

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NEIL F. FOGARTY,)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	
v.)	
)	
UNIVERSITY OF PITTSBURGH OF THE)	
COMMONWEALTH SYSTEM OF)	
HIGHER EDUCATION,)	JURY TRIAL DEMANDED
)	
Defendant.)	Electronically Filed.

COMPLAINT IN A CIVIL ACTION

COMES NOW, the Plaintiff, NEIL F. FOGARTY, by and through his attorneys, LAW OFFICES OF JOEL SANSONE, JOEL S. SANSONE, ESQUIRE, MASSIMO A. TERZIGNI, ESQUIRE, and ELIZABETH A. TUTTLE, ESQUIRE, and hereby files this Complaint in a Civil Action as follows:

JURISDICTION AND VENUE

1. This action is brought against the Defendant for violating Plaintiff's right to be free from illegal, invidious and damaging discrimination in his employment based on age, as guaranteed by the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.* ("ADEA").
2. Jurisdiction is founded on 28 U.S.C. § 1331 and § 1343(3).
3. Venue is proper under 28 U.S.C.A. § 1391(b). All claims set forth herein arose in the Western District of Pennsylvania, and the Plaintiff resides in the Western District of Pennsylvania.
4. Plaintiff has satisfied all procedural and administrative requirements set forth in 29 U.S.C. 626 (d), and in particular:

- A. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) on or about January 5, 2018, and said charge was cross-filed with the Pennsylvania Human Relations Commission (“PHRC”);
- B. The EEOC issued a Notice of Dismissal and Right to Sue dated November 23, 2018; and
- C. Plaintiff’s Complaint is timely filed within 90 days of Plaintiff’s receipt of the Notice of Dismissal and Right to Sue.

PARTIES

5. Plaintiff, Neil F. Fogarty, is a 61-year-old male who resides in Allegheny County, Pennsylvania.

6. Defendant, University of Pittsburgh of the Commonwealth System of Higher Education (“University”), is now, and was at all times relevant to Plaintiff’s claims, an institution of higher education with a registered address of 4200 Fifth Ave, Pittsburgh, PA 15260.

7. At all times relevant hereto, the Defendant was acting through its agents, subsidiaries, officers, employees and assigns acting within the full scope of their agency, office, employment or assignment.

8. The actions of the Defendant, as described herein, are part of an unlawful pattern and course of conduct intended to harm the Plaintiff. All of the acts described below were committed by the Defendant with reckless disregard and/or deliberate indifference to the rights of the Plaintiff. As a direct and proximate result thereof, Defendant violated the Plaintiff’s federally protected rights, as described herein.

FACTUAL ALLEGATIONS

9. Plaintiff has been employed by the Defendant from in or about April or May of 1986 until the present day. At all times during his employment, Plaintiff has held the position of

lecturer and/or instructor at the Defendant University's Katz Graduate School of Business and its subdivision, the College of Business Administration ("School"). Specifically, Plaintiff works in the Organization and Entrepreneurship Interest Group (i.e., department) at the School.

10. In 2014, Plaintiff had a meeting with the former Dean of the School, Professor John Delaney ("Delaney"), regarding Plaintiff's career. Plaintiff wished to obtain a Ph.D. degree to in order to change his faculty status from "professionally qualified" to "academically qualified." There was an established precedent where the School offered to pay tuition for other individuals to obtain their Ph.D.

11. During this meeting with Professor Delaney, Plaintiff asked him to extend the same opportunity for additional training and education so that Plaintiff could be re-classified as "academically qualified."

12. Professor Delaney stated that he had discussed the matter with Plaintiff's immediate supervisor, Professor John Prescott ("Prescott"), the director for the Organization and Entrepreneurship Department at the School.

13. Professor Delaney indicated that the communal decision was to deny Plaintiff's request due to the "opportunity cost." When Plaintiff prompted Professor Delaney about what he meant by that statement, Delaney stated that the money invested to provide additional training and education would be better spent on someone not at an "advanced stage of [their] career."

14. On or about February 24, 2014, during a one-on-one meeting, Professor Prescott once again denied Plaintiff's request to get an education to progress his vocation due to "the advanced stage of [his] career." Additionally, he made the comment "there are too many old men in our interest group, and they should all retire."

15. On or about April 20, 2015, Professor Prescott sent Plaintiff an e-mail mentioning that a full-time faculty member, Professor Brett Crawford (“Crawford”), had resigned. Professor Crawford taught the School’s undergraduate class in Ethics.

16. Later that day, Plaintiff sent Professor Prescott an e-mail applying for the vacant professorial position. Plaintiff expressed his interest in being considered for the position due to his past experiences of teaching the same Ethics course, wherein he received very high professional evaluations.

17. In response, Professor Prescott e-mailed Plaintiff and falsely claimed that he was ineligible for the position because he did not have a Ph.D., adding that the position was also not open. He also promised that he would notify Plaintiff if and when the position ever did officially open.

18. On or about April 24, 2016, Professor Prescott sent an e-mail to the Plaintiff notifying him that the School was in the middle of hiring Professor Crawford’s professorial replacement.

19. On or about April 25, 2016, Plaintiff sent Professor Prescott an e-mail inquiring as to what was taking place in relation to Professor Crawford’s replacement.

20. Later that same day, Professor Prescott sent Plaintiff an e-mail confirming that the position had been open and officially posted. Moreover, he stated that the hiring decision would be confirmed within the next two months, indicating that the hiring process for the position was far along.

21. On or about April 27, 2016, Plaintiff e-mailed Professor Prescott clarifying whether this position was the same one he had mentioned via e-mail to Plaintiff on or about April 20, 2015.

22. In response, Professor Prescott sent an e-mail to Plaintiff later that day confirming that the position in question was indeed Professor Crawford’s vacant position. He added that the

reason he did not tell Plaintiff about the opening was due to the fact that he “forgot.” He also informed Plaintiff that one of the final candidates had a J.D. but not a Ph.D., similar to Plaintiff.

23. On or about April 29, 2016, Plaintiff reported Professor Prescott’s conduct and the resulting failure to be considered for Professor Crawford’s full-time position to the Associate Dean for Research and Faculty, Jeffrey Inman (“Inman”). Moreover, Plaintiff informed Mr. Inman that he believed Professor Prescott’s conduct was based on Plaintiff’s age.

24. On or about June 3, 2016, Professor Prescott sent Plaintiff an e-mail informing him that his class load for the Fall 2016 term would be just six credit hours. This was a reduction of twelve credit hours from the eighteen credit hours he had been assigned to teach in the prior Fall 2015 term.

25. Plaintiff believes, and therefore avers that the Defendant’s conduct in reducing his classes and/or credit hours was in retaliation for his complaints of age discrimination.

26. On or about February 2, 2017, Plaintiff complained of the failure to be considered for Professor Crawford’s vacant position and Professor Prescott’s conduct to Professor Paul Harper (“Harper”), a member of the recruiting committee. Plaintiff also indicated to Professor Harper that he believed the conduct was due to Plaintiff’s age.

27. Subsequently, Professor Prescott informed Plaintiff that he had information that Plaintiff had spoken to Professor Harper. Prescott then told the Plaintiff that he would be issuing the teaching schedule for the next academic year, and he warned the Plaintiff that he would want to look at it.

28. On or about March 15, 2017, Professor Prescott sent Plaintiff an e-mail stating that he would be cutting Plaintiff’s teaching load and income for the next academic year (2017-2018) by over 50 percent due to a “desire for greater diversity.”

29. On or about May 10, 2017, after the Summer term began, Plaintiff's class load was reduced from four to three classes.

30. Plaintiff believes, and therefore avers, that the Defendant's reasons for the above reduction was pretextual, and that the Defendant's conduct in reducing his hours was in retaliation for his complaints of age discrimination.

31. On or about June 20, 2017, Plaintiff was removed from his full-time office, which was re-assigned to a younger employee.

32. On or about July 12, 2017, Plaintiff saw a job posting on the Defendant's website seeking applicants for the courses that had been removed from Plaintiff's teaching load.

33. On or about August 7, 2017, Plaintiff received the class schedule for the Fall term. Based on this schedule, Plaintiff's class load and income, beginning on August 28, 2017, had been cut by more than what had been indicated to him in the March 15, 2017, e-mail.

34. On or about October 5, 2017, Plaintiff informed Professor Jay Suchits ("Suchits") of this discriminatory conduct. Mr. Suchits is a member and/or an officer of at least one of Defendant's faculty policy committees.

35. On or about November 29, 2017, Defendant mailed to Plaintiff his teaching scheduling for the 2018 Spring term. According to this schedule, Plaintiff's teaching load was cut from six classes during the previous Spring term to two classes.

36. On or about December 4, 2017, Plaintiff was informed that he had been removed from the teaching schedule for the 2018 Summer term.

37. Plaintiff believes, and therefore avers, that the Defendant's conduct in reducing his classes and/or credit hours as described above was in retaliation for his complaints of age discrimination.

38. On or about August 29, 2018, Plaintiff was forced out of his substitute office without being informed by the Defendant. Instead, a younger graduate student, Nick Vargas (“Vargas”), informed the Plaintiff that the Defendant had given the Plaintiff’s substitute office to him. Mr. Vargas further told the Plaintiff that he was to quickly surrender his key and to remove his belongings from the office.

39. On or about April 4, 2018, Plaintiff was offered three classes for the academic year of Fall 2018-Summer 2019 (i.e., one fall class, two spring classes). However, in December 2018, Plaintiff received his class schedule that contained only one of the Spring classes.

40. Plaintiff’s reduction in courses was alleged by the Defendant to be the result of a reduction in the amount of Master of Business Administration classes being taught along with the addition of the full-time position from which he was excluded.

41. However, Defendant’s stated reasons for Plaintiff’s reduced caseload are pretextual and unworthy of belief.

42. During Plaintiff’s thirty-three year tenure with the School, Plaintiff has consistently received high ratings on his teacher evaluations. As further evidence of Plaintiff’s superior job performance, he received six Teaching Excellence Awards from the School.

43. Plaintiff believes, and therefore avers, that he was treated less favorably than younger and less experienced employees and job candidates.

44. Plaintiff believes, and therefore avers, that he experienced a significant reduction of his course load based on his age, 61, and was, therefore, subjected to age discrimination by the Defendant University. Moreover, Plaintiff believes, and therefore avers, that the Defendant University retaliated against him as a direct result of his complaints regarding the University’s discriminatory conduct.

45. Plaintiff's wages are paid per class taught. Therefore, Plaintiff's discriminatory and retaliatory conduct in reducing Plaintiff's class load resulted in significant financial loss and hardship.

COUNT I:

ADEA – AGE DISCRIMINATION

46. Plaintiff incorporates by reference Paragraphs 1 through 45 as though fully set forth at length herein.

47. As described hereinbefore above, Plaintiff was subjected to discrimination in the nature of severely reduced hours to the point of not being assigned any hours, was replaced by younger individuals and was treated less favorably than younger, less experienced and less qualified employees and job applicants in violation of the ADEA, 29 U.S.C. § 621, *et seq.*

48. As a result of the Defendant's discriminatory actions, Plaintiff has been substantially and illegally harmed, suffered continuing financial losses, deprivation of employment, benefits, prerequisites, and fair treatment, and has suffered continuing emotional and physical distress and injury, embarrassment and humiliation caused by the Defendant, its managers, supervisors, employees, agents, attorneys and other officials.

49. Plaintiff has no other plain, adequate or complete remedy at law to redress the wrongs done to him by the Defendant and this suit for injunctive and other relief is his only means of securing just and adequate redress and relief. Moreover, Plaintiff is now suffering and will continue to suffer, irreparable injury from the Defendant's discriminatory policies, practices, customs and usages as set forth herein until and unless the same are enjoined by the Court.

50. Defendant's actions as aforementioned were intentional, willful and deliberate and/or done with reckless disregard for the rights of the Plaintiff.

WHEREFORE, Plaintiff requests the following:

- a. that the Court enter a judgment declaring the Defendant's actions to be unlawful and violative of the ADEA;
- b. that the Court award the Plaintiff back pay damages and other benefits lost due to the Defendant's unlawful conduct plus interest from the date of discrimination;
- c. that in addition to the damages above, the Court award the Plaintiff liquidated damages in an amount equal to the pecuniary losses sustained as a result of the Defendant's willful violation of the ADEA;
- d. that the Court order the Defendant to return the Plaintiff to the position he held before he was discriminated against and/or the position most appropriate for the Plaintiff under the circumstances, with the accumulated seniority, fringe benefits, and all other rights, or in the alternative, that the Court order the Defendant to pay the Plaintiff front pay equivalent to his lost salary, salary raises, fringe benefits and all other rights to which he would have been entitled but for the Defendant's discriminatory conduct;
- e. that the Court award the Plaintiff pre-judgment and post-judgment interest from the date of the discrimination;
- f. that the Court award the Plaintiff reasonable attorneys' fees and costs of this action; and
- g. that the Court grant the Plaintiff such additional relief as may be just and proper.

JURY TRIAL DEMANDED

COUNT II:

RETALIATION

51. Plaintiff incorporates by reference Paragraphs 1 through 50 as though fully set forth at length herein.

52. As described hereinbefore above, Plaintiff was retaliated against for engaging in protected activity which included, but is not limited to, making complaints about the Defendant's discriminatory conduct. As a direct result of engaging in these protected activities, Plaintiff suffered adverse employment actions, including but not limited to unwarranted discipline, harassment and constructive discharge.

53. As a direct result of the Defendant's retaliatory actions in violation of Title VII of the Civil Rights Act of 1964, and The Civil Rights Act of 1991, the Plaintiff has lost wages and other economic benefits of his employment with the Defendant. In addition, the Plaintiff has incurred counsel fees and other costs in pursuing his legal rights.

54. Additionally, the Plaintiff has suffered emotional, psychological, and physical distress, inconvenience, suffering, loss of reputation, fear, apprehension and embarrassment as a direct result of the Defendant's discriminatory conduct as described above.

55. The actions of the Defendant as aforementioned were intentional, willful and deliberate and/or done with reckless disregard for the rights of the Plaintiff.

56. The actions on part of the Defendant are part of a plan, practice or pattern of retaliation which affects others who are similarly situated to the Plaintiff.

WHEREFORE, Plaintiff requests the following:

- a. that the Court enter a judgment declaring the Defendant's actions to be unlawful and violative of Title VII of the Civil Rights Acts of 1964 and 1991;

- b. that, in addition to the damages above, the Court award the Plaintiff compensatory and punitive damages as a result of the Defendant's violation of the Civil Rights Act of 1991;
- c. that the Court order the Defendant to reinstate the Plaintiff and increase the Plaintiff's salary to the level to which he would be entitled but for the discrimination described above, together with the accumulated seniority, fringe benefits, position and all other rights; or in the alternative that the Court order the Defendant to pay the Plaintiff front pay equivalent to his lost salary, salary raises, fringe benefits and all other rights;
- d. that the Court award the Plaintiff compensation for any and all lost salary, wages and benefits;
- e. that the Court order the Defendant to pay pre- and post-judgment interest on any award given to the Plaintiff;
- f. that the Court award the Plaintiff reasonable attorneys' fees and costs of this action; and
- g. that the Court grant the Plaintiff such additional relief as may be just and proper.

JURY TRIAL DEMANDED

COUNT III:

PHRA

57. Plaintiff incorporates by reference Paragraphs 1 through 56 as though fully set forth at length herein.

58. Defendant's actions in subjecting the Plaintiff to discrimination based on age were undertaken intentionally, maliciously and with reckless indifference to Plaintiff's right to be free from such discrimination in violation of the PHRA.

59. As a direct result of the Defendant's discriminatory actions in violation of the PHRA, the Plaintiff has lost wages and other economic benefits of his employment with the Defendant. In addition, the Plaintiff has incurred counsel fees and other costs in pursuing his legal rights. The Plaintiff has also suffered from emotional distress, inconvenience, humiliation, loss of standing among his peers and stress.

60. The actions on the part of the Defendant were intentional and willful and were done with a reckless disregard for Plaintiff's rights.

WHEREFORE, Plaintiff requests the following:

- a. that the Court enter a Judgment declaring the Defendant's actions to be unlawful and violative of the PHRA;
- b. that the Court award the Plaintiff liquidated damages in an amount equal to the pecuniary losses sustained as a result of the Defendant's willful violation of the PHRA;
- c. that the Court award the Plaintiff compensatory damages as a result of Defendant's actions being unlawful and violative of the PHRA;
- d. that the Court award the Plaintiff pre-judgment and post-judgment interest from the date of the discrimination;
- e. that the Court award the Plaintiff reasonable attorneys' fees and costs of this action; and
- f. that the Court grant the Plaintiff such additional relief as may be just and proper.

JURY TRIAL DEMANDED

Respectfully submitted,

LAW OFFICES OF JOEL SANSONE

s/ Joel S. Sansone

Joel S. Sansone, Esquire

PA ID No. 41008

Massimo A. Terzigni, Esquire

PA ID No. 317165

Elizabeth A. Tuttle, Esquire

PA ID No. 322888

Counsel for Plaintiff

Two Gateway Center, Suite 1290

603 Stanwix Street

Pittsburgh, Pennsylvania 15222

412.281.9194

Dated: February 15, 2019

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 as 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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

NEIL F. FOGARTY

(b) County of Residence of First Listed Plaintiff Allegheny

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Law Offices of Joel Sansone 412.281.9194
603 Stanwix Street, Suite 1290
Pittsburgh, PA 15222

DEFENDANTSUNIVERSITY OF PITTSBURGH OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 USC 621 (ADEA)

Brief description of cause:

Age Discrimination and Retaliation

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/15/2019

SIGNATURE OF ATTORNEY OF RECORD

s/Joel S. Sansone

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44A REVISED June, 2009
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (☐ Erie ☐ Johnstown ☒ Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. ☐ This case is related to Number _____ . Short Caption _____.
2. ☒ This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit **EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related. **HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C**I. CIVIL CATEGORY** (Select the applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas corpus
4. ☒ Civil Rights
5. ☐ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☐ All other federal question cases
8. ☐ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☒ Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: 2/15/2019

s/Joel S. Sansone

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.