

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

EQUAL EMPLOYMENT OPPORTUNITY	}	
COMMISSION,	}	
	}	CIVIL ACTION NO.
Plaintiff,	}	
	}	3-06-CV-1732-K
v.	}	FIRST AMENDED COMPLAINT
	}	
EXXON MOBIL CORPORATION	}	<u>JURY TRIAL DEMANDED</u>
	}	
Defendant.	}	
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EEOC'S FIRST AMENDED COMPLAINT

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 Michael Morschauser, Glen Skaggs and Gary Schaffer. Specifically, Defendant Exxon Mobil discriminated against Morschauser, Skaggs and Schaffer 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 Morschauser, Skaggs and Schaffer 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. From at least 2005, the Defendant 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 Morschauer, Skaggs and Schaffer suffered adverse employment actions, when they were removed from their positions by implementation of the age 60 policy in violation of the ADA. Exxon Mobil has represented to EEOC and the Court that as of December 13, 2007, the Defendant no longer applies an age 60 mandatory retirement policy to its pilots.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Morschauer, Skaggs and Schaffer of equal employment opportunities and otherwise adversely affect their status as 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 Morschauer, Skaggs and Schaffer 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 Morschauer, Skaggs and Schaffer 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 Amended Complaint.

Respectfully submitted,

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