

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Baltimore District Office)	
10 S. Howard Street, 3 rd Fl.)	
Baltimore, Maryland 21201)	Civil Action No.
)	
Plaintiff,)	
)	<u>COMPLAINT</u>
v.)	
)	<u>JURY TRIAL DEMAND</u>
BLUEHIPPO FUNDING, LLC,)	
7000 Security Blvd.)	
Baltimore, Maryland 21224)	
)	
Defendant.)	
)	

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Anthony Deluca and other similarly situated aggrieved individuals. The Commission alleges that since at least April 1, 2003, Defendant has discharged individuals at least age of forty because of their age.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938

(the “FLSA”), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant BlueHippo Funding, LLC, a Maryland corporation, has continuously been doing business in the State of Maryland and the City of Baltimore, and has continuously had at least 20 employees.

5. At all relevant times, Defendant BlueHippo Funding, LLC, has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

CONCILIATION

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

STATEMENT OF CLAIMS

7. Since at least April 1, 2003, Defendant BlueHippo Funding, LLC, has engaged in unlawful employment practices at its Baltimore, Maryland facility, in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a). The practices include discharging Anthony Deluca and other similarly situated individuals at least age 40 because of their age.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Anthony Deluca and similarly situated individuals at least age 40 of equal employment opportunities and otherwise adversely affect their status as employees because of their age.

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

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant BlueHippo Funding, LLC, its officers, successors, assigns and all persons in active concert or participation with it, from discharging individuals on the basis of age and engaging in any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

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

C. Grant a judgment requiring Defendant BlueHippo Funding, LLC, to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to individuals whose wages are being unlawfully withheld as a result of the acts complained of above, including but not limited to Anthony DeLuca.

D. Order Defendant BlueHippo Funding, LLC, to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to reinstatement of Anthony Deluca and/or provide front pay where appropriate.

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

F. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

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