

Wen-chouh Lin
Plaintiff
[Address]
Phone No: [...]
Email: [....]

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
324 W. Market Street
Greensboro, NC 27401**

**Wen-chouh Lin,
Plaintiff**

v.

**Richard Brodhead, Ph.D., President;
Deborah Jakubs, Ph.D., University
Librarian & Vice Provost for
Library Affairs;
Duke University;**

Defendant

:
:
:
:
:
:
:
:
:
:
:

Civil Action No.

Bench Trial Demanded

ELECTRONICALLY FILED

COMPLAINT

PRELIMINARY STATEMENT

This is an employment-related action for violations of the Plaintiff's civil rights by his employer, Duke University, under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII") and The Age Discrimination in Employment Act of 1967, 29 U.S.C. § 623 ("ADEA"). The employer engaged in unlawful employment discrimination in violation of Title VII and ADEA when the employer decided to layoff the plaintiff based on his age, national origin, race, and sex and in retaliation for his prior protected activity of filing discrimination complaints. The plaintiff is representing himself (*pro se*) in this proceeding.

JURISDICTION AND VENUE

1. The defendant, Duke University ("University"), employs 20 or more employees at the relevant time in this matter.
2. The unlawful employment practices alleged below were committed and/or executed by supervisory personnel of the University, which is located in Durham, North Carolina. Accordingly, venue lies in the United States District Court for the Middle District of North Carolina.

PARTIES

3. The Plaintiff, Wen-chouh Lin, is an adult individual who has a mailing address of 1500 Duke University Road, Apt. J3B, Durham, NC 27701-2934 and is

currently employed by Duke University as an Catalog Librarian.

4. The Defendant, Duke University, is located in Durham, North Carolina.

5. The University employs approximately 30,000 employees.

6. The University President is Richard Brodhead, Ph.D., at Duke University, 207 Allen Bldg, Durham, NC 27710.

7. The University Librarian and Vice Provost for Library Affairs is Deborah Jakubs, Ph.D., at Perkins 112, Durham, NC 27708.

8. The University's Office of Counsel is at 310 Blackwell Street, 4th Floor, Box 104124, Durham, NC 27710.

STATEMENT OF FACTS

9. The Plaintiff has been employed full time by the University since 1968.

10. From 1968 to present, the Plaintiff maintained above average performance ratings throughout his employment with the University.

11. The Plaintiff was born on October 10, 1933. As of January 9, 2009, he was 76 years old.

12. The Plaintiff is Asian.

13. The Plaintiff was born in Shanghai, China.

14. The Plaintiff is male.

15. In or about 1984 and thereafter, the Plaintiff filed complaints of discrimination with U.S. Equal Employment Opportunity Commission, alleging non-promotion, unequal pay, and unfair tuition benefits for children.

16. On January 9, 2009 the Plaintiff was notified of elimination of his position for the feasibility of outsourcing cataloging of the Chinese language materials to be effective January 8, 2010.

17. On January 23, 2009, The University terminated Plaintiff's continuing appointment and deprived him of Rights of Staff Affected By A Reduction-in-Force.

18. On January 9, 2009 and on January 23, 2009 the University notified the Plaintiff that every effort would be made to reassign him to another position within the library system.

19. To date, the University failed to reassign the Plaintiff to another position within the library system.

20. The Plaintiff is the only one whose position was eliminated by outsourcing in 2009 without reassignment and/or compensation.

21. To the best of the Plaintiff's knowledge, information, and belief, no other similarly situated employees outside the protected classes with less seniority than the Plaintiff's were targeted for the reduction in force as the Plaintiff was, or were

targeted for the reduction in force like the Plaintiff (but were reassigned to other positions unlike the Plaintiff.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. The Plaintiff timely filed a complaint of discrimination with U.S. Equal Employment Opportunity Commission on June 9, 2009. See attached EEOC Charge form.

23. The EEOC issued a right to sue letter on August 19, 2009 and it was received 90 days or less before this filing. See attached EEOC Dismissal and Notice of Rights.

24. The Plaintiff has performed all conditions precedent, if any, required for the filing and pursuit of a claim for judicial relief under Title VII and its related regulations and under ADEA and its related regulations.

REMEDIES and RELIEF

25. The Plaintiff is entitled to relief under Title VII and ADEA for his employer's unlawful discriminatory conduct and retaliation, including but not limited to for the Employer's disparate treatment of the Plaintiff for engaging in protected activities.

26. Plaintiff respectfully requests that the Court enter judgment in his favor and against the Defendant and direct the following relief:

- a. For a money judgment representing compensatory damages, including impending lost wages, and all other sums of money, including retirement benefits and other employment benefits, together with interest thereon;
- b. For a money judgment representing liquidated damages for the Defendants' willful violations of Title VII and ADEA, and any related statutes, regulations and rights;
- c. For a money judgment representing prejudgment interest;
- d. For an Order directing the Defendant to restore the Plaintiff's position as Catalog Librarian or in a comparable position with back pay and benefits, if applicable;
- e. That the Court retain jurisdiction over this action until the Defendant has fully complied with Orders of this Court and that the Court require Defendant to file such reports as may be necessary to supervise such compliance;
- f. For costs of suit; and
- h. For such other and further relief, including punitive damages, as may be just and proper.

BENCH TRIAL DEMAND

27. The Plaintiff herein hereby demands a bench trial

on all issues in this action.

WHEREFORE, the Plaintiff respectfully requests that the Court enter judgment in his favor and against the Defendant.

Respectfully Submitted,

Wen-chouh Lin

Date: November 17, 2009

Plaintiff, pro se
[Address]
[Phone]