

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD RANDAZZO,

11 cv 7789 [Judge Seibel]
[White Plains]

Plaintiff,

COMPLAINT

vs.

NORTHEAST ASSOCIATION MANAGEMENT, INC.
and PUBLIC EMPLOYERS RISK MANAGEMENT
ASSOCIATION, INC.,

Defendants.
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By and through his counsel, Michael H. Sussman, plaintiff avers as follows against defendants:

1. Plaintiff, Richard Randazzo, is an American citizen who resides in the Town of Cornwall, County of Orange. Plaintiff is 65 years of age.
2. Defendants, NORTHEAST ASSOCIATION MANAGEMENT, INC. and PUBLIC EMPLOYERS RISK MANAGEMENT ASSOCIATION, INC., are corporations organized pursuant to the laws of the State of New York, doing business within this judicial district, each employing sufficient numbers of persons so as to fall within the coverage of the Age Discrimination in Employment Act [hereinafter the "ADEA"].
3. Defendants terminated plaintiff's employment on June 15, 2011.

4. After the termination of his employment, plaintiff promptly and timely filed with the Equal Employment Opportunity Commission a charge claiming that defendants had engaged in unlawful discrimination in violation of the ADEA.

5. More than sixty days have passed since plaintiff filed his administrative complaint.

6. This Honorable Court has jurisdiction to hear and determine all issues raised in this matter pursuant to 42 U.S.C. secs. 1331, 1343 (3) & (4) and the ADEA, 29 U.S.C. sec. 621, et seq.

7. Defendants employed plaintiff as a loss control consultant effective May 16, 1994.

8. Thereafter, plaintiff worked for defendants continuously and in an effective and efficient manner.

9. Plaintiff interfaced with the companies' clients and provided their employees training and guidance on loss prevention issues.

10. Plaintiff's performance reviews establish that he well-performed his job.

11. In June 2011, defendants' agents advised plaintiff that the termination of his employment was unrelated to job performance.

12. At the time defendants terminated plaintiff, they employed - in similar positions - younger persons with less seniority.

13. Defendants retained the services of each of these younger employees after terminating plaintiff.

14. In explaining his rationale for plaintiff's separation from their companies, defendants' agent advised plaintiff that the ideal resolution would be for him to retire.

15. In response, plaintiff indicated that he did not intend to retire as he had a 17 year old son and wished to work to continue to support his family.

16. Management provided no non-discriminatory reason, inclusive of job performance, attendance or otherwise, to support plaintiff's termination.

17. Nor did defendants' economic circumstances justify plaintiff's termination as [a] he was the only person terminated on or about June 15, 2001 and was the oldest member of the workforce and [b] defendants engaged in other spending inconsistent with the notion they they were retrenching their staffs.

18. In addition, the same decision-makers had selectively terminated another older worker the prior year.

19. Plaintiff has sought comparable employment to date without success.

20. The termination of plaintiff's employment will continue to cause him substantial economic loss and emotional anguish.

21. In intentionally terminating plaintiff on the basis of his age, defendants violated the ADEA, 29 U.S.C. sec. 621, et seq.

WHEREFORE, plaintiff prays that this Court accept jurisdiction over this action, empanel a jury and provide him with the following relief:

- a) back pay with full benefits and pre- and post-judgment interest;
- b) front pay for the years plaintiff intended to work, in the alternative, reinstatement to his former position with an injunction prohibiting retaliation based upon plaintiff's effort to vindicate his legal rights;
- c) compensatory damages for the emotional distress defendants caused plaintiff by and through this illegal conduct;
- d) punitive damages as provided by law for action which directly and expressly contravened statutory intent;
- e) attorneys fees and costs of litigation and
- f) any other relief which the Court deems in the interest of law and/or equity.

Respectfully submitted,


MICHAEL H. SUSSMAN [3497]

SUSSMAN & WATKINS
PO BOX 1005
GOSHEN, NEW YORK 10924
(845)-294-3991

Counsel for Plaintiff

Dated: September 16, 2011