

STATE OF MAINE  
PENOBSCOT, ss

SUPERIOR COURT  
CIVIL DIVISION  
DOCKET NO.:

NORMAN E. WEBB,

)  
)  
)  
Plaintiff, )

v. )

COMPLAINT

TOWN OF ORONO,

)  
)  
)  
Defendant. )

Plaintiff, through his attorney, hereby states his complaint:

1. Plaintiff, Norman Webb, is a resident of Veazie, County of Penobscot, State of Maine.
2. Defendant, Town of Orono, s a political subdivision of the State of Maine.
3. Plaintiff was employed by Defendant from August 1983 to on or about June 14, 2012, most recently as Fire Chief for approximately six years.
4. Upon information and belief, Defendant has employed more than 100 employees in each of 20 or more calendar weeks in all years since 2012.
5. Plaintiff has complied with the procedural prerequisites for filing this complaint, having dual-filed a charge with the Maine Human Rights Commission (MHRC) and the Equal Employment Opportunity Commission and having received right-to-sue letters from each Commission and from the Department of Justice.

Count I - Age Discrimination

6. Plaintiff repeats and realleges the allegations of the foregoing paragraphs.
7. As of January 2012, Plaintiff was sixty-one (61) years old.
8. Beginning in January 2012, the Town Manager of Defendant began making inappropriate age and disability-related inquiries of Plaintiff.

9. Beginning shortly thereafter, Defendant began subjecting Plaintiff to adverse employment actions.

10. On June 14, 2012, Defendant terminated Plaintiff's employment because of Plaintiff's age, in violation of the Maine Human Rights Act (MHRA), 5 M.R.S.A. § 4551 *et seq.* and the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 *et seq.*

11. Plaintiff has suffered a financial and a human loss as a result of Defendant's actions and is entitled to damages.

12. Defendant's conduct was willful and done with reckless indifference to Plaintiff's rights under the ADEA, entitling Plaintiff to exemplary damages.

WHEREFORE, Plaintiff seeks such damages as will make him whole, including compensatory damages, exemplary damages, back pay, reinstatement and/or front pay, together with interest, costs, and reasonable attorneys' fees and expenses, all as provided by law.

Count II - Disability Discrimination

13. Plaintiff repeats and realleges the allegations of the foregoing paragraphs.

14. Plaintiff has bilateral knee problems which will require knee replacement surgery.

15. At all times relevant to this claim, Plaintiff had a disability within the meaning of 42 U.S.C. § 12102(1)(A) and 5 M.R.S.A. § 4553-A(1)(A).

16. Plaintiff has a record of a disability within the meaning of 42 U.S.C. § 12102(1)(B) and 5 M.R.S.A. § 4553-A(1)(C).

17. Plaintiff was regarded as having a disability within the meaning of 42 U.S.C. § 12102(1)(C) and 5 M.R.S.A. § 4553-A(1)(D).

18. In January 2012 Defendant's Town Manager inquired of Plaintiff as to the current status of his knee problems, and Plaintiff informed her that he would need to have the knees replaced.

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19. ~~Beginning shortly thereafter, Defendant began subjecting Plaintiff to adverse employment actions.~~

20. On June 14, 2012, Defendant terminated Plaintiff's employment because of Plaintiff's disability, in violation of the Maine Human Rights Act (MHRA) and the Americans with Disabilities Act (ADA).

21. Plaintiff has suffered a financial and a human loss as a result of Defendant's actions and is entitled to compensatory damages.

WHEREFORE, Plaintiff seeks such damages as will make him whole, including compensatory damages, back pay, reinstatement and/or front pay, together with interest, costs, and reasonable attorneys' fees and expenses, all as provided by law.

#### Count III - Retaliation

22. Plaintiff repeats and realleges the allegations of the foregoing paragraphs.

23. On June 13, 2012, Plaintiff mailed a charge of discrimination to the MHRC to be dual filed with the MHRC and the EEOC.

24. Defendant received a copy of that charge of discrimination by certified mail on June 14, 2012.

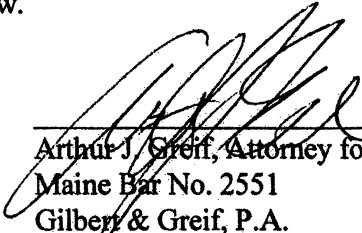
25. On that same day, Defendant terminated Plaintiff's employment in retaliation for Plaintiff filing a complaint concerning the employment discrimination referenced in Counts I and

26. The termination of Plaintiff by Defendants was intentional, entitling plaintiff to compensatory damages and a jury trial.

WHEREFORE, Plaintiff seeks such damages as will make him whole, including  
~~compensatory damages, back pay, reinstatement and/or front pay, reasonable attorneys' fees and~~  
expenses, and interest and costs as provided by law.

Date

19 May 2014

  
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