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U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
SEP 22 2006
CLERK, U.S. DISTRICT COURT
By _____
Deputy

ORIGINAL
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

EXXON MOBIL CORPORATION

Defendant.

CIVIL ACTION NO.
3-06 CV 1732-K
COMPLAINT

JURY TRIAL DEMANDED

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct an unlawful employment practice on the basis of age and to provide appropriate relief to Glen Skaggs, Michael Morschauser and a class of similarly situated aggrieved individuals. Specifically, Defendant Exxon Mobil discriminated against Morschauser, Skaggs and the class of aggrieved individuals by its policy or practice that prohibits a pilot from flying Exxon Mobil corporate airplanes after they reach the age of 60, and that forces the pilot into involuntary retirement. Exxon Mobil Corporation discriminated against Mr. Morschauser and Mr. Skaggs by removing them from flight duty, resulting in their involuntary retirement 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 and 17 of the Fair Labor Standards Act of 1938, as amended,

29 U.S.C. §§ 216 and 217.

2. The employment practice alleged to be unlawful was and is now being committed within the jurisdiction of the United States District Court for the Northern District of Texas.

PARTIES

3. Plaintiff, 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 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 Exxon Mobil Corporation ("Defendant"), has continuously been and is now doing business in the State of Texas and has continuously employed at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 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 practice 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 1999, the Defendant has engaged in an unlawful employment policy or practice of removing pilots from flight duty and involuntarily retiring them when they reach age 60 in violation of Sections 4(a)(1) and (d) of the ADEA, 29 U.S.C. § 623(a) and (d). Specifically, the EEOC alleges that Glen Skaggs and Michael Morschauser suffered adverse employment actions, when they were removed from their positions by implementation of the age 60 policy in violation of the ADA.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Glen Skaggs, Michael Morschauser and a class of similarly situated aggrieved individuals of equal employment opportunities and otherwise adversely affect their status as an employees because of their age.

9. The unlawful employment practice complained of above was willful within the meaning of the ADEA.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Exxon Mobil 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.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals who are at least age 40, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to pay Glen Skaggs, Michael Morschauser and other

similarly situated individuals appropriate back wages, in an amount to be proven at trial, and an equal amount in liquidated damages, and prejudgment interest.

D. Order the Defendant to make Glen Skaggs, Michael Morschauser and other similarly situated individuals whole by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful-place reinstatement.

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

F. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

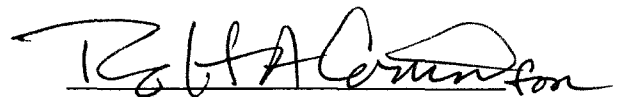
Respectfully submitted,

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EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

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RECEIVED

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS DISTRICT COURT U.S. NORTHERN DISTRICT OF TEXAS OPPORTUNITY COMMISSION
(b) County of Residence of First Listed Plaintiff EXCEPT IN U.S. PLAINTIFF CASES
(c) Attorney's (Firm Name, Address, and Telephone Number) WILLIAM C. BACKHAUS, SENIOR TRIAL ATTORNEY, EEOC, 207 S. HOUSTON ST., 3rd FL., DALLAS, TX 75202 (214) 253 2742

DEFENDANTS EXXON MOBIL CORPORATION
County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
NOTE. IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known) 3-06 CV 1732-K

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State PTF DEF
Citizen of Another State
Citizen or Subject of a Foreign Country

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT REAL PROPERTY
TORTS PERSONAL INJURY CIVIL RIGHTS
FORFEITURE/PENALTY LABOR
BANKRUPTCY SOCIAL SECURITY
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Brief description of cause: Rule 65 of FRCP to enjoin Exxon from involuntarily retiring CP Morschauer on or before 10/1/06.

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions) JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD
FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE