complaints about their work performance in 27 years. A younger worker
26 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse

1 employment decision. Also, there was a continued need for the duties that Plaintiff performed
2 and younger comparators kept their jobs, were recommended, and/or were not adversely
3 affected. This combination of facts supports an inference of discrimination under all relevant
4 case law.

5 90. Plaintiff Donald R. Jones ("Plaintiff Jones") is a resident of the State of Kansas who was
6 born on August 9, 1953, and who, as of May 19, 2005, was employed by Boeing at its Wichita,
7 Kansas facility. Plaintiff Jones was employed by Boeing for nineteen (19) years. Plaintiff Jones
8 was qualified to hold his position as an environmental operator. Thus, Plaintiff Jones filed a
9 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
10 remedies.

11 91. Plaintiff Jones was at least forty years old at the time of the adverse employment
12 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
13 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
14 received any complaints about their work performance in 19 years. A younger worker was also
15 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
16 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
17 comparators kept their jobs, were recommended, and/or were not adversely affected. This
18 combination of facts supports an inference of discrimination under all relevant case law.

19 92. Plaintiff Ralph O. Keener ("Plaintiff Keener") is a resident of the State of Kansas
20 who was born on August 22, 1948, and who, as of May 20, 2005, was employed by Boeing at its
21 Wichita, Kansas facility. Plaintiff Keener was employed by Boeing for eighteen (18) years.
22 Plaintiff Keener was qualified to hold his position as an assembly installer. Thus, Plaintiff
23 Keener filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
24 administrative remedies.

25 93. Plaintiff Keener was at least forty years old at the time of the adverse employment
26 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.

Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never received any complaints about their work performance in 18 years. A younger worker was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment decision. Also, there was a continued need for the duties that Plaintiff performed and younger comparators kept their jobs, were recommended, and/or were not adversely affected. This combination of facts supports an inference of discrimination under all relevant case law.

94. Plaintiff Danny R. Kennedy ("Plaintiff Kennedy") is a resident of the State of Kansas who was born on September 12, 1952, and who, as June 16, 2005, was employed by Boeing at its Wichita, Kansas facility. Plaintiff Kennedy was employed by Boeing for more than twenty-six (26) years. Plaintiff Kennedy was qualified to hold his position as a carpenter/millwright specialist.

95. Plaintiff Kennedy was at least forty years old at the time of the adverse employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never received any complaints about their work performance in 26 years. A younger worker was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment decision. Also, there was a continued need for the duties that Plaintiff performed and younger comparators kept their jobs, were recommended, and/or were not adversely affected. This combination of facts supports an inference of discrimination under all relevant case law.

96. Plaintiff Melvin E. Kerns ("Plaintiff Kerns") is a resident of the State of Kansas who was born on January 15, 1954, and who, as of May 20, 2005, was employed by Boeing at its Wichita, Kansas facility. Plaintiff Kerns was employed by Boeing for more than fifteen (15) years. Plaintiff Kerns was qualified to hold his position as a plumber/power plant specialist. Thus, Plaintiff Kerns filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative remedies.

1 97. Plaintiff Kerns was at least forty years old at the time of the adverse employment
2 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
3 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
4 received any complaints about their work performance in 15 years. A younger worker was also
5 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
6 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
7 comparators kept their jobs, were recommended, and/or were not adversely affected. This
8 combination of facts supports an inference of discrimination under all relevant case law.

9 98. Plaintiff Gordon B. Kinkead (“Plaintiff Kinkead”) is a resident of the State of
10 Kansas who was born on October 7, 1953, and who, as of May 20, 2005, was employed by
11 Boeing at its Wichita, Kansas facility. Plaintiff Kinkead was employed by Boeing for more than
12 twenty-five (25) years. Plaintiff Kinkead was qualified to hold his position as a corrective action
13 coordinator. Thus, Plaintiff Kinkead filed a timely EEOC complaint, received a notice of the
14 right to sue and has exhausted all administrative remedies.

15 99. Plaintiff Kinkead was at least forty years old at the time of the adverse
16 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
17 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
18 also never received any complaints about their work performance in 25 years. A younger worker
19 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
20 employment decision. Also, there was a continued need for the duties that Plaintiff performed
21 and younger comparators kept their jobs, were recommended, and/or were not adversely
22 affected. This combination of facts supports an inference of discrimination under all relevant
23 case law.

24 100. Plaintiff Jimmy Le (“Plaintiff Le”) is a resident of the State of Kansas who was
25 born on April 4, 1954, and who, as of May 20, 2005, was employed by Boeing at its Wichita,
26 Kansas facility. Plaintiff Le was employed by Boeing for nineteen (19) years. Plaintiff Le was

1 qualified to hold his position as a mill operator. Plaintiff Le filed a timely EEOC compliant,
2 received a notice of the right to sue and has exhausted all administrative remedies. Plaintiff Le
3 filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
4 administrative remedies.

5 101. Plaintiff Le was at least forty years old at the time of the adverse
6 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
7 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
8 also never received any complaints about their work performance in 19 years. A younger worker
9 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
10 employment decision. Also, there was a continued need for the duties that Plaintiff performed
11 and younger comparators kept their jobs, were recommended, and/or were not adversely
12 affected. This combination of facts supports an inference of discrimination under all relevant
13 case law.

14 102. Plaintiff Carlton D. Lee ("Plaintiff Lee") is a resident of the State of Kansas who
15 was born on January 15, 1951, and who, as of May 20, 2005, was employed by Boeing at its
16 Wichita, Kansas facility. Plaintiff Lee was employed by Boeing for more than twenty (20) years.
17 Plaintiff Lee was qualified to hold his position as a sheet metal assembler. Thus, Plaintiff Lee
18 filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
19 administrative remedies.

20 103. Plaintiff Lee was at least forty years old at the time of the adverse employment
21 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
22 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
23 received any complaints about their work performance in 20 years. A younger worker was also
24 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
25 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
26

1 comparators kept their jobs, were recommended, and/or were not adversely affected. This
2 combination of facts supports an inference of discrimination under all relevant case law.

3 104. Plaintiff Stephen L. Linck ("Plaintiff Linck") is a resident of the State of Kansas
4 who was born on June 11, 1951, and who, as of June 3, 2005, was employed by Boeing at its
5 Wichita, Kansas facility. Plaintiff Linck was employed by Boeing for more than thirty (30)
6 years. Plaintiff Linck was qualified to hold his position as an engineer.

7 105. Plaintiff Linck was at least forty years old at the time of the adverse employment
8 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
9 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
10 received any complaints about their work performance in 30 years. A younger worker was also
11 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
12 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
13 comparators kept their jobs, were recommended, and/or were not adversely affected. This
14 combination of facts supports an inference of discrimination under all relevant case law.

15 106. Plaintiff Jerry L. McKinney ("Plaintiff McKinney") is a resident of the State of
16 Kansas who was born on March 4, 1953, and who, as of May 20 2005, was employed by Boeing
17 at its Wichita, Kansas facility. Plaintiff McKinney was employed by Boeing for more than
18 nineteen (19) years. Plaintiff McKinney was qualified to hold his position as an operator tape
19 machinist employee.

20 107. Plaintiff McKinney was at least forty years old at the time of the adverse
21 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
22 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
23 also never received any complaints about their work performance in 19 years. A younger worker
24 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
25 employment decision. Also, there was a continued need for the duties that Plaintiff performed
26 and younger comparators kept their jobs, were recommended, and/or were not adversely

1 affected. This combination of facts supports an inference of discrimination under all relevant
2 case law.

3 108. Plaintiff Freddy J. McColpin (“Plaintiff McColpin”) is a resident of the State of
4 Kansas who was born on December 9, 1947, and who, as of May 20, 2005, was employed by
5 Boeing at its Wichita, Kansas facility. Plaintiff McColpin was employed by Boeing for more
6 than twenty-three (23) years. Plaintiff McColpin was qualified to hold his position as a
7 plumber/boiler house power plant employee. Thus, Plaintiff McColpin filed a timely EEOC
8 compliant, received a notice of the right to sue and has exhausted all administrative remedies.

9 109. Plaintiff McColpin was at least forty years old at the time of the adverse
10 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
11 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
12 also never received any complaints about their work performance in 23 years. A younger worker
13 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
14 employment decision. Also, there was a continued need for the duties that Plaintiff performed
15 and younger comparators kept their jobs, were recommended, and/or were not adversely
16 affected. This combination of facts supports an inference of discrimination under all relevant
17 case law.

18 110. Plaintiff Mark McCurdy (“Plaintiff McCurdy”) is a resident of the State of
19 Oklahoma who was born on February 17, 1960, and who, as of May 23, 2005, was employed by
20 Boeing at its Tulsa, Oklahoma facility. Plaintiff McCurdy was employed by Boeing for more
21 than twenty-five (25) years. Plaintiff McCurdy was qualified to hold his position as a processor.
22 Thus, Plaintiff McCurdy filed a timely EEOC compliant, received a notice of the right to sue and
23 has exhausted all administrative remedies.

24 111. Plaintiff McCurdy was at least forty years old at the time of the adverse
25 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
26 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff

1 also never received any complaints about their work performance in 25 years. A younger worker
2 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
3 employment decision. Also, there was a continued need for the duties that Plaintiff performed
4 and younger comparators kept their jobs, were recommended, and/or were not adversely
5 affected. This combination of facts supports an inference of discrimination under all relevant
6 case law.

7 112. Plaintiff Cathy J. Munsell (“Plaintiff Munsell”) is a resident of the State of Kansas
8 who was born on December 30, 1956, and who, as of May 20, 2005, was employed by Boeing at
9 its Wichita, Kansas facility. Plaintiff Munsell was employed by Boeing for twenty (20) years.
10 Plaintiff Munsell was qualified to hold her position as an assembler installer. Thus, Plaintiff
11 Munsell filed a timely EEOC complaint, received a notice of the right to sue and has exhausted
12 all administrative remedies.

13 113. Plaintiff Munsell was at least forty years old at the time of the adverse
14 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
15 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
16 also never received any complaints about their work performance in 20 years. A younger worker
17 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
18 employment decision. Also, there was a continued need for the duties that Plaintiff performed
19 and younger comparators kept their jobs, were recommended, and/or were not adversely
20 affected. This combination of facts supports an inference of discrimination under all relevant
21 case law.

22 114. Plaintiff Jan W. Murray (“Plaintiff Murray”) is a resident of the State of Kansas
23 who was born on February 28, 1948, and who, as of May 20, 2005, was employed by Boeing at
24 its Wichita, Kansas facility. Plaintiff Murray was employed by Boeing for more than seventeen
25 (17) years. Plaintiff Murray was qualified to hold his position as plastic bench composite
26

1 mechanic. Thus, Plaintiff Murray filed a timely EEOC complaint, received a notice of the right
2 to sue and has exhausted all administrative remedies.

3 115. Plaintiff Murray was at least forty years old at the time of the adverse employment
4 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
5 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
6 received any complaints about their work performance in 17 years. A younger worker was also
7 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
8 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
9 comparators kept their jobs, were recommended, and/or were not adversely affected. This
10 combination of facts supports an inference of discrimination under all relevant case law.

11 116. Plaintiff Steven Ngo (“Plaintiff Ngo”) is a resident of the State of Kansas who
12 was born on November 2, 1956, and who, as of May 20, 2005, was employed by Boeing at its
13 Wichita, Kansas facility. Plaintiff Ngo was employed by Boeing for more than eighteen (18)
14 years. Plaintiff Ngo was qualified to hold his position in the machine shop. Thus, Plaintiff Ngo
15 filed a timely EEOC complaint, received a notice of the right to sue and has exhausted all
16 administrative remedies.

17 117. Plaintiff Ngo was at least forty years old at the time of the adverse employment
18 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
19 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
20 received any complaints about their work performance in 18 years. A younger worker was also
21 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
22 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
23 comparators kept their jobs, were recommended, and/or were not adversely affected. This
24 combination of facts supports an inference of discrimination under all relevant case law.

25 118. Plaintiff Huyen T. Nguyen (“Plaintiff Nguyen”) is a resident of the State of
26 Kansas who was born on November 10, 1952, and who, as of May 18, 2005, was employed by

1 Boeing at its Wichita, Kansas facility. Plaintiff Nguyen was employed by Boeing for more than
2 eighteen (18) years. Plaintiff Nguyen was qualified to hold the sealer position. Thus, Plaintiff
3 Nguyen filed a timely EEOC complaint, received a notice of the right to sue and has exhausted
4 all administrative remedies.

5 119. Plaintiff Nguyen was at least forty years old at the time of the adverse
6 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
7 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
8 also never received any complaints about their work performance in 18 years. A younger worker
9 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
10 employment decision. Also, there was a continued need for the duties that Plaintiff performed
11 and younger comparators kept their jobs, were recommended, and/or were not adversely
12 affected. This combination of facts supports an inference of discrimination under all relevant
13 case law.

14 120. Plaintiff Luyen D. Nguyen (“Plaintiff L. Nguyen”) is a resident of the State of
15 Kansas who was born on November 20, 1950, and who, as of May 20, 2005, was employed by
16 Boeing at its Wichita, Kansas facility. Plaintiff L. Nguyen was employed by Boeing for sixteen
17 (16) years. Plaintiff Nguyen was qualified to hold the tape machine operator position. Thus,
18 Plaintiff Nguyen filed a timely EEOC complaint, received a notice of the right to sue and has
19 exhausted all administrative remedies.

20 121. Plaintiff L. Nguyen was at least forty years old at the time of the adverse
21 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
22 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
23 also never received any complaints about their work performance in 16 years. A younger worker
24 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
25 employment decision. Also, there was a continued need for the duties that Plaintiff performed
26 and younger comparators kept their jobs, were recommended, and/or were not adversely

1 affected. This combination of facts supports an inference of discrimination under all relevant
2 case law.

3 122. Plaintiff Barbara A. Odom (“Plaintiff Odom”) is a resident of the State of
4 Oklahoma who was born on September 5, 1938, and who, as of June 3, 2005, was employed by
5 Boeing at its Tulsa, Oklahoma facility. Plaintiff Odom was employed by Boeing for twenty (20)
6 years. Plaintiff Odom was qualified to hold her position as a supply chain management analyst.

7 123. Plaintiff Odom was at least forty years old at the time of the adverse employment
8 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
9 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
10 received any complaints about their work performance in 20 years. A younger worker was also
11 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
12 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
13 comparators kept their jobs, were recommended, and/or were not adversely affected. This
14 combination of facts supports an inference of discrimination under all relevant case law.

15 124. Plaintiff Kent W. Owen (“Plaintiff Owen”) is a resident of the State of Kansas
16 who was born on December 17, 1958, and who, as of June 3, 2005, was employed by Boeing at
17 its Wichita, Kansas facility. Plaintiff Owen was employed by Boeing for more than twenty-one
18 (21) years. Plaintiff Owen was qualified to hold his position as a MR&D technical analyst.
19 Thus, Plaintiff Owen filed a timely EEOC complaint, received a notice of the right to sue and has
20 exhausted all administrative remedies.

21 125. Plaintiff Owen was at least forty years old at the time of the adverse employment
22 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
23 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
24 received any complaints about their work performance in 21 years. A younger worker was also
25 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
26 decision. Also, there was a continued need for the duties that Plaintiff performed and younger

1 comparators kept their jobs, were recommended, and/or were not adversely affected. This
2 combination of facts supports an inference of discrimination under all relevant case law.

3 126. Plaintiff Lowanda J. Patton (“Plaintiff Patton”) is a resident of the State of Kansas
4 who was born on November 26, 1948, and who, as of June 16, 2005, was employed by Boeing at
5 its Wichita, Kansas facility. Plaintiff Patton was employed by Boeing for twenty-six (26) years.
6 Plaintiff Patton was qualified to hold her position as a steel metal employee. Thus, Plaintiff
7 Patton filed a timely EEOC complaint, received a notice of the right to sue and has exhausted all
8 administrative remedies.

9 127. Plaintiff Patton was at least forty years old at the time of the adverse employment
10 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
11 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
12 received any complaints about their work performance in 26 years. A younger worker was also
13 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
14 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
15 comparators kept their jobs, were recommended, and/or were not adversely affected. This
16 combination of facts supports an inference of discrimination under all relevant case law.

17 128. Plaintiff Paul D. Pete (“Plaintiff Pete”) is a resident of the State of Kansas who
18 was born on December 13, 1954, and who, as of May 20, 2005, was employed by Boeing at its
19 Wichita, Kansas facility. Plaintiff Pete was employed at Boeing for more than twenty-five (25)
20 years. Plaintiff Pete was qualified to hold his position as a sheet metal employee.

21 129. Plaintiff Pete was at least forty years old at the time of the adverse employment
22 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
23 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
24 received any complaints about their work performance in 25 years. A younger worker was also
25 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
26 decision. Also, there was a continued need for the duties that Plaintiff performed and younger

1 comparators kept their jobs, were recommended, and/or were not adversely affected. This
2 combination of facts supports an inference of discrimination under all relevant case law.

3 130. Plaintiff Ba Pham (“Plaintiff Pham”) is a resident of the State of Kansas who was
4 born on October 27, 1946, and who, as of May 20, 2005, was employed by Boeing at its Wichita,
5 Kansas facility. Plaintiff Pham was employed at Boeing for more than twenty-two (22) years.
6 Plaintiff Pham was qualified to hold the CNC Machinist position.

7 131. Plaintiff Pham was at least forty years old at the time of the adverse employment
8 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
9 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
10 received any complaints about their work performance in 22 years. A younger worker was also
11 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
12 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
13 comparators kept their jobs, were recommended, and/or were not adversely affected. This
14 combination of facts supports an inference of discrimination under all relevant case law.

15 132. Plaintiff Brent L. Popp (“Plaintiff Popp”) is a resident of the State of Kansas who
16 was born on August 6, 1959, and who, as of May 20, 2005, was employed by Boeing at its
17 Wichita, Kansas facility. Plaintiff Popp was employed by Boeing for more than twenty-five (25)
18 years. Plaintiff Popp was qualified to hold his position. Thus, Plaintiff Popp filed a timely
19 EEOC complaint, received a notice of the right to sue and has exhausted all administrative
20 remedies.

21 133. Plaintiff Popp was at least forty years old at the time of the adverse employment
22 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
23 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
24 received any complaints about their work performance in 25 years. A younger worker was also
25 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
26 decision. Also, there was a continued need for the duties that Plaintiff performed and younger

1 comparators kept their jobs, were recommended, and/or were not adversely affected. This
2 combination of facts supports an inference of discrimination under all relevant case law.

3 134. Plaintiff James E. Porter ("Plaintiff Porter") is a resident of the State of Kansas
4 who was born on January 2, 1947, and who, as of June 3, 2005, was employed by Boeing at its
5 Wichita, Kansas facility. Plaintiff Porter was employed by Boeing for more than eighteen (18)
6 years. Plaintiff Porter was qualified to hold his position as a project planner.

7 135. Plaintiff Porter was at least forty years old at the time of the adverse employment
8 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
9 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
10 received any complaints about their work performance in 18 years. A younger worker was also
11 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
12 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
13 comparators kept their jobs, were recommended, and/or were not adversely affected. This
14 combination of facts supports an inference of discrimination under all relevant case law.

15 136. Plaintiff Jay E. Powell ("Plaintiff Powell") is a resident of the State of Kansas
16 who was born on October 6, 1954, and who, as of June 16 2005, was employed by Boeing at its
17 Wichita, Kansas facility. Plaintiff Powell was employed by Boeing for more than thirty-one (31)
18 years. Plaintiff Powell was qualified to hold the production machinist position. Thus, Plaintiff
19 Powell filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
20 administrative remedies.

21 137. Plaintiff Powell was at least forty years old at the time of the adverse employment
22 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
23 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
24 received any complaints about their work performance in 31 years. A younger worker was also
25 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
26 decision. Also, there was a continued need for the duties that Plaintiff performed and younger

1 comparators kept their jobs, were recommended, and/or were not adversely affected. This
2 combination of facts supports an inference of discrimination under all relevant case law.

3 138. Plaintiff Willard J. Ratchford (“Plaintiff Ratchford”) is a resident of the State of
4 Kansas who was born on October 16, 1957, and who, as of June 16, 2005, was employed by
5 Boeing at its Wichita, Kansas facility. Plaintiff Ratchford was employed by Boeing for nineteen
6 (19) years. Plaintiff Ratchford was qualified to hold his position as a hand router operator.
7 Thus, Plaintiff Ratchford filed a timely EEOC compliant, received a notice of the right to sue and
8 has exhausted all administrative remedies.

9 139. Plaintiff Ratchford was at least forty years old at the time of the adverse
10 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
11 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
12 also never received any complaints about their work performance in 19 years. A younger worker
13 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
14 employment decision. Also, there was a continued need for the duties that Plaintiff performed
15 and younger comparators kept their jobs, were recommended, and/or were not adversely
16 affected. This combination of facts supports an inference of discrimination under all relevant
17 case law.

18 140. Plaintiff Veronica Rios (“Plaintiff Rios”) is a resident of the State of Kansas who
19 was born on November 20, 1961, and who, as of May 21, 2005, was employed by Boeing at its
20 Wichita, Kansas facility. Plaintiff Rios was employed by Boeing for more than five years.
21 Plaintiff Rios was qualified to hold her position as a bench mechanic.

22 141. Plaintiff Rios was at least forty years old at the time of the adverse employment
23 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
24 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
25 received any complaints about their work performance in 5 years. A younger worker was also
26 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment

1 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
2 comparators kept their jobs, were recommended, and/or were not adversely affected. This
3 combination of facts supports an inference of discrimination under all relevant case law.

4 142. Plaintiff Richard D. Roeder (“Plaintiff Roeder”) is a resident of the State of
5 Kansas who was born on May 8, 1953, and who, as of June 16, 2005, was employed by Boeing
6 at its Wichita, Kansas facility. Plaintiff Roeder was employed by Boeing for more than twenty-
7 five (25) years. Plaintiff Roeder was qualified to hold his position as a machinist. Thus, Plaintiff
8 Roeder filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
9 administrative remedies.

10 143. Plaintiff Roeder was at least forty years old at the time of the adverse
11 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
12 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
13 also never received any complaints about their work performance in 25 years. A younger worker
14 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
15 employment decision. Also, there was a continued need for the duties that Plaintiff performed
16 and younger comparators kept their jobs, were recommended, and/or were not adversely
17 affected. This combination of facts supports an inference of discrimination under all relevant
18 case law.

19 144. Plaintiff Albert Schloetzer (“Plaintiff Schloetzer”) is a resident of the State of
20 Kansas who was born on August 21, 1951, and who, as of May 20, 2005, was employed by
21 Boeing at its Wichita, Kansas facility. Plaintiff Schloetzer was employed by Boeing for fifteen
22 (15) years. Plaintiff Schloetzer was qualified to hold his position as a housekeeper.

23 145. Plaintiff Schloetzer was at least forty years old at the time of the adverse
24 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
25 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
26 also never received any complaints about their work performance in 15 years. A younger worker

1 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
2 employment decision. Also, there was a continued need for the duties that Plaintiff performed
3 and younger comparators kept their jobs, were recommended, and/or were not adversely
4 affected. This combination of facts supports an inference of discrimination under all relevant
5 case law.

6 146. Plaintiff Joseph E. Schroeder ("Plaintiff Schroeder") is a resident of the State of
7 Kansas who was born on July 23, 1949, and who, as of June 2005, was employed by Boeing at
8 its Wichita, Kansas facility. Plaintiff Schroeder was employed by Boeing for more than nineteen
9 (19) years. Plaintiff Schroeder was qualified to hold his position as a materials processor
10 employee.

11 147. Plaintiff Schroeder was at least forty years old at the time of the adverse
12 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
13 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
14 also never received any complaints about their work performance in 19 years. A younger worker
15 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
16 employment decision. Also, there was a continued need for the duties that Plaintiff performed
17 and younger comparators kept their jobs, were recommended, and/or were not adversely
18 affected. This combination of facts supports an inference of discrimination under all relevant
19 case law.

20 148. Plaintiff Steven M. Schwind ("Plaintiff Schwind") is a resident of the State of
21 Kansas who was born on July 26, 1951 and who, as of June 2005, was employed by Boeing at its
22 Wichita, Kansas facility. Plaintiff Schwind was employed by Boeing for more than nineteen
23 (19) years. Plaintiff Schwind was qualified to hold his position as a manufacturing planner
24 employee.

25 149. Plaintiff Schwind was at least forty years old at the time of the adverse
26 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily

1 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
2 also never received any complaints about their work performance in 19 years. A younger worker
3 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
4 employment decision. Also, there was a continued need for the duties that Plaintiff performed
5 and younger comparators kept their jobs, were recommended, and/or were not adversely
6 affected. This combination of facts supports an inference of discrimination under all relevant
7 case law.

8 150. Plaintiff William H. Setchell ("Plaintiff Setchell") is a resident of the State of
9 Kansas who was born on March 30, 1954, and who, as of June 16, 2005, was employed by
10 Boeing at its Wichita, Kansas facility. Plaintiff Setchell was employed by Boeing for twenty-
11 seven (27) years. Plaintiff Setchell was qualified to hold his position as a storekeeper/clerk.
12 Thus, Plaintiff Setchell filed a timely EEOC complaint, received a notice of the right to sue and
13 has exhausted all administrative remedies.

14 151. Plaintiff Setchell was at least forty years old at the time of the adverse
15 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
16 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
17 also never received any complaints about their work performance in 27 years. A younger worker
18 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
19 employment decision. Also, there was a continued need for the duties that Plaintiff performed
20 and younger comparators kept their jobs, were recommended, and/or were not adversely
21 affected. This combination of facts supports an inference of discrimination under all relevant
22 case law.

23 152. Plaintiff James C. Sheppard ("Plaintiff Sheppard") is a resident of the State of
24 Kansas who was born on January 24, 1953, and who, was employed by Boeing for eighteen (18)
25 years. Plaintiff Sheppard was qualified to hold his position. Thus, Plaintiff Sheppard filed a
26

1 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
2 remedies.

3 153. Plaintiff Sheppard was at least forty years old at the time of the adverse
4 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
5 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
6 also never received any complaints about their work performance in 18 years. A younger worker
7 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
8 employment decision. Also, there was a continued need for the duties that Plaintiff performed
9 and younger comparators kept their jobs, were recommended, and/or were not adversely
10 affected. This combination of facts supports an inference of discrimination under all relevant
11 case law.

12 154. Plaintiff Teddy E. Sill ("Plaintiff Sill") is a resident of the State of Kansas who
13 was born on July 13, 1952, and who, as of May 2005, was employed by Boeing at its Wichita,
14 Kansas facility. Plaintiff Sill was employed by Boeing for more than twenty (20) years.
15 Plaintiff Sill was qualified to hold his position as a polisher-lead employee.

16 155. Plaintiff Sill was at least forty years old at the time of the adverse employment
17 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
18 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
19 received any complaints about their work performance in 20 years. A younger worker was also
20 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
21 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
22 comparators kept their jobs, were recommended, and/or were not adversely affected. This
23 combination of facts supports an inference of discrimination under all relevant case law.

24 156. Plaintiff Sammy J. Smith ("Plaintiff S. Smith") is a resident of the State of
25 Kansas who was born on January 31, 1959, and who, as of May 20, 2005, was employed by
26 Boeing at its Wichita, Kansas facility. Plaintiff S. Smith was employed by Boeing for more than

1 nineteen (19) years. Plaintiff S. Smith was qualified to hold his position as an machinist. Thus,
2 Plaintiff S. Smith filed a timely EEOC compliant, received a notice of the right to sue and has
3 exhausted all administrative remedies.

4 157. Plaintiff Smith was at least forty years old at the time of the adverse employment
5 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
6 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
7 received any complaints about their work performance in 19 years. A younger worker was also
8 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
9 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
10 comparators kept their jobs, were recommended, and/or were not adversely affected. This
11 combination of facts supports an inference of discrimination under all relevant case law.

12 158. Plaintiff Sharon A. Southern ("Plaintiff Southern") is a resident of the State of
13 Kansas who was born on September 23, 1951, and who, as of May 20, 2005, was employed by
14 Boeing at its Wichita, Kansas facility. Plaintiff Southern was employed by Boeing for twenty
15 (20) years. Plaintiff Southern was qualified to hold her position as a sheet metal assembler.
16 Thus, Plaintiff Southern filed a timely EEOC compliant, received a notice of the right to sue and
17 has exhausted all administrative remedies.

18 159. Plaintiff Southern was at least forty years old at the time of the adverse
19 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
20 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
21 also never received any complaints about their work performance in 20 years. A younger worker
22 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
23 employment decision. Also, there was a continued need for the duties that Plaintiff performed
24 and younger comparators kept their jobs, were recommended, and/or were not adversely
25 affected. This combination of facts supports an inference of discrimination under all relevant
26 case law.

1 160. Plaintiff Linda C. Sparrer (“Plaintiff Sparrer”) is a resident of the State of Kansas
2 who was born on February 26, 1948, and who, as of May 20, 2005, was employed by Boeing at
3 its Wichita, Kansas facility. Plaintiff Sparrer was employed by Boeing for sixteen years.
4 Plaintiff Sparrer was qualified to hold her position as IWTP operator. Thus, Plaintiff Sparrer
5 filed a timely EEOC complaint, received a notice of the right to sue and has exhausted all
6 administrative remedies.

7 161. Plaintiff Sparrer was at least forty years old at the time of the adverse employment
8 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
9 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
10 received any complaints about their work performance in 16 years. A younger worker was also
11 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
12 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
13 comparators kept their jobs, were recommended, and/or were not adversely affected. This
14 combination of facts supports an inference of discrimination under all relevant case law.

15 162. Plaintiff Charles Stark (“Plaintiff Stark”) is a resident of the State of Kansas who
16 was born on July 26, 1961, and who, as of May 2005, was employed by Boeing at its Wichita,
17 Kansas facility. Boeing employed plaintiff Stark for more than sixteen (16) years. Plaintiff
18 Stark was qualified to hold his position as a materials processor employee.

19 163. Plaintiff Stark was at least forty years old at the time of the adverse employment
20 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
21 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
22 received any complaints about their work performance in 16 years. A younger worker was also
23 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
24 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
25 comparators kept their jobs, were recommended, and/or were not adversely affected. This
26 combination of facts supports an inference of discrimination under all relevant case law.

1 164. Plaintiff Donald E. Titus (“Plaintiff Titus”) is a resident of the State of Kansas
2 who was born on June 13, 1952, and who, as of June 16, 2005, was employed by Boeing at its
3 Wichita, Kansas facility. Plaintiff Titus was employed by Boeing for twenty-five (25) years.
4 Plaintiff Titus was qualified to hold his position as a schedule compliance specialist.

5 165. Plaintiff Titus was at least forty years old at the time of the adverse employment
6 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
7 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
8 received any complaints about their work performance in 25 years. A younger worker was also
9 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
10 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
11 comparators kept their jobs, were recommended, and/or were not adversely affected. This
12 combination of facts supports an inference of discrimination under all relevant case law.

13 166. Plaintiff Abel L. Vasquez (“Plaintiff Vasquez”) is a resident of the State of
14 Kansas who was born on May 17, 1942, and who, as of June 3, 2005, was employed by Boeing
15 at its Wichita, Kansas facility. Plaintiff Vasquez was employed by Boeing for more than twenty-
16 eight (28) years. Plaintiff Vasquez was qualified to hold the manufacturing engineer position.
17 Thus, Plaintiff Vasquez filed a timely EEOC complaint, received a notice of the right to sue and
18 has exhausted all administrative remedies.

19 167. Plaintiff Vasquez was at least forty years old at the time of the adverse
20 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
21 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
22 also never received any complaints about their work performance in 28 years. A younger worker
23 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
24 employment decision. Also, there was a continued need for the duties that Plaintiff performed
25 and younger comparators kept their jobs, were recommended, and/or were not adversely
26

1 affected. This combination of facts supports an inference of discrimination under all relevant
2 case law.

3 168. Plaintiff Henry F. Victor (“Plaintiff Victor”) is a resident of the State of Kansas
4 who was born on March 6, 1937, and who, as of May 21, 2005, was employed by Boeing at its
5 Wichita, Kansas facility. Plaintiff Victor was employed by Boeing for more than twenty-five
6 (25) years. Plaintiff Victor was qualified to hold his position as a material processor. Thus,
7 Plaintiff Victor filed a timely EEOC complaint, received a notice of the right to sue and has
8 exhausted all administrative remedies.

9 169. Plaintiff Victor was at least forty years old at the time of the adverse employment
10 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
11 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
12 received any complaints about their work performance in 25 years. A younger worker was also
13 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
14 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
15 comparators kept their jobs, were recommended, and/or were not adversely affected. This
16 combination of facts supports an inference of discrimination under all relevant case law.

17 170. Plaintiff James R. Wallace (“Plaintiff Wallace”) is a resident of the State of
18 Kansas who was born on August 11, 1948, and who, as of June 3, 2005, was employed by
19 Boeing at its Wichita, Kansas facility. Plaintiff Wallace was employed by Boeing for more than
20 twenty-six (26) years. Plaintiff Wallace was qualified to hold his position as a power distribution
21 electrician. Thus, Plaintiff Wallace filed a timely EEOC complaint, received a notice of the right
22 to sue and has exhausted all administrative remedies.

23 171. Plaintiff Wallace was at least forty years old at the time of the adverse
24 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
25 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
26 also never received any complaints about their work performance in 26 years. A younger worker

1 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
2 employment decision. Also, there was a continued need for the duties that Plaintiff performed
3 and younger comparators kept their jobs, were recommended, and/or were not adversely
4 affected. This combination of facts supports an inference of discrimination under all relevant
5 case law.

6 172. Plaintiff Jimmy Wallace (“Plaintiff J. Wallace”) is a resident of the State of
7 Kansas who was born on September 28, 1954, and who, as of May 20, 2005, was employed by
8 Boeing at its Wichita, Kansas facility. Plaintiff J. Wallace was employed by Boeing for nineteen
9 (19) years. Plaintiff J. Wallace was qualified to hold his position as a toolmaker.

10 173. Plaintiff J. Wallace was at least forty years old at the time of the adverse
11 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
12 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
13 also never received any complaints about their work performance in 19 years. A younger worker
14 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
15 employment decision. Also, there was a continued need for the duties that Plaintiff performed
16 and younger comparators kept their jobs, were recommended, and/or were not adversely
17 affected. This combination of facts supports an inference of discrimination under all relevant
18 case law.

19 174. Plaintiff Richard A. Wallin (“Plaintiff Wallin”) is a resident of the State of Kansas
20 who was born on September 18, 1950, and who, as of June 16, 2005, was employed by Boeing at
21 its Wichita, Kansas facility. Plaintiff Wallin was employed by Boeing for more than twenty-nine
22 (29) years. Plaintiff Wallin was qualified to hold his position as a tool and die/ deep draw
23 employee.

24 175. Plaintiff Wallin was at least forty years old at the time of the adverse employment
25 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
26 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never

1 received any complaints about their work performance in 29 years. A younger worker was also
2 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
3 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
4 comparators kept their jobs, were recommended, and/or were not adversely affected. This
5 combination of facts supports an inference of discrimination under all relevant case law.

6 176. Plaintiff Michael B. Welsh (“Plaintiff Welsh”) is a resident of the State of Kansas
7 who was born on March 1, 1950, and who, as of June 2005, was employed by Boeing at its
8 Wichita, Kansas facility. Plaintiff Welsh was employed by Boeing for more than twenty (20)
9 years. Plaintiff Welsh was qualified to hold his position as a factory service attendant employee.

10 177. Plaintiff Welsh was at least forty years old at the time of the adverse employment
11 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
12 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
13 received any complaints about their work performance in 20 years. A younger worker was also
14 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
15 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
16 comparators kept their jobs, were recommended, and/or were not adversely affected. This
17 combination of facts supports an inference of discrimination under all relevant case law.

18 178. Plaintiff Carolyn Y. Wheaton (“Plaintiff Wheaton”) is a resident of the State of
19 Kansas who was born June 15, 1962, and who, as of May 20, 2005, was employed by Boeing at
20 its Wichita, Kansas facility. Plaintiff Wheaton was employed by Boeing for eighteen (18) years.
21 Plaintiff Wheaton was qualified to hold her position a factory attendant. Thus, Plaintiff Wheaton
22 filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
23 administrative remedies.

24 179. Plaintiff Wheaton was at least forty years old at the time of the adverse
25 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
26 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff

1 also never received any complaints about their work performance in 18 years. A younger worker
2 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
3 employment decision. Also, there was a continued need for the duties that Plaintiff performed
4 and younger comparators kept their jobs, were recommended, and/or were not adversely
5 affected. This combination of facts supports an inference of discrimination under all relevant
6 case law.

7 180. Plaintiff Sylvester Williams II ("Plaintiff Williams II") is a resident of the State of
8 Kansas who was born on February 7, 1954, and who, as of May 19, 2005, was employed by
9 Boeing at its Wichita, Kansas facility. Plaintiff Williams II was employed by Boeing for more
10 than twenty (20) years. Plaintiff Williams II was qualified to hold his position as a skin quality
11 employee. Thus, Plaintiff Williams II filed a timely EEOC complaint, received a notice of the
12 right to sue and has exhausted all administrative remedies.

13 181. Plaintiff Williams II was at least forty years old at the time of the adverse
14 employment decision. Additionally, Plaintiff was performing all job requirements satisfactorily
15 or better. Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff
16 also never received any complaints about their work performance in 20 years. A younger worker
17 was also tasked to fulfill the job requirements that Plaintiff performed prior to the adverse
18 employment decision. Also, there was a continued need for the duties that Plaintiff performed
19 and younger comparators kept their jobs, were recommended, and/or were not adversely
20 affected. This combination of facts supports an inference of discrimination under all relevant
21 case law.

22 182. Plaintiff Janet M. Wilson ("Plaintiff Wilson") is a resident the State of Kansas
23 who was born on January 6, 1960, and who, as May 20, 2005, was employed by Boeing at its
24 Wichita, Kansas facility. Plaintiff Wilson was employed by Boeing for eighteen (18) years.
25 Plaintiff Wilson was qualified to hold his position as an assembler. Thus, Plaintiff Wilson filed a
26

1 timely EEOC compliant, received a notice of the right to sue and has exhausted all administrative
2 remedies.

3 183. Plaintiff Wilson was at least forty years old at the time of the adverse employment
4 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
5 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
6 received any complaints about their work performance in 18 years. A younger worker was also
7 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
8 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
9 comparators kept their jobs, were recommended, and/or were not adversely affected. This
10 combination of facts supports an inference of discrimination under all relevant case law.

11 184. Plaintiff Walter Woods (“Plaintiff Woods”) is a resident of the State of Kansas
12 who was born on March 27, 1947, and who, as of May 20, 2005, was employed by Boeing at its
13 Wichita, Kansas facility. Plaintiff Woods was employed by Boeing for sixteen (16) years.
14 Plaintiff Woods was qualified to hold his positions as a structure mechanic. Thus, Plaintiff
15 Woods filed a timely EEOC compliant, received a notice of the right to sue and has exhausted all
16 administrative remedies.

17 185. Plaintiff Woods was at least forty years old at the time of the adverse employment
18 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
19 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
20 received any complaints about their work performance in 16 years. A younger worker was also
21 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
22 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
23 comparators kept their jobs, were recommended, and/or were not adversely affected. This
24 combination of facts supports an inference of discrimination under all relevant case law.

25 186. Plaintiff Betty R. Young (“Plaintiff Young”) is a resident of the State of Kansas
26 who was born on July 11, 1957, and who, as of May 27, 2005, was employed by Boeing at its

1 Wichita, Kansas facility. Plaintiff Young was employed by Boeing for twenty-five (25) years.
2 Plaintiff Young was qualified to hold her position.

3 187. Plaintiff Young was at least forty years old at the time of the adverse employment
4 decision. Additionally, Plaintiff was performing all job requirements satisfactorily or better.
5 Moreover, Plaintiff consistently received good to great performance reviews. Plaintiff also never
6 received any complaints about their work performance in 25 years. A younger worker was also
7 tasked to fulfill the job requirements that Plaintiff performed prior to the adverse employment
8 decision. Also, there was a continued need for the duties that Plaintiff performed and younger
9 comparators kept their jobs, were recommended, and/or were not adversely affected. This
10 combination of facts supports an inference of discrimination under all relevant case law.

11 188. Each Plaintiff was laid-off/terminated/not hired in during "Project Lloyd."

12 **C. Defendants**

13 **1. Boeing**

14 189. Boeing's Wichita Division supported the commercial, military, and space
15 products and services of the Boeing Corporation. Operations in Wichita date back to the old
16 Stearman Aircraft Company, which became part of Boeing in 1934 when the federal
17 government required United Airlines, Pratt and Whitney, and Boeing to split into three separate
18 companies. It is the largest employer in the State of Kansas. The division produces 75 percent
19 of the parts for Boeing's 737 commercial airliners as well nacelles, nose sections and other parts
20 for Boeing's 747, 757, 767, and 777 as well as a range of maintenance services and parts for the
21 company's military and commercial products. Boeing can be served as set forth in the summons.

22 **2. Spirit**

23 190. On behalf of Spirit, Onex employees, Nigel Wright, Seth Mersky, and David
24 Mansell negotiated the terms of the sale of the Boeing plants and, along with Boeing, made the
25 decisions against the plaintiffs. It is stipulated that these individuals were working on behalf of
26 the Spirit AeroSystems, Inc. Midwestern Aircraft Systems was formed solely to be the entity to

1 run the Wichita plant and was not publicized until after the sale of the Boeing plant. Onex
2 boasts on its website that Nigel Wright (managing director of Onex) and Seth Mersky
3 (managing director of Onex “co-led Onex’ acquisition of Boeing’s commercial airplane
4 manufacturing operations in Wichita, Kansas, and Tulsa and McAlester, Oklahoma, now
5 operating as Spirit AeroSystems, Inc.”¹

6 191. Each company has been properly served.

7 **COUNT I: Age Discrimination**
8 **(Disparate Treatment)**

9 192. Plaintiffs hereby incorporate the previous paragraphs as if fully set forth herein.

10 193. Defendants have engaged in a practice of discrimination against plaintiffs on the
11 basis of their age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 623.

12 194. Each plaintiff is within the protected age group and their work was beyond
13 satisfactory. Additionally, the plaintiffs were discharged despite the adequacy of their work and
14 not hired despite being the most qualified for the positions. As incorporated in this section,
15 there is evidence the defendants intended to discriminate against the plaintiffs in reaching its
16 decisions.

17 195. Additionally, the defendants have implemented standards and utilized
18 considerations that have had a disparate impact against protected older workers and Defendants
19 have ignored this impact.

20 196. Moreover, defendants, as part of a scheme to save funds and profit managers and
21 executives professionally and individually, created a scheme to reduce the costs associated with
22 older workers including their benefits.

23 197. Finally, many managers and upper level executives made age bias and direct age
24 related statements directly to Plaintiffs or in the presence of Plaintiffs and other witnesses.

25 _____
26 1
http://www.onex.com/index.taf?pid=40&_UserReference=50E019F7A8D553C143A6EB88.

1 198. As a result of defendants' conduct, plaintiffs have suffered and continue to suffer
2 loss and damage.

3 **VI. PRAYER FOR RELIEF**

4 WHEREFORE, plaintiffs pray for relief as follows:

5 A. That court provide the maximum equitable remedies allowable including a
6 permanent injunction be issued compelling Spirit to offer all plaintiffs the opportunity to be
7 reinstated as employees under the same terms and conditions which existed prior to the
8 termination of their employment status and restoration to participant status under the Plans, or in
9 the alternative, equitable restitution to plaintiffs pursuant to 29 U.S.C. § 1132(a)(3), 502(a)(3),
10 and 29 U.S.C. § 626(b) respectfully;

11 B. That judgment be entered in favor of plaintiffs and against the defendants restoring to
12 them all benefits and other forms of compensation lost between the dates of the termination of
13 their employment and the date of judgment, together with interest or an appropriate inflation
14 factor, pursuant to 29 U.S.C. § 1132(a)(3);

15 C. That judgment, individually, be entered in favor of plaintiffs against the defendants
16 for lost benefits, future benefits, back pay (including interest or an appropriate inflation factor),
17 front pay, lost investment capital, and liquidated damages, pursuant to 29 U.S.C. § 626(b);

18 D. That judgment be entered in favor of plaintiffs against the defendants for all direct,
19 incidental, and consequential damages arising out of the defendants' breaches of contract;

20 E. That judgment be entered in favor of plaintiffs and against the defendants for
21 liquidated damages in amounts to be determined at trial;

22 F. That judgment be entered for plaintiffs', individual, consequential damages, including
23 non-financial injuries, arising out of defendants' actions to the extent allowable by law.

24 G. That plaintiffs be granted their attorneys' fees, experts' fees, and the costs and
25 expenses of this litigation;
26

1 H. That the Court retain jurisdiction over all defendants until such time as it is satisfied
2 that they have remedied the practices complained of and are determined to be in full compliance
3 with the law.

4 DATED: March 22, 2013

5 Respectfully submitted,

6
7 s/Lawrence W. Williamson, Jr.

8 Lawrence W. Williamson, Jr. #21282

9 James E. Gore #78080

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11 218 Delaware St. Suite 207

12 Kansas City, Missouri 64105

13 Telephone: (816) 256-4150

14 Facsimile: (913) 535-0736

15 *Attorneys for Plaintiffs*

16 **DEMAND FOR A JURY TRIAL**

17 COMES NOW plaintiffs, by and through their counsel, and respectfully request that this
18 matter be set for a jury trial. Wichita, Kansas is designated as place of trial.

19 By: s/Lawrence W. Williamson, Jr.

20 Lawrence W. Williamson, Jr. #21282

21 *Attorney for plaintiffs*

22 **CERTIFICATE OF SERVICE**

23 I hereby certify I electronically filed the foregoing with the clerk of the court by using the
24 CM/ECF system:

25 **James Armstrong**

26 **Carolyn Matthews**

Trish Thelen

Todd Tedesco

Foulston and Siefken

Attorneys for Defendants

By: s/Lawrence W. Williamson, Jr.
Lawrence W. Williamson, Jr. #21282
Attorney for plaintiffs

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