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FILED

IN THE UNITED STATES DISTRICT COURT U.S. DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS EASTERN DISTRICT ARKANSAS
NORTHERN DIVISION

JUL 13 1998

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

JAYCO ACQUISITION AND HOLDING
CO., INC., d/b/a COMPTON'S OAK
GROVE LODGE, INC.,

Defendants.

JAMES W McCORMACK, CLERK

By: _____
DEP. CLERK

CIVIL ACTION NO.

B-C- 98-65

COMPLAINT
JURY TRIAL DEMANDED

This case assigned to District Judge WRIGHT

and to Magistrate Judge Young

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act ("the ADEA"), as amended, 29 U.S.C. §§621 et seq., to correct unlawful employment practices on the basis of age and to provide appropriate relief to Dollie Henderson, who was terminated by Defendant because of her age (71).

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), which incorporates by reference §16(c) of the Fair Labor Standards Act of 1938 ("the FLSA"), as amended, 29 U.S.C. §216(c).

2. The unlawful employment practices alleged below were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Northern Division.

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JAMES W. McCORMACK
CLERK OF COURT

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission ("the Commission"), is an 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.

4. At all relevant times, Defendant JAYCO AQUISITION AND HOLDING CO., INC. ("JAYCO") has continuously been an Arkansas corporation doing business in the State of Arkansas and the City of Mountain View, and has continuously had at least 20 employees. At all relevant times, Defendant Compton's Oak Grove Lodge, Inc. ("Compton's") has continuously been an Arkansas corporation doing business in the State of Arkansas and the City of Mountain View, and has continuously had at least 20 employees. Defendant Compton's is a wholly owned subsidiary of Defendant JAYCO.

5. At all relevant times, Defendants have continuously been employers 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 November, 1993, Defendants have engaged in unlawful employment practices at their Mountain View, Arkansas, facility, in violation of Section 4(a)(1) of the ADEA, 29 U.S.C. § 623 (a)(1). These unlawful employment practices include terminating Dollie Henderson because of her age (71).

8. The effect of the practices complained of in paragraph 7 above has been to deprive Dollie Henderson of equal employment opportunities and otherwise adversely affect her status as an employee because of her age.

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

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Order Defendants 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 Defendants to pay appropriate back wages in an amount to be determined at trial, and an equal sum as liquidated damages, to individuals who were adversely affected by the unlawful practices described above, including but not limited to Dollie Henderson.

E. Order Defendants to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to rightful place reinstatement and seniority.

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

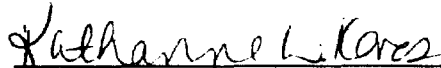
G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

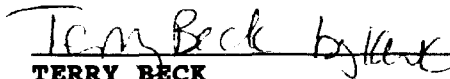
The Commission requests a jury trial on all questions of fact raised by its complaint.

July 10, 1998

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