

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Baltimore District Office
10 S. Howard Street, 3rd Floor
Baltimore, Maryland 21201

Plaintiff,

v.

CIVIL ACTION NO. AMD 05CV2553

JURY TRIAL DEMAND

DOURON, INC.
30 New Plant Court
Owings Mills, MD 21117

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 Stephen Weiner. The Commission alleges that in October 2004, Mr. Weiner, age 52, was not selected as comptroller, a position for which Defendant Douron's Executive Vice President told him that he was qualified. When interviewed, Mr. Weiner was told by Defendant Douron's Executive Vice President that he looked to be in his 50's and Douron needed someone who could be with the company for a long time. The Commission alleges that Mr Weiner's non-selection for the position of comptroller was based on his 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

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 Douron, Inc. ("Defendant"), has continuously been a Maryland corporation doing business in the State of Maryland and has continuously had at least 20 employees

5. At all relevant times, Defendant 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 October, 2004, Defendant has engaged in unlawful employment practices at its Owings Mills, Maryland store, in violation of Section 4(a)(1) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623(a)(1) (the "ADEA" 29 U.S.C. § 623). The practices include rejecting Stephen Weiner, then age 52, for the position of comptroller because of his age and hiring a younger, less qualified applicant.

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

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 Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in terminating its older workers and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order Defendant 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 to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to Stephen Weiner whose wages are being unlawfully withheld as a result of the acts complained of above

D. Order Defendant to make whole Stephen Weiner, whose wages are being unlawfully withheld as a result of the acts complained of above, by restraining the continued withholding of

amounts owing as back wages with prejudgment interest, in amounts to be determined at trial

E. Order Defendant to make whole Stephen Weiner, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to his rightful place reinstatement and/or front pay

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

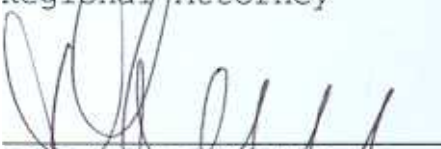
The Commission requests a jury trial on all questions of fact raised by its complaint

Respectfully submitted,

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