

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 10 S. Howard Street, 3rd Floor Baltimore, MD 21201)	
)	Civil Action No. 05-CV-287-RWT
Plaintiff,)	
)	<u>SECOND AMENDED COMPLAINT</u>
)	JURY TRIAL DEMAND
v.)	
)	
LOCKHEED MARTIN GLOBAL TELECOMMUNICATIONS, INC. 6801 Rockledge Dr. Bethesda, MD 20817)	
)	
Defendant.)	

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act (“the ADEA”), to correct unlawful employment practices on the basis of age and to provide appropriate relief to Jeffrey Kurland and to individuals similarly situated to him. The Commission alleges that Defendant Lockheed Martin Global Telecommunications, Inc. (“LMGT”), terminated Mr. Kurland and other employees in the LMGT 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:

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 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 the ADEA.

4. At all relevant times, Defendant Lockheed Martin Global Telecommunications has continuously been a Delaware corporation, doing business in the State of Maryland and the City of Bethesda, and continuously had at least 20 employees.

5. At all relevant times, Defendant Lockheed Martin Global Telecommunications 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).

STATEMENT OF CLAIM AGAINST DEFENDANT LOCKHEED MARTIN GLOBAL TELECOMMUNICATIONS FOR DISCHARGE IN VIOLATION OF THE ADEA

6. Through the reduction in force that occurred in approximately October 2000 in the COMSAT Mobile Communications Division, Defendant Lockheed Martin Global Telecommunications 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.

7. The effect of the practices complained of in paragraph 6 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.

8. The unlawful employment practices complained of in paragraph 6 above were willful.

PRAYER FOR RELIEF

A. Grant a permanent injunction enjoining Defendant Lockheed Martin Global Telecommunications, 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;

B. Order Defendant Lockheed Martin Global Telecommunications, 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;

C. Grant a judgment requiring Defendant Lockheed Martin Global Telecommunications to pay appropriate back wages in an amount to be determined at trial and prejudgment interest to the persons identified in Attachment A;

D. Grant a judgment requiring Defendant Lockheed Martin Global Telecommunications to pay liquidated damages, in an amount equal to back wages, to the persons identified in Attachment A;

E. Order Defendant Lockheed Martin Global Telecommunications, 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 rightful place reinstatement and/or front pay;

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

G. Award the Commission its costs of this action.

Respectfully submitted,

RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

_____/s/_____
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U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION