

individuals similarly situated to him. The Commission alleges that Defendant Lockheed Martin Corporation, through its now-defunct subsidiary LMG, terminated Mr. Kurland and other employees in the LMG COMSAT Mobile Communications Division because of their age in approximately October 2000.

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:
 - a. Section 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. Section 217, to enforce the requirements of the Equal Pay Act of 1963 (the "EPA"), codified as Section 15 of the FLSA, 29 U.S.C. §215;
 - b. Sections 704(a), 706(f)(1) and (3), and 707(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e-3(a), 2000e-5(f)(1) and (3), and 2000e-6(a) ("Title VII"); and
 - c. Sections 4(d) and 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Sections 623(d) and 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the FLSA, as amended, 29 U.S.C. Sections 216(c) and 217.
2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the District of Maryland, Southern Division.

PARTIES

3. Plaintiff, the United States Equal Employment Opportunity Commission (the "Commission" or "EEOC"), is the agency of the United States of America charged with the administration, interpretation and enforcement of, inter alia, the EPA, Title VII, and the ADEA.
4. At all relevant times, Defendant Lockheed Martin Corporation has

continuously been a Delaware corporation, doing business in the State of Maryland and the City of Bethesda, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Lockheed Martin Corporation has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

6. At all relevant times, Defendant Lockheed Martin Corporation 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).

7. At all relevant times, Defendant Lockheed Martin Corporation has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

8. At all relevant times, Defendant Lockheed Martin Corporation has continuously employed employees engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(b), (i) and (j) of the FLSA, 29 U.S.C. §§ 203(b), (i) and (j) or has continuously been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(r) and (s) of the FLSA, 29 U.S.C. §§ 203(r) and (s), in that said enterprise has continuously been an enterprise whose annual gross volume of sales made or business done is not less than \$500,000.

**STATEMENT OF TITLE VII RETALIATION CLAIM AGAINST DEFENDANT
LOCKHEED MARTIN CORPORATION**

9. More than thirty days prior to the institution of this lawsuit, Denise Lawson Isaac filed a charge with the Commission alleging violations of Title VII by

Defendant Lockheed Martin Corporation's LMGT subsidiary. All conditions precedent to the institution of this lawsuit have been fulfilled.

10. Since at least August 1, 2000, Defendant Lockheed Martin Corporation, through its LMGT subsidiary, has engaged in continuing unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). These practices include retaliating against Denise Lawson Isaac by denying her severance benefits because she filed a charge with the EEOC.

11. The effect of the continuing practices complained of in paragraph 10, above, has been to deprive Ms. Isaac of equal employment opportunities and otherwise adversely affect her employee status because of her right to engage in protected activity.

12. The unlawful employment practices complained of in paragraph 10, above, were intentional.

13. The unlawful employment practices complained of in paragraph 10, above, were done with malice or reckless indifference to the federally protected rights of Ms. Isaac.

**STATEMENT OF FLSA (EPA) RETALIATION CLAIM AGAINST DEFENDANT
LOCKHEED MARTIN CORPORATION**

14. Since at least August 3, 2000, Defendant Lockheed Martin Corporation, through its LMGT subsidiary, has engaged in unlawful employment practices in violation of Section 15(a)(3) of the FLSA, 29 U.S.C. §215(a)(3). The practices include retaliating against Denise Lawson Isaac, by denying her severance benefits because she filed a charge with the EEOC.

15. As a result of the practices complained in paragraph 14 above, Defendant Lockheed Martin Corporation has unlawfully withheld payment of severance benefits to Denise Lawson Isaac.

16. The unlawful employment practices complained above in paragraph 14 were willful.

STATEMENT OF ADEA RETALIATION CLAIM AGAINST DEFENDANT LOCKHEED MARTIN CORPORATION

17. Since at least August 3, 2000, Defendant Lockheed Martin Corporation, through its LMGT subsidiary, has engaged in unlawful employment practices in violation of Section 4(d) of the ADEA, as amended, 29 U.S.C. § 623(d). The practices include retaliating against Denise Lawson Isaac by denying her severance benefits because she filed a charge with the EEOC.

18. The effect of the continuing practices complained of in paragraph 17, above, has been to deprive Ms. Isaac of equal employment opportunities and otherwise adversely affect her employee status because of her right to engage in protected activity.

19. The unlawful employment practices complained of in paragraph 17, above, were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS AGAINST DEFENDANT LOCKHEED MARTIN CORPORATION FOR DISCHARGE IN VIOLATION OF THE ADEA

20. Since at least August 1, 2000, Defendant Lockheed Martin Corporation, through the COMSAT Mobile Communications Division of its LMGT subsidiary, has engaged in unlawful employment practices in violation of section 4(a) of the ADEA, 29

U.S.C. § 623 (a)(1). The practices include discharging Jeffrey Kurland, then age 53, and similarly situated individuals in the COMSAT Mobile Communications Division, identified in Appendix A, because of age.

21. The effect of the practices complained of in paragraph 20 above has been to deprive Jeffrey Kurland and similarly situated individuals formerly employed in the COMSAT Mobile Communications Division of equal employment opportunities and otherwise adversely affect their status as employees because of age.

22. The unlawful employment practices complained of in paragraph 20 above were willful.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining Defendant Lockheed Martin Corporation, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in retaliation and any other employment practice which discriminates against an employee for exercising the right to file a charge with the EEOC;

B. Order Defendant Lockheed Martin Corporation to institute and carry out policies, practices and programs which protect from retaliation those employees who wish to file charges with the EEOC or participate in an EEOC investigation or proceeding, and which eradicate the effects of past and present unlawful employment practices;

C. Order Defendant Lockheed Martin Corporation to make whole Denise

Lawson Isaac by providing all withheld severance pay, in amounts to be determined at trial, as amounts owing as back wages with prejudgment interest, and an equal amount in liquidated damages;

D. Order Defendant Lockheed Martin Corporation to make whole Denise Lawson Isaac by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

E. Order Defendant Lockheed Martin Corporation to pay to Denise Lawson Isaac punitive damages for its callous indifference to her federally protected right to be free from retaliation;

F. Grant a permanent injunction enjoining Defendant Lockheed Martin Corporation, its 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;

G. Order Defendant Lockheed Martin Corporation 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 past and present unlawful employment practices;

H. Grant a judgment requiring Defendant Lockheed Martin Corporation to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to the persons identified in Attachment A;

I. Order Defendant Lockheed Martin Corporation to make whole all individuals identified in Attachment A

by providing the appropriate relief necessary to eradicate the effects of the unlawful terminations complained of above, including but not limited to payment of damages for job-search expenses; payment of damages for emotional distress, inconvenience, and humiliation; and rightful place reinstatement and/or front pay; and

J. Grant such further relief as this Court deems necessary and proper in the public interest;

K. Award the Commission its costs of this action.

Respectfully submitted,

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APPENDIX A

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