

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Civil Action No.:
Honorable:

v.

COMPLAINT AND JURY
TRIAL DEMAND

PROFESSIONAL ENDODONTICS, P.C.,

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 Karen Ruerat, who was adversely affected by such practices. As alleged with greater particularity in paragraphs 12 and 13 below, the EEOC alleges that Defendant, Professional Endodontics, P.C. (“Defendant”), maintains a policy that mandates retirement at age 65, and fired Ruerat four days after her 65th birthday pursuant to such policy.

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 Section 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 and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Michigan.

3. Plaintiff, the Equal Employment Opportunity Commission, (“EEOC” or 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 has continuously been a corporation doing business in the State of Michigan and the City of Southfield and has continuously had at least 20 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce under Sections 11(b), (g) and

(h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

6. More than thirty (30) days prior to the institution of this lawsuit, Karen Ruerat filed a charge with the Commission alleging violations of the ADEA by Defendant.

7. On June 22, 2017, the Commission issued to Defendant a Letter of Determination finding reasonable cause to believe that the ADEA was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. The Commission engaged in communications with Defendant to provide Defendant the opportunity to remedy the discriminatory practices described in the Letter of Determination.

9. The Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

10. On September 11, 2017, the Commission issued to Defendant a Notice of Failure of Conciliation.

11. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

12. Since at least January 28, 2016, Defendant Employer has engaged in unlawful employment practices at its Southfield, MI location in violation of in violation of Section 4 of the ADEA, 29 U.S.C. § 623(a)(1), by maintaining a policy and practice of forcing employees to retire at age 65 and terminating Ruerat because she had turned 65 years old.

13. Ruerat began working for Defendant on May 22, 1978. For the next thirty-seven (37) years, she was employed by Defendant as a window greeter / receptionist. Ruerat turned 65 years old on January 24, 2016. She was terminated on January 28, 2016, pursuant to Defendant's policy.

14. The effect of the unlawful conduct complained of in paragraphs 12 and 13, above, has been to deprive Ruerat of equal employment opportunities and otherwise adversely affect her status as an employee because of her age.

15. The unlawful employment practices complained of in paragraphs 12 and 13, above, were and are 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 Employer, its

officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from discharging employees on the basis of age;

B. ORDER Defendant Employer 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 judgement requiring Defendant Employer to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to Karen Ruerat, whose wages are being unlawfully withheld as a result of the acts complained of above;

D. ORDER Defendant to make whole Karen Ruerat by providing the affirmative relief necessary to eradicate the effects of its unlawful practices described above, including but not limited to reinstatement, or in the alternative, payment of appropriate front pay;

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

F. AWARD the Commission its costs for 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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Dated: October 24, 2017